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THE MONARCHIST LEAGUE OF CANADA – 33rd ANNIVERSARY 1970-2003

CHRETIEN GOVERNMENT PROPOSES ABOLISHING OATH OF ALLEGIANCE FOR PUBLIC SERVANTS

Bill C-25 reflects Charter case fears... Minister Robillard declines comment

“What are we as a country?” – Alliance critic Williams

“Appalling government position” – Tory Deputy Leader Wayne

The Chretien Government has asked Parliament to remove the requirement that federal public servants swear the Oath of Allegiance prior to taking up their appointments, subscribing instead only to a changed oath of service. The proposal was slipped into the omnibus – and controversial – Bill C-25, the *Public Service Modernization Act*, which in an ironic twist, was introduced into the House of Commons on Accession Day, February 6, 2003.



CMN has been informed that Treasury Board Minister Lucienne Robillard referred to her desire to implement the change in a secret Ottawa briefing of deputy ministers and other officials, and stated that it would be done under the rubric of “modernization” rather than as an assault on the Crown. It is also understood that in recent years the Oath of Allegiance has not, in fact, been administered, thereby ignoring the provisions of the current *Public Service Employment Act*, which requires both the Oath of Allegiance and a service oath to be taken.

The justification for the flouting of the current law, and supposed motivation for the change suggested in Bill C-25, apparently centres on fears of a challenge under the *Charter of Rights and*

Freedoms whereby it could be alleged that allegiance to the Sovereign cannot reasonably be said to be a requirement for competent job performance!

While the Minister so far has given no public defence of this new government policy, nor replied to any of the critical communications sent her on the issue from individuals and groups such as the Royal Canadian Legion and the Monarchist League of Canada, her spokesman Daniel Grenier told the *National Post* that the Bill does not rule out the “possibility” of public servants adding The Queen to the oath should they wish to do so! The anomaly of the Government’s retaining the Oath of Citizenship as an Oath to the Queen in proposed legislation (now five years’ delayed) while removing it for public servants was not explained.



John Williams, MP (CA – St Albert, AB), Alliance Treasury Board Critic and Chairman of the Commons Public Account Committee, stated his view that Liberal leadership candidate and overt republican John Manley had influenced the change: “He’s the last guy who would want to swear an oath to The Queen... if our public service are not required to swear to

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PRELIMINARY THOUGHTS ON BILL C-25

by Paul Benoit, Dominion Vice-Chairman, The Monarchist League of Canada

Many Canadians and editorial writers have expressed their dismay at the Government’s dropping of the oath of allegiance to Her Majesty in its proposed new Public Service Labour Relations Act (section 246), part of Bill C-25. If this provision is enacted, new public servants will simply swear (or solemnly affirm) to execute and perform their office “faithfully, truly and impartially, to the best of [their] judgment, skill and ability”.

This change is meant to be part of the modernization of the public service: what no longer serves any useful function can be done away with, like a decorative frill that is no longer in fashion. On

the contrary, coupling the oath of allegiance with the oath of office continues to serve a most useful function:

1. As an Indication who one’s Boss is

The oath of allegiance provides the practical context for the carrying out of one’s duties. It reminds the office holder that the authority of his or her office derives from the Queen. There is a vertical chain of command that must be respected in the form of advice that makes its way up through the ranks to Her Majesty or her representative; and in

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The Queen received The Lieutenant Governor of Ontario and Her Honour Mme Bartleman in private audience at Buckingham Palace on November 27th. Office of Lieutenant Governor of Ontario

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the form of orders to be executed that make their way down through the ranks.

To be reminded of this structure of authority is especially useful in the current circumstances when there is much confusion as to whom officials are ultimately accountable. It is not to the public or even less to that segment of the population directly affected by the exercise of a particular authority; nor is it to the Minister, who is only the pen-ultimate authority. This reminder has special practical relevance in the case of officials who serve in the military, in the judicial system, and in arm's length Crown agencies: in these cases, the Minister only serves as the reporting link to Parliament.

In this context, the provisions at section 246 should be read in conjunction with other modern trends that would attempt to replace terms in an effort to modernize the vocabulary; for example, the traditional term 'civil servant' was a more precise and accurate term than the contemporary 'public servant', which is itself a more precise and accurate term than 'administrator'. Such attempts at modernization only obfuscate the practical reality that the office-holder will have to operate within.

