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The Role of House Leaders in the Canadian House of Commons*

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In the Canadian House of Commons most legislative behaviour by individuals must be understood as, in fact, being party behaviour. Cabinet-parliamentary systems like Canada's produce an arrangement of resources and incentives which elevate parties over individual political entrepreneurs. Ambitious individuals get ahead by acquiring party labels and by acting as members of a cohesive team. Moreover, the political parties cannot be studied in isolation from their constitutional and institutional moorings. Responsible cabinet government today presumes the presence of cohesive legislative parties, and in turn contributes to their existence. The constitutional arrangements, which assign the initiative and control to the majority party in the House of Commons, both reflect and reinforce the wider political process of elections fought mainly on the bases of party leadership and party platforms. In short, it would appear that if cohesive political parties did not exist, they would have to be invented to insure the success of responsible cabinet-parliamentary government.

The influence of parties on the House of Commons is pervasive. They act as giant personnel agencies for the recruitment and election of members of parliament. They serve as vehicles for the aggregation and expression in an organized way of the various opinions within a diversified society through the presentation of policy ideas to be realized by legislation and spending. The majority party provides leadership and direction to government, while the other parties provide a visible, institutionalized and loyal opposition, something which is considered valuable as a check on the possible abuse of power, as an outlet for minority opinions, and as a means of ensuring peaceful alternation in office. In addition to these broad functions, parties are the basis for the organization and functioning of numerous aspects of the daily operations of the House of Commons.

* The author wishes to thank Stanley Knowles, MP, and John Stewart for their helpful comments on an earlier draft of this article.

All this is familiar. Yet for a long time Parliament itself refused to take official notice of the existence of political parties.¹ Despite the obvious importance of parties to contemporary cabinet-parliamentary government, their role in the Canadian House of Commons has received far too little attention in the academic literature.² Important party offices, structures and processes have not been described adequately, let alone analyzed in any depth. We know very little, for example, about the role of party caucuses in terms of formulating party policy, developing parliamentary strategies and tactics, providing an effective outlet for the expression of regional interests, and contributing to united stands in the House of Commons. Similarly, more work needs to be done on the role of whips and the nature of "party discipline." Apart from some unpublished studies, there has been virtually no analysis of the formation and operation of so-called "shadow cabinets" on the opposition side of the House of Commons. Even the sketchy information which is available on these and other topics does not take adequate account of the different histories and traditions of the three parties now represented in the House of Commons. Successive leaders may modify somewhat the organization and approaches of their respective parties, but to a considerable extent they are limited in the changes they introduce by the past experiences of the party and by the institutional norms which have developed in the House of Commons over the years.

According to John Stewart, the House leaders are the "unsung heroes" of the parliamentary process;³ unsung because, despite their crucial contribution to the effective performance of the House of Commons, their activities have received little scholarly attention. This article proposes to begin to fill the gap in the literature on Canadian parliamentary parties by presenting an analysis of the role of the House leaders. After tracing the origins and evolution of the office of the House leader, this article examines the role of the House leaders and the gradually increasing formal recognition, both within the parties and in parliamentary procedure, of their positions.⁴

- 1 John C. Courtney, "Recognition of Canadian Political Parties in Parliament and Law," this JOURNAL 11 (1978), 33-60.
- 2 Some exceptions are several articles in Jean Pierre Gaboury and James Ross Hurley (eds.), *The Canadian House of Commons Observed* (Ottawa: University of Ottawa Press, 1979), and parts of Robert J. Jackson and Michael M. Atkinson, *The Canadian Legislative System: Politicians and Policy Making* (2nd ed.; Toronto: Macmillan, 1980).
- 3 John B. Stewart, *The Canadian House of Commons: Procedure and Reform* (Montreal: McGill-Queen's Press, 1977), xi.
- 4 This article is part of a larger study in progress on the Canadian House of Commons. It is based mainly on interviews conducted during 1979-1980 with the following former or present House leaders: Gerald Baldwin (PC), Walter Baker (PC), Tom Bell (PC), Gordon Churchill (PC), Stanley Knowles (NDP), George McIlraith (Lib.), Jack Pickersgill (Lib.) and Yvon Pinard (Lib.). The only full-length study of the office of the

Le rôle du leader de la Chambre des Communes du Canada

On a jusqu'ici porté peu d'intérêt dans les milieux académiques à l'influence des institutions et processus partisans sur la formation des comportements des individus à la Chambre des Communes du Canada. Pour combler cette lacune, cet article analyse l'origine et l'évolution du rôle du leader de la Chambre dans chacun des trois partis représentés aux Communes à Ottawa.

Le poste de leader du gouvernement à la Chambre, d'abord à temps partiel, informel et secondaire a évolué pour finalement devenir un portefeuille ministériel clef au cabinet. Le leader du gouvernement à la Chambre est devenu en quelque sorte le gérant général du processus législatif et le chef des forces gouvernementales sur le champ de bataille parlementaire.

Une partie de la tâche du leader consiste à travailler avec ses homologues de l'Opposition; cet article examine la nature de leurs interactions.

Étant donné les revendications croissantes dont le Parlement est l'objet, l'utilisation efficiente du temps est devenue très importante et le devoir de gérer le temps repose de plus en plus sur les leaders à la Chambre.

Each party has such an office. The main duty of the House leader in the governing party is to manage the flow of government business and to do this he must seek the cooperation of the House leaders of the other parties. The office of government House leader has become a key ministerial portfolio, especially during minority governments when the short-term political fate of the government rests largely in that person's hands. In such situations, the government House leader becomes, in practice, if not formally, the deputy prime minister. Accordingly, it is necessary to examine the sorts of interactions and negotiations which take place among the various House leaders.