2. As an Initiation Ceremony

The oath of office covers how the incumbent should carry out his or her duties; it makes no claim on their personal commitment to the social order of which they are about to become a special part. The Crown is the linchpin holding that order together in its public manifestations. Just as we ask newcomers wish-

ing to join that order as citizens to take the oath of allegiance, so should we continue to ask those wishing to join the legal-administrative institutions of that order to make the same personal commitment. Those not prepared to make that commitment should hardly be given access to confidential information that, if misused, could weaken that order. The oath of allegiance is the basic security check. Those not prepared to undergo that basic check, and who are already Canadian citizens, remain free of course to seek constitutional change to Canada's social order by lawful and peaceful means.

3. As a Signal to all Canadians

The Minister of Canadian Heritage and the officials in her Department have done a lot of good work in the last few years to fill the gap in Canadians' knowledge and appreciation of our distinct constitutional heritage. By removing the oath of allegiance, the President of the Treasury Board and the officials in her Secretariat are undermining that good work and letting all Canadians know that the Crown and its most able and effective representative here are of no contemporary social significance. In the Treasury Board view of things, the Golden Jubilee celebrations, culminating in Her Majesty's extended tour across Canada, were nothing more than private acts of nostalgia or entertainment. Parliamentarians now have a chance to send a positive and encouraging signal to Canadians, especially younger Canadians contemplating a career in Government: that our civil institutions are not something to be ashamed of, but rather something that we should be proud of.

one of service not significantly different from the new version proposed below)

The new measure would remove the Oath of Allegiance. Section 246 of the *Public Service Modernization Act* reads as follows: *Oaths and Solemn Affirmations* 246. *Before commencing his or her functions, a person appointed under this Act must take an oath or make a solemn affirmation in the following form before a commissioner of oaths or other person having authority to administer oaths or solemn affirmations: I,, do swear (or solemnly affirm) that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of*

At press time, Bill C-25 had received Second Reading without a division on February 20, 2003, and was before the Government Operations & Estimates Committee of the House of Commons.

In debate, Canadian Alliance MP Paul Forseth (New Westminster - Coquitlam—Burnaby) broke with his Party's spokesman and defended the change in the Oath, stating: "In Bill C-25 it has been observed that the oaths described do not refer to the Queen or to God. I view the more modern oaths for employee loyalty and non-disclosure for privacy as a contractual concept between employee and employer... It is my view that the oath is acceptable and reflects the recognition of standards for a modern business culture. The oath reflects a condition of employment that is contractual between the employee and the employer. The oath is job specific and is unrelated to the status of Parliament, the Queen or religion."

1973 CANADIAN "PLOT" TO ABOLISH MONARCHY REVEALED BY SCOTTISH NEWSPAPER

On New Year's Day, 2003, *The Scotsman* revealed that files just released by the British Public Record Office revealed that a plot by the Canadian government to abolish the monarchy and replace the Queen with a president was thwarted when she refused to accept a proposal curtailing her powers. Files released by the Public Record Office reveal how an uncertain political climate in Canada and the Queen's reluctance to agree to five measures reducing her role scuppered any official bid from being made.

"A confidential briefing paper detailed new information – which, it claims, may have been withheld by Canadian ministers – threatening her trip in 1973 to the Commonwealth Conference. The letter, typed and signed by Hugh Overton, at the North American Department of the Foreign Office, warned that the Queen's presence 'might add fuel to this domestic controversy. He wrote: 'Our information is that, as a result of the elections, the Royal connection and the role of the Queen in Canada are again becoming the subject of more active domestic political interest. There is a distinct possibility, in my view, that a visit by the Queen to Canada at the time of the Commonwealth Conference, as Queen of Canada and head of the Commonwealth, might add fuel to this domestic controversy, and hence involve Her Majesty to some extent in Canadian domestic policies.' The letter concluded: 'These are straws in the wind. But they show that there is at least a risk of the Royal question becoming a matter of controversy in Canada over the next few months.'