The emergence over the last three decades of an increasingly important role for House leaders is one aspect of the general process of adaptation and consolidation which the House of Commons has been undergoing in response to changes within its external environment and to its internal needs.⁵ The principal external challenge to the Commons is the growing volume and complexity of the legislation and other business which must be processed annually. A by-product of these external pressures is increased internal tension, related mainly to the use

House leader in Canada is an excellent thesis by Wendy Carter, "The Role of the House Leader in Canada" (unpublished M.A. Thesis, University of British Columbia, 1973). Unfortunately we do not have a first-hand account of the role of the government House leader in a Canadian government to compare with the writings of Richard Crossman in the United Kingdom. See Richard Crossman, *The Diaries of a Cabinet Minister: Lord President of the Council and Leader of the House of Commons*, Vol. 2 (New York: Holt, Rinehart and Winston, 1976). See especially 162-65 and 307-20.

5 On the concepts of organizational adaptation and consolidation as applied to a legislature, see Roger H. Davidson and Walter J. Oleszek, "Adaptation and Consolidation: Structural Innovation in the U.S. House of Representatives," *Legislative Studies Quarterly* 1 (1976) 37-66.

of scarce time within an institution where competitive political parties have assumed an ascendant position. The rise to prominence of House leaders was not, for the most part, a planned organizational innovation. Rather the role of House leaders has evolved pragmatically through piecemeal adjustments to the procedures and practices of the Commons. The final section of the article contains some brief speculations on the future role of House leaders.

The Evolution of the Office of House Leader

The position of government House leader emerged well before any formal recognition of a comparable position on the opposition side of the House. Prior to the Second World War the prime minister assumed the main responsibility for arranging the business of the House and the line of communication among the parties was through the whips. The time pressures of conducting the war effort forced Prime Minister W. L. Mackenzie King to be absent frequently from the Commons. This resulted in the prime minister's delegating an increasing responsibility for the management of House business to Ian Mackenzie, minister of veteran affairs, from October 1944 until his elevation to the Senate in 1948. In July 1946 the prime minister acknowledged the pragmatic division of labour which had emerged: "In my absence... Mr. Mackenzie, the Minister of Veteran Affairs . . . will continue to exercise, in the very efficient manner in which he has in the past, supervision over the organization of the business of the House, as House leader."⁶ There was apparently an element of disingenuousness in the prime minister's remarks because he, along with other observers, often found fault with Mackenzie's leadership in the House. Apparently, the designation of Mackenzie as House leader was intended partly to placate him for being passed over in favour of Louis St. Laurent for the title of acting prime minister when both Mr. King and J. L. Ilsely, minister of finance, were absent overseas on government business.⁷

The position of government House leader was not then, and has never become, a statutory office. When Mr. Mackenzie went to the Senate in 1948, Mr. King briefly resumed the duties, before the job passed to Alphonse Fournier (minister of public works, 1945 to 1953). The informality of the arrangement at that time is revealed by the recollection of a conversation between Mr. King and his private secretary, Jack Pickersgill, in which the prime minister asked who had

6 Canada, House of Commons, *Debates*, July 12, 1946, 3994.

7 See J. W. Pickersgill, *My Years with Louis St. Laurent: A Political Memoir* (Toronto: University of Toronto Press, 1975), 36-37. Mr. King recorded in his diaries his concerns about Mr. Mackenzie's drinking habits. See J. W. Pickersgill and D. F. Forster, *The Mackenzie King Record, 1945-1946*, Vol. 3 (Toronto: University of Toronto Press, 1970), 200-04, and *1947-1948*, Vol. 4 (Toronto: University of Toronto Press, 1970), 26-27, 104-05, and 108-09.

appointed Mr. Fournier to act in the role of government spokesman.⁸ Apparently, Mr. Fournier had slipped into the role and it was only retroactively that the prime minister asked him to assume the duties. In this period the whips continued to serve as the principal means of communication among the parties. However, the successive appointment of two low-key and relatively ineffectual individuals to the post of Liberal whip meant that there was little resistance from that source to the emergence of the position of House leader.

Mr. Fournier continued to serve as government House leader when Mr. St. Laurent replaced Mr. King as the Liberal party leader and prime minister in 1948. The continuation of the position through a leadership change was an early indication that it was becoming an institutionalized part of the government. Even so, in the early years the duties could not have been particularly onerous. From 1953-1957, for example, Walter Harris served simultaneously as government House leader and as minister of citizenship and immigration (1953-1954) and as minister of finance (1954-1957). The volume of legislation handled annually was smaller than it was to become in the 1960s and good House management was not as crucial as it was to become in the years following the bitter Pipeline Debate of 1956 and the scandal-ridden minority governments of the sixties.

When the Progressive Conservatives under John Diefenbaker came to power in 1957, Howard Green, minister of public works, assumed the duties of government House leader. During the last few days of the 1959 session Mr. Green was absent and Gordon Churchill, minister of trade and commerce, was designated acting House leader and placed in charge of House business. In October 1960, when Mr. Churchill was shifted to the Veterans Affairs portfolio, he also succeeded Mr. Green as government House leader and continued to serve in that capacity until the fall of the Diefenbaker government in 1963.

It was not until the late 1950s that the position of opposition House leader began to emerge. During the St. Laurent period, when the House leader announced the business for the next sitting, a frontbencher from the Conservative opposition, most frequently Mr. Green or Donald Fleming, would ask a question. No other member did so as often as Stanley Knowles on behalf of the CCF party. In 1957, when the Liberals went into opposition, Lionel Chevrier was designated as the spokesman for the Liberals, and he continued in that role after Lester Pearson became leader of the party. The small Liberal contingent (only 49 Liberals were elected in 1958) became quite successful in attacking the Diefenbaker government. It was a team effort. Mr. Pearson and his Commons seatmate, Lionel Chevrier, met each morning with a small group of key MPs to work out positions and strategies to be followed in the House. The group included Bill Benidickson, Maurice Bourget, Paul

8 Interview with J. W. Pickersgill, March 12, 1980.

Martin, George McIlraith, Jack Pickersgill, and later, after they were elected in by-elections, Paul Hellyer and Judy LaMarsh.⁹

Because the Liberal whip at the time, Joe Habel, was relatively inexperienced and ineffectual, Gordon Churchill as House leader for the Conservative government took to consulting informally with Mr. Chevrier about the order of business and any procedural difficulties which might arise. For his part, Mr. Chevrier adopted the tactic of asking the government House leader each evening what business was planned for the following days.¹⁰ This practice had the effect of publicizing any “back room” discussions that had taken place. At the time Mr. Chevrier was not officially designated as opposition House leader. It was not until the Conservatives went into opposition after the 1963 election that the title of opposition House leader was first officially conferred. While the government House leader always has received his ministerial salary in addition to his regular pay as an MP, it was not until July 1974 that the House leader of the Official Opposition began to receive extra pay.¹¹

From 1944 to the present, with the exception of the four-year period from 1958 to 1962 when he was not in Parliament, Stanley Knowles has served as the chief negotiator and procedural expert for his party, the CCF before 1961 and the NDP since that date. From 1944 to 1957 and from 1962 to 1972 he was elected by the party caucus to serve as the chief whip. In the latter decade he also served simultaneously as House leader for the party. In 1972, when the party elected its largest caucus ever, with 31 MPs, the duties of the House leader and the whip were split, and they have remained separate offices since then. Until recently, House leaders of recognized parties other than the government or the official opposition received no extra remuneration. This was changed in July 1981, with the passage of legislation which specified that a salary would be paid to the House leader of each “recognized party.”¹²

9 See Peter Stursberg, *Lester Pearson and the Dream of Unity* (Toronto: Doubleday, 1978), 60, 61, 75. Former MP and cabinet minister, Judy LaMarsh, disputes the claims of other participants that Mr. Pearson was an effective organizer of other participants in opposition: “Even with fifty people, Mike could not organize or communicate, so that what could have been welded into an effective small group, putting every talent to work where it was most useful was a shambles.” See Judy LaMarsh, *Memoirs of a Bird in a Gilded Cage* (Toronto: McClelland and Stewart, 1969), 11.

10 Carter, “The Role of the House Leader,” 21.

11 In 1974 the sessional idemnity for the House leader of the Official Opposition was set at \$5,300. In July 1981, the House of Commons passed Bill C-83, *An Act to amend the Senate and House of Commons Act, the Salaries Act, the Parliamentary Secretaries Act and the Members of Parliament Retiring Allowances Act*. It provided that effective July 1, 1980, the salary of the House leader of the Official Opposition would be \$15,000 per year. That was the annual rate for the last six months of 1980, to be paid retroactively. As of January 1, 1981, the salary was set at \$16,600. See *Debates*, July 9, 1981, 11370-385 and 11392-404 and Bill C-83, Sec. 41(4).

12 To qualify for official recognition, a party must have 12 or more members in the House of Commons. The salary for House leaders of “recognized” third and fourth parties

Minority governments during the sixties, the growing workload faced by the Commons, and the absence of strict procedural controls on debate, meant that inter-party discussions and agreements were necessary if Parliament was to remain productive. The demands on the time and skills of the government House leader were particularly heavy, a fact which was reflected in the turnover in the position during the five years (1963 to 1968) of the minority Liberal government under Mr. Pearson. There were four different government House leaders during this period. It became increasingly difficult to handle the House leader's job along with a major policy portfolio. During the 1960s the government House leader had to spend much time on parliamentary reform and came to be widely recognized in the media as the government spokesman on House business—two facts which reveal the increasing importance and difficulty of getting the government's business through the House. The growing importance of House leaders' meetings to the effective performance of the Commons was recognized in 1965 when an all-party business committee was formally constituted under the standing orders for the purpose of planning the business of the House.¹³

In 1968, when the Liberals returned as a majority government under Prime Minister Pierre Trudeau, extensive reforms to the cabinet committee system were undertaken and the procedural reforms to the House of Commons begun in the sixties were completed.¹⁴ In anticipation of these developments, a decision was made by the new prime minister to free the government House leader from departmental duties so that he could devote full time to procedural reform, the planning of the government's legislative program, and the management of House business. In 1968 Donald Macdonald became the first full-time government House leader, with the title of President of the Privy Council.

At the time of his appointment, Macdonald was also assigned responsibility for such parliamentary-political matters as changes to the *Canada Elections Act*, the preparation of legislation governing the redistribution of Commons' seats, the regulation of election expenses, and the formulation of procedures for the review of delegated legislative authority. All subsequent government House leaders have served in the same cabinet post and have devoted full time to their duties as government House leader. This is a convenient point, therefore, at which to break off this historical account and to analyze the House leaders' roles in more detail (see Tables 1 and 2).

was set at \$6,600 per annum as of July 1, 1980, rising to \$7,200 per annum as of January 1, 1981, Bill C-83, Sec. 41(5).