"In a reply dated 15 December, 1972, Sir Peter Hayman, the British High Commissioner in Canada, refers to a leaked document sent to the Montreal Gazette, putting forward plans to hand over five functions performed by the Queen to the governor-general. Although the Queen was said to have

accepted four of these proposals, she allegedly refused to relinquish her hold on a fifth – a relatively minor one played by the Queen in Canadian external affairs. As a result, the then prime minister of Canada, Pierre Trudeau, decided against pursuing the matter because of the detrimental impact such a move could have on his leadership, which had only survived the federal elections by the most slender of margins.

"But in March 1973, Sir Peter noted: 'Meanwhile, there is a gradual tendency to get rid of 'Royal' symbols: the Royal cipher is slowly disappearing on post boxes and mail vans; the head of a former prime minister, Sir John A Macdonald, has replaced the head of the Queen on ten dollar bills. There is a gradual tendency, much to the indignation of some Canadians, to play Oh Canada more frequently than God Save The Queen, although both are usually used'

[Ed - The report from the Scotsman will be of particular interest to members of the Monarchist League of Canada, as – whether by circumstances explained below or coincidence – Sir Peter Hayman's reports to London echo nearly exactly the public positions and concerns expressed at the time by the fledgling League, which had been founded in 1970. Sir Peter was a family friend of the Aimers', he having served in MTB's with Founder John Aimers' father during World War II. As a result, Aimers saw Sir Peter and Lady Hayman on a number of occasions during their time in Canada, both in Ottawa and Montreal, and articulated the League's position in definite terms to the High Commissioner, who once, in his avuncular way, told the then-21 year old Dominion Chairman not "to bash too hard at this, John." Others will recall that in retirement, Sir Peter gave a memorable address to some 75 members who had traveled to London for the Golden Jubilee celebrations at their trip-end Banquet held at the Dorchester Hotel.]



Prime Minister Trudeau with The Queen, Silver Jubilee Homecoming, Ottawa, 1977.

Oath...

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the head of state that they would execute their office to the best of their ability, then what are was a country?"

Mike Scandiffio, a spokesman for Mr Manley, denied suggestions that the Finance Minister was behind the proposal, calling them "absolutely false."

In a letter to the Prime Minister, long-time Monarchist Elsie Wayne, MP (PC – Saint John, NB) wrote that "the Bill's hidden agenda was only discovered by a group of dedicated patriots firecely determined to preseve our rich Royal heritage... It is my hope, given the shroud of secrecy that has surrounded this latest attack, that you were not made personally aware of the pith and substance of the legislation... If however you were advised... I would ask that you provide me with a full rationale for this appalling government position. In particular, I would ask that you explain why an oath of allegiance is still required of new Canadians, but not of those sworn to serve all Canadians."

The current legislation, the *Public Service Employment Act RSC 1985* as amended, provides as follows:

Sec 23. *Oath of office and allegiance* 23. *Every deputy head and employee shall, on appointment from outside the Public Service, take and subscribe the oath or solemn affirmation of allegiance and the oath or solemn affirmation set out in Schedule III (The Schedule III Oath is*



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HOW TO MAKE YOUR VIEWS KNOWN

The Monarchist League will continue to draw the provisions of Bill C-25 to the attention of Parliament, the media and the public. Dominion Vice-Chairman Paul Benoit is appearing before the Commons Operations & Estimate Committee on March 26 in order to speak to the League's Brief printed above. It is now important for those concerned to contact their MP's, the Minister and the Prime Minister, as well as their friends, concerned community groups of which they may be members, as well as radio talk shows. Helpful material to formulate arguments also appear on the League Bulletin Board at <http://members.boardhost.com/monarchist/> as well as in an Editorial [Ed – see p 12]

Here are key contacts:

■ PRIME MINISTER pm@pm.gc.ca PHONE: (613) 992-4211 FAX (613) 941-6900 Write: Office of the Prime Minister, 80 Wellington St., Ottawa ON K1A 0A2

■ PRESIDENT OF THE TREASURY BOARD Hon Lucienne Robillard, PC, MP PHONE: (613) 957-2666 Lrobillard@tbs-sct.gc.ca

■ YOUR MP Write: "John Smith, MP" House of Commons, Ottawa, ON K1A 0A6. You can find your MP's local and Ottawa phone numbers from 411, or by telephoning the House of Commons Information Number at (613) 992-4793.