13 See Donald Page, "Streamlining the Procedures of the Canadian House of Commons, 1963-1966," *Canadian Journal of Economics and Political Science* 33 (1967), 41-42.

14 The single, best source on procedural changes since 1968 is Stewart, *The Canadian House of Commons*, passim.

TABLE I
GOVERNMENT HOUSE LEADERS, 1944-1980

Period	Government House leader	Cabinet portfolio (years)	Party	Prime Minister
1944-1948	Ian Mackenzie	Minister of Veterans Affairs (1944-1948)	Liberal	King
1948-1953	Alphonse Fournier	Minister of Public Works (1945-1953)	Liberal	St. Laurent
1953-1957	Walter Harris	Minister of Citizenship and Immigration (1950-1954)	Liberal	St. Laurent
1957-1960	Howard Green	Minister of Finance (1954-1957) Minister of Public Works (1957-1959) Secretary of State for External Affairs (1959-1963)	Conservative	Diefenbaker
1960-63	Gordon Churchill	Minister of Veteran Affairs (1960-1963)	Conservative	Diefenbaker
April 1963- February 1964	Jack Pickersgill	Secretary of State (1963-1964)	Liberal	Pearson
February 1964- July 1965	Guy Favreau	President of the Privy Council (1964-1965)	Liberal	Pearson
July 1965- April 1967	George McIlraith	President of the Privy Council	Liberal	Pearson
April 1967- July 1968	Alan MacEachen	Minister of National Health and Welfare	Liberal	Pearson
1968-1970	Donald Macdonald	President of the Privy Council	Liberal	Trudeau
1970-1974	Alan MacEachen	President of the Privy Council	Liberal	Trudeau
1974-1976	Mitchell Sharp	President of the Privy Council	Liberal	Trudeau
1976-1979	Alan MacEachen	President of the Privy Council	Liberal	Trudeau
1979-1980	Walter Baker	President of the Privy Council	Conservative	Clark
1980-	Yvon Pinard	President of the Privy Council	Liberal	Trudeau

TABLE 2

OFFICIAL OPPOSITION HOUSE LEADERS, 1963-1981

Period	House leader of the official opposition	Party	Leader
1963-1965	Gordon Churchill	Conservative	Diefenbaker
1965-1968	Michael Starr	Conservative	Diefenbaker
1968-1973	Gerald Baldwin	Conservative	Stanfield
1973-1974	Tom Bell	Conservative	Stanfield
1974-1976	Gerald Baldwin	Conservative	Stanfield
1976-1979	Walter Baker	Conservative	Clark
1979-1980	Alan MacEachen	Liberal	Trudeau
1980-1981	Walter Baker	Conservative	Clark
1981-	Erik Nielsen	Conservative	Clark

The Government House Leader

The most extensive responsibilities are borne by the government House leader. In the words of Donald Macdonald, who held the office from 1968 to 1970, the government House leader is basically responsible for "making the parliamentary machine work."¹⁵ His duties fall into three related areas: the development and coordination of the government's legislative programme before and during the session, the management of the session itself, and oversight of representation and procedural matters and reforms.

Overall responsibility for planning a government's legislative programme rests with the House leader. Since 1968 each government House leader has served as chairman of the cabinet's Committee on Legislation and House Planning. In addition, under Prime Minister Trudeau the House leader served on the influential Priorities and Planning Committee of cabinet, and during the short-lived Clark government (May 1979 to February 1980) the government House leader was a member of the so-called "inner cabinet." In other words, government House leaders have been strategically placed within the cabinet committee structure to influence legislative planning.

Over time, the post of the President of the Privy Council and government House leader became a major cabinet position. What had begun three decades earlier as a minor and secondary role for a minister carrying full departmental duties had become a key portfolio, but one which involved a set of responsibilities quite different from those of a normal departmental minister. An indication of the importance of the position is the fact that the president of the privy council now has a

15 Quoted in Carter, "The Role of the House Leader," 38.

personal staff as large as that of ministers who lead departments. He also directs staff within the Legislative Secretariat of the Privy Council, an office which studies parliamentary procedure with a view to expediting government business. Today the government House leader is a chief lieutenant to the prime minister and is the clear leader of the government forces on the parliamentary battle-field.

The primary duty of the House leader is the management of the legislative process, in both its pre-parliamentary and parliamentary stages. The process, according to two former inside observers, is far from logical, coordinated, disciplined or comprehensive.¹⁶ The government House leader's task of controlling the numerous dimensions of the process becomes even more difficult during a period of minority government when the government tends to live politically from day to day.

At the pre-parliamentary stage during the two Trudeau governments, general goals were to be set by the Priorities and Planning Committee. Departments were then invited to submit specific legislative proposals designed to meet these priorities. Either the cabinet's Committee on Legislation and House Planning or an ad hoc committee of cabinet would review bills and determine their priority. As departments have more legislative proposals ready than even a year-round Parliament could digest, there is always a backlog of legislation. Staff in the Privy Council Office, the Prime Minister's Office, the Department of Justice, and the House leader's office analyze and make recommendations on bills based on their consistency with the government's goals, their constitutionality, their administrative implications, and their parliamentary feasibility. The last is a particularly important consideration in a minority-government situation. When a requirement to consult with the government caucus was added after 1969 (even though subsequently it was not always met), the process of producing the legislative agenda for each session of the Commons was complex, often chaotic, and always protracted. Final responsibility for the coordination and direction of this process rests with the government House leader.

The government House leader's acquired knowledge of the requirements of legislative drafting, his experience in legislative scheduling, his knowledge of the rules of the Commons, his understanding of the strategies and goals of opposition parties, and his sensitivity, often greater than that of his cabinet colleagues, to the moods of both the caucus and the House, all combine to make him very influential in the planning of the legislative programme.

A second major component of the government House leader's job is to "represent the interests of the entire cabinet in its parliamentary

16 Jackson and Atkinson, *The Canadian Legislative System*, chap. 4. The authors were employed by the Legislative Secretariat within the Privy Council Office in 1971-72.

interface.”¹⁷ His overriding preoccupation is to ensure the smooth flow of government business. Scheduling government legislation is not an easy or precise task. The government House leader must take into account such factors as the priority which the cabinet attaches to a bill, statutory deadlines for the renewal of legislation, whether bills can be printed on time, whether the appropriate standing committees are in a position to consider a bill, the attitude of caucus towards proposed legislation, and the availability of the appropriate minister. While it is generally recognized that he has to gain the cooperation of other parties, what is often overlooked is the carelessness and inconstancy of his ministerial colleagues. Anxious to get out of Ottawa and to be seen and heard, ministers often will protest that they cannot be in the Commons when required according to the House leader’s carefully orchestrated schedule. As one government House leader noted, “the recent emphasis on having ministers take speaking engagements throughout the country plays havoc with the legislative schedule.”¹⁸

The government House leader can deal with such problems in several ways. If the bill is a priority item, the government House leader will first discuss with the minister in question a possible change in his speaking dates. If the dates cannot be changed, the House leader may decide to have the parliamentary secretary to the minister carry the debate on the days in question. However, the Conservatives have been very critical of this approach when it was followed by the Liberals in the past. Another option available to the government House leader is to explain his problem to the House leaders of the other parties and to seek a change in the parliamentary timetable which had been agreed upon earlier. This is done quite frequently. A government House leader may threaten to drop the bill of an uncooperative colleague down to the bottom of his list of priorities, but this sanction could only be used if the government attached little importance to the passage of a particular piece of legislation.

Problems of this nature can be discussed with the prime minister, with whom he communicates constantly. There is a section of each regular cabinet meeting devoted to House business, when the House leader reports, and the prime minister can at that point use his authority to insist upon ministerial cooperation in the planning of the parliamentary timetable. Since slots in the legislative programme for each session are fought over by ministers, a recalcitrant minister can expect little sympathy from his colleagues. It has been suggested that freeing the House leader of the departmental duties may have been necessary given the workload of the Commons, but that in the past, possession of a portfolio like Public Works, dealing as it did with post

17 *Ibid.*, 78.

18 Interview with Walter Baker, House leader for the Conservative government, November 9, 1979.

offices, wharves, breakwaters, and so on, provided the government House leader with some leverage on his colleagues.¹⁹ Finally, the cooperation a House leader secures from his cabinet colleagues will depend on his reputation, his standing with the backbenchers, and his record of achieving the completion of the government's legislative agenda. For example, former Liberal House leader Allan J. MacEachen is regarded by many as the shrewdest parliamentarian on either side of the House of Commons. One wonders whether Prime Minister Clark would have proceeded to the fateful budget vote on December 14, 1979, if he was being advised by a man of MacEachen's experience and authority. As Conservative House leader, Walter Baker apparently did not press the option of delaying the vote until the government had rallied all possible supporters.²⁰ Clark might have taken his House leader's warning more seriously had Baker been a more forceful personality with a proven record of reading the mood of the Commons. Significantly, on September 10, 1981, when Clark announced changes to his "shadow cabinet," Baker was replaced as House leader for the official opposition by Erik Nielsen, who was described by several commentators as a more partisan individual and a tougher bargainer than Baker.²¹

In addition to planning the parliamentary schedule, the government House leader takes overall responsibility for many routine matters. For example, he is involved in the establishment and operation of the committee system of the House of Commons. At the beginning of each new Parliament, he and the government whip consult on the composition of the standing committees and any special committees to be appointed. Once the committees are underway, making changes in memberships, ensuring quorums, and protecting the government's majority is the responsibility of the whip; however, the House leader must coordinate the reference of bills, estimates and special studies to the committees and supervise their progress. In the case of the former Conservative House leader, Mr. Baker, responsibility for managing and coordinating the committee system was delegated to his parliamentary secretary and his ministerial staff.

Managing the House of Commons involves also ultimate responsibility for the staging of such regular parliamentary events as private members' hours, adjournment debates, responses to motions for the production of papers and answers to written questions, the staging of Throne Speech debates, budget debates, and opposition Supply Days, and the calling of recesses and adjournments. The House leader is the government's chief spokesman on procedural issues and must be

19 Letter from Professor John Stewart, former MP, to the author, October 20, 1979.

20 See Jeffrey Simpson, *Discipline of Power: The Conservative Interlude and the Liberal Restoration* (Toronto: Personal Library, 1980), chap. 1.

21 See, for example, James Rusk, "Clark Tells MPs He'll Stay as Leader; Shuffles his Rivals," *The Globe and Mail*, September 10, 1981, 1-2.

prepared to deal with points of order, questions of privilege and other procedural matters as they arise. The study of procedural reforms designed to expedite the passage of government business also falls within his purview. In this task he is assisted by several executive and ministerial assistants. For the Liberal House leaders since 1969, a key performer in this role has been Jerry Yanover, who has an intimate knowledge of the rules and precedents of the Commons and an acute sense of its underlying currents. During the last decade Yanover has moved into the office of each new Liberal House leader, performing a role somewhat like a "party deputy minister." The government House leader also receives support from the Legislative Secretariat of the Privy Council, which was established in 1971.²²

Dealing with the government caucus is another part of the job. At the regular caucus meetings on Wednesday mornings the government House leader outlines the parliamentary schedule for the next week and any agreements made with the opposition parties. Because MPs recognize the necessity for the government to build up a record of legislative accomplishments, because they may have been consulted on bills earlier, because they appreciate the need for inter-party cooperation if progress is to be made, and because they understand and respect the difficult job faced the House leader, they normally accept his schedule without comment. Caucus meetings may also be used by the House leader to inform members about changes in services available to them. Finally, House leaders have used caucus meetings to suggest changes in Commons' behaviour. One government House leader noted that the frequency of points of order and questions of privilege looked bad to the television audience so he asked his ministers and members "to resist the temptation to get into a fight."²³

Ensuring the completion of government business occupies the greatest portion of a House leader's time. This involves getting bills drafted and into the House on time; monitoring the progress of legislation through the Commons, its committees and the Senate; scheduling debates and votes before the full House; working with the caucus and the whips to ensure an adequate government presence at all stages; and arranging for Royal Assent once bills have passed both houses. The introduction in 1968 of a fixed timetable for supply business has simplified the government House leader's task immeasurably because prolonged debates on the government's expenditure plans are no longer possible. Still, the planning of House business is an intricate operation and we have yet to discuss the crucial role of House leaders' meetings in this regard.

22 See the Standing Committee on Miscellaneous Estimates, *Minutes of Proceedings and Evidence*, March 28, 1972, for a discussion of the Legislative Secretariat.

23 Baker interview.

Meetings of the House Leaders

The House leaders of the three or four parties represented in the Commons meet frequently to discuss, negotiate and arrange legislative business so that it will flow as smoothly as possible. These meetings are convened by the government House leader. Their frequency depends on his own leadership style and the requirements of business. Former Liberal government House leader, Allan J. MacEachen, preferred a flexible, ad hoc approach, rather than regular weekly meetings, believing that meetings should be held only when really necessary and that in this way the absence of any party representative would not lead to press speculation about a breakdown of communication. Most government House leaders since the late sixties have preferred a system of regular meetings, usually in their offices on Tuesdays. At such meetings government House leaders will often lay out a tentative proposal for the use of House time and the order in which government business may be presented so that opposition spokesmen on various topics will have a chance to plan to be available when the relevant debates or committee hearings take place.

In addition to the four House leaders, the Tuesday meetings in recent years were attended by the parliamentary secretary to the president of the privy council who served as deputy House leader for the government, and by one or two members from the offices of the several House leaders. Mr. Macdonald, the Liberal government House leader in 1968, was the first to have a ministerial assistant present at such meetings. As parliamentary secretary to George J. McIlraith (the Liberal House leader from 1964 to 1967), John Stewart attended meetings at the request of the minister and took notes. It was McIlraith's belief that the mere fact that notes were made put an emphasis upon precision in agreements.²⁴ Beginning in 1969, executive assistant Jerry Yanover took minutes for the government House leader and served as an information contact point if the government House leader or his deputy were unavailable.

While these meetings reflect to some extent the operating style of the government House leader, the underlying tone is usually one of cordiality and negotiation. The three principals involved in the 31st Parliament (October to December 1979)—Mr. Baker, Mr. MacEachen and Mr. Knowles—had been participating together in such meetings since 1973 when Mr. Baker first became the deputy House leader for the Conservatives in opposition. One of them described the benefits of such continuity: "You get to know instinctively what a person would be willing to accept. You never ask another House leader to consider a proposal which you know very well that he wouldn't accept."²⁵

24 Letter from Professor John Stewart, cited above.

25 Interview with Stanley Knowles, House leader for the NDP, November 10, 1979.

The success of the House leaders in achieving consensus depends greatly upon the political context at the time and to a much lesser extent on the interaction of their individual personalities. Generally, the media tend to overemphasize the importance of the latter factor. For example, when Gordon Churchill was House leader for the Diefenbaker government from 1960 to 1963, the press portrayed him as too partisan and too easy a target for opposition hecklers. According to two journalists, the result was that "Normal relations between the parties in the House began to break down. Obstructionism and stonewalling increased and the impression grew of a government that couldn't make headway with its program in the House. Mr. Churchill bulled along, dour most of the time, choleric on occasion, while the Grits used every device possible to harass and to sidetrack the government."²⁶ This assessment was too harsh because it ignored the pressure on Churchill from the prime minister. Mr. Diefenbaker was becoming increasingly defensive over the criticism that his government was squandering its large parliamentary majority by its failure to achieve more in terms of legislative accomplishments.

A similar illustration of the importance of the political context can be seen in the case of Donald Macdonald, the Liberal government House leader from 1968 to 1970. The press, and to some extent opposition spokesmen, perceived Macdonald as something less than a success in the role because he was allegedly too partisan, dictatorial, and abrasive. Such judgments ignore several facts of the situation in the late 1960s. First, Mr. Macdonald was a newcomer to the procedural elite of the Commons, which included Gerald Baldwin and Stanley Knowles, both veteran parliamentarians. Second, he was given the task of consummating the procedural reforms begun earlier that decade. Part of the procedural debate included the controversial proposals for time allocation which were introduced in December 1968 and eventually adopted by means of closure in July 1969.²⁷ As opposition spokesmen, Mr. Baldwin and Mr. Knowles felt obliged to oppose the rule changes because they would weaken the Opposition's chief weapon which is the use of House time; although both recognized that some streamlining of Commons' procedures was required in an era of more active government. Therefore, the conflict among House leaders reflected the divergent interests of their parties in the procedural issues rather than personal animosity. Macdonald was also concerned that the procedural reforms adopted during the 27th Parliament (1965-1968) were

26 Douglas Fisher and Harry Crowe, "Parliament Buffs Retire," *Toronto Telegram*, May 3, 1968. According to a former Conservative MP, Mr. Gordon Aiken, Mr. Churchill "regards politics as total war and the Grits as the enemy" (*The Backbencher—Trials and Tribulations of a Member of Parliament* [Toronto: McClelland and Stewart, 1974], 138).

27 For a description of Standing Order 75C see Stewart, *The Canadian House of Commons*, 250-58.

provisional and might be lost, mainly because of opposition from the Conservative party. Finally, as a first-term minister, Mr. Macdonald no doubt wanted to make his political mark early and forcing through the procedural changes could enhance his reputation in cabinet.

Sensitivity to the moods of the House and the ability to persuade are crucial skills for the government House leader in a situation of minority government. Alan J. MacEachen earned his reputation as a shrewd parliamentarian from his success in keeping the Liberals in office during the minority government period of 1972-1974, and from his role in engineering the defeat of the Clark government in 1979. On the eve of the minority 29th Parliament (1972-1974), Mr. McEachen described his approach as “trying to get a consensus to find compromises that will get things done, and if that means tailoring important bills to suit the opposition it may have to be done.”²⁸ He mapped out a strategy with the first several months of the session in mind. He identified the key votes when the government would face potential defeat and identified specific legislative measures which were on the NDP’s “shopping list of demands,” since the third party, in effect, held the balance of power in the House. His thoroughness in foreseeing problems, his ability to deal with opposition House leaders, and his ability to command the cooperation of his fellow ministers made it possible for the Liberals to delay their defeat and the calling of an election until a time when their prospects for success had improved.

Further proving the point about the importance of the wider political context, after 1974 when the Liberals were back in office with a secure majority, Mr. MacEachen was not so accommodating to opposition interests. From 1976 to 1979 he used the controversial time allocation rule (Standing Order 75C) many times to impose a time limit upon debate. Use of majority power in this way is normally reserved for the few highly contentious measures presented in each session. For most bills there is, within the House leaders meetings, a search for an accommodation, in which acceptable trade-offs will be identified.

For example, an opposition House leader may agree to put up fewer speakers on a particular bill if the government agrees to an amendment which has been advocated. In the minority Parliament from 1972 to 1974, the Conservative party agreed to shorten the debate in return for what a party spokesman described as “dramatic changes” to the *National Housing Act* which was then undergoing amendment.²⁹ Such agreements are often made in the course of the debates through informal meetings behind the curtains in the Commons’ chamber or over the telephone. Experienced House leaders develop a sense or feel for the course of debates and the point at which they may be cut short. In the

28 Michael Lavoie, “Four Backroom Bargainers Can Help Make or Break Trudeau,” *Toronto Star*, December 21, 1972, 7.

29 Baker interview, cited above.

words of an opposition House leader, “at some point, I would go to the government House leader, who had been pressing me, and then to Stanley Knowles, and say: ‘Look, I can shut this thing down if you keep your people off the floor, otherwise every time they get up, they invite another response. Maybe we can get this finished in about half a day. I will select three people to speak not more than 10 to 15 minutes’.”³⁰ Such informal communication is often the basis for very successful arrangements.

To facilitate the conduct of such negotiations the House leaders of the parties require some freedom from their respective caucuses to make commitments. The government House leader enjoys more authority in this regard than do his opposition counterparts because he is an appointee of the prime minister and has responsibility for the government’s legislative programme. Opposition House leaders are in a more ambiguous relationship with their caucuses. As senior party members, appointees of the party leader (except the NDP House leader who is elected by caucus), and knowledgeable parliamentarians, their views are accorded considerable respect, but party discipline in opposition tends to be less stringent and disagreements with the strategies proposed by the House leaders are more common. When a House leader has to refer all or most matters back to his caucus, it is often a sign that the party is divided. This was the case at certain times during Robert Stanfield’s leadership of the Conservatives (1967-1976). When the House leaders cannot commit their parties to terminate debates at a specified time, the House leaders’ consultations become exercises in frustration.

The convening of House leaders’ meetings on Tuesdays facilitates consultation with the caucuses, which meet on Wednesday morning. Often tentative agreements will be reached at the Tuesday meeting, will be discussed on Wednesday in the caucuses, and will be confirmed on the floor of the Commons on Thursday at the end of the Oral Question Period when the House leader for the official opposition asks the government House leader for the lineup of business for Friday and for the following week. This practice of soliciting a weekly announcement arose out of the procedural changes of 1968-1969 and was agreed to by House leaders in order to introduce greater predictability into Commons’ business.

It is not unknown for opposition representatives to back away from commitments made in House leaders’ meetings because they cannot convince their caucuses to agree. Sometimes matters arise after the Tuesday meeting—on Thursday or Friday—and are discussed at informal sessions of the House leaders on the telephone or in the House. Since time does not then permit a full airing in caucus, a House leader will usually consult with his party leader, the whip, and the caucus

30 Ibid.

committee chairman involved before making any agreements. He may still misjudge the mood of the caucus. If caucus cannot be persuaded to go along with a tentative agreement, House leaders are expected to get back to their counterparts immediately to indicate that the deal is off. All the House leaders recognize that the mood of the Commons can change quickly, making original commitments impossible to uphold.

House leaders' meetings are private and off-the-record, except for the agreements which are announced in the House. Privacy encourages frankness and negotiation. Publicity would make it impossible for the necessary accommodations to be made because one side might appear to be backing down. For example, a concession granted by the government House leader might appear as a sign of weakness if viewed in isolation from other agreements more favourable to his interests. Confidentiality also allows House leaders to talk frankly about what their parties might accept or how they can handle particularly obstreperous members. Breaches of the privacy of such meetings are rare, but not unknown, and can cause a temporary "cold spell" in relations among the House leaders.

The implacable hostility between the Conservatives and the Liberals in the period from 1963 to 1965 almost completely destroyed the process of negotiation over House business.³¹ Matters deteriorated to a point where the Conservative House leader, Gordon Churchill, refused to attend the meetings of House leaders. This occurred after the NDP House leader, Stanley Knowles, became so exasperated with Mr. Churchill's stonewalling tactics in the meetings that he broke the confidentiality rule and revealed in the House the lack of cooperation by the Conservatives. After Mr. Knowles's outburst, Mr. Churchill refused to attend further meetings and the Government House leader, Guy Favreau, was forced to visit each House leader separately in order to work out agreements. Even after 1965 when the more conciliatory Michael Starr took over from Mr. Churchill as Conservative House leader, there was still the problem that Mr. Diefenbaker often countermanded agreements that Mr. Starr had made. Nothing comparable to this extended breakdown in communications has occurred recently.

House leaders' meetings deal mainly with the order and the time to be allotted to government bills. Another topic since 1968 is the use of opposition Supply Days, when the opposition parties have the right to table motions critical of the government as the basis for a day-long debate. Under the rules of the House, the opposition parties are allowed to choose the subjects for debate, but the government decides when they are to be held. In practice, there is consultation on this matter. When Mr. Baker was House leader for the Conservatives in opposition he obtained

31 Knowles interview, cited above.

from the Government House leader the right to submit a list of dates for Supply Days, with the proviso that only one day could be taken at a time because emergency legislation or other matters might arise requiring the attention of the House. The same privilege was extended to the Liberals in opposition during the short 31st Parliament.

The House leaders are usually the leading procedural experts within their parties. With the exception of the government House leader, they usually serve on the Commons' Standing Committee on Procedure and Organization. One House leader described the rules as "the weapons that are at your disposal. You have to know the Standing Orders, the Speaker's rulings, the views of the Speaker's staff and the approach of the other House leaders."³² If the parliamentary caucus of a party is relatively inexperienced, the House leader may spend a great deal of time coaching new members on such matters as how to raise points of order, propose amendments, and draft private members' bills.

In the last decade the rules governing Commons' debates have become more structured, particularly in relation to the supply process. To some extent the changes have reduced the leverage of the opposition parties and made the government House leader's job easier. According to Professor John Stewart, "as a result of changes made over the years . . . it now is possible for the government House leader to predict fairly accurately, not only in days, but in hours, the time that will be available to the government during a session for its bills and motions."³³ However, the rules will never become instruments of precise political control in the hands of a government. When an opposition becomes aroused, it will find ways to get around the rules.

Despite their procedural knowledge, House leaders sense a duty not to use the rules excessively for partisan advantage. All House leaders who were interviewed said they were partly officers of Parliament. One described the job as follows:

The difficult thing about the job is that you wear two hats. You have a responsibility to the Leader and to the caucus. You also have a responsibility to the institution. Sometimes these responsibilities clash. Several times I had to urge caucus to curb excessive partisanship so that Parliament could be made to work. Besides, the public would not understand our behaviour.³⁴

In recommending procedural changes to enhance Parliament's performance, government House leaders will sometimes find themselves in conflict with cabinet colleagues who oppose or fear the consequences of reform proposals. Almost all House leaders could recall instances when they were criticized in caucus for being too statesmanlike in their dealings with other parties over House business.

32 Ibid.

33 Stewart, *The Canadian House of Commons*, 234.

34 Interview with Gerald Baldwin, November 11, 1979.

Conclusion

The House leader's job is indeed difficult and crucial to the successful operation of the House of Commons. The expanding workload, the recurrence of minority governments (six elected in the last ten general elections), the increase in the membership of the Commons (raised from 264 to 282 in 1979), the more complicated and active committee system which has been introduced, and the diminishing limits to which parliamentary sessions can profitably be lengthened, all of these factors emphasize the need for more effective utilization of the available time. But agreement on what constitutes "effective" use of time can be most difficult to reach in a legislature structured along party lines and operating on an adversarial basis. The task of managing the time rests increasingly with the three House leaders. Their success will depend not so much on new rules as on their own political skills at negotiation and in sensing the mood of the Commons and of the country. It depends also on the support given them by their party leaders and their parties.

A fitting conclusion to this account of the role of the House leaders is provided by the all-party agreement which ended the long and bitter parliamentary struggle over the constitution resolution. On April 8, 1981, the House leaders were able to report a compromise which freed the House from a real impasse.³⁵ Significantly, in terms of the themes of this article, all parties readily accepted the deal which the House leaders had worked out. The "institution" of the House leaders had come a long way.

35 *Debates*, April 8, 1981, 9072-74.