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# The Use and Misuse of Members' Statements

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by Evan Sotiropoulos

*On February 26, 2009, House of Commons Speaker Peter Milliken issued instructions to House Leaders regarding Standing Order 31 – Statements by Members. In it, he reminded them that “personal attacks are not permitted” and that he will “vigorously enforce the authority given to him to cut off Members if, in his opinion, improper statements are made.” This article looks at the background to his instruction including an analysis of some 4000 Members’ Statements during the two previous minority parliaments. It considers whether Members have abused the rules relating to Members’ Statements and whether the Standing Orders relating to Members’ Statements should be reconsidered.*

The Daily Proceedings, one of five categories of activities in the House, comprise three events: Prayers (followed by O Canada on Wednesdays); 15 minutes for Members’ Statements; and 45 minutes for Question Period. This hour of action is, without question, the main event in the Daily Order of Business in Canada’s lower chamber.

Each day at 2:00 p.m. (11:00 a.m. on Fridays), Members who are not Ministers, when recognized by the Speaker, are permitted to address the House on virtually any matter of international, national, provincial or local concern. Standing Order 31 states:

A Member may be recognized, under the provisions of Standing Order 30(5), to make a statement for not more than one minute. The Speaker may order a Member to resume his or her seat if, in the opinion of the Speaker, improper use is made of this Standing Order.

In January 1983, Jeanne Sauvé, the first female Speaker of the House put forth some guidelines as to how Members’ Statements could be used and misused. She said:

- Members may speak on any matter of concern and not necessarily on urgent matters only;
- Personal attacks are not permitted; and

- Congratulatory messages, recitations of poetry and frivolous matters are out of order.

Members have paid little attention to the prohibition against congratulatory messages but the restriction on personal attacks has been reaffirmed by multiple rulings. In 1990, Speaker John Fraser clarified that a statement about another Member’s political position would be acceptable, but a personal attack against a Member would not be allowed. In 1996, Speaker Gilbert Parent cautioned “once the words have been uttered, it is very difficult to retract them and the impression they leave is not always easily erased”<sup>1</sup> Since Speaker Sauvé’s initial guidelines, additional restrictions have been put in place, such as criticizing the actions of the Senate.<sup>2</sup>

Historically, Members’ Statements were used by MPs for non-partisan purposes. Statements would often deal with the passing of prominent Canadians, international/national/provincial/local events and constituency goings-on. In recent times, however, dedicated viewers of the Cable Public Affairs Channel have observed a change in the tone of Members’ Statements and a more co-ordinated attempt to use Statements for strategic political gain. This raises a number of interesting questions.

The first question is which party has been more effective in using Members’ Statements in this way. In a parliamentary democracy, the official Opposition critically evaluates government policy

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and often decries ministerial performance. After all, the job of a “government-in-waiting” is to present a favourable alternative in order to unseat the incumbent administration in a general election. One could reasonably theorize that the official Opposition would be more likely to employ partisan attacks in its Statements by Members.

A second question is whether some of the Statements have crossed the line that separates civil debate from unparliamentary and unacceptable behavior. C.E.S. Franks writes that, “Civil means that the participants recognize and accept that they are members of the same society and have interests in common; and that the discourse is polite, and not rude or offensive.”<sup>3</sup>

A third question is whether an analysis of this relatively minor and uncontroversial procedure might actually help to explain why “despite Parliament’s centrality, it is a subject of declining study.”<sup>4</sup>

### **Theory and Data**

The 38th Parliament and the 39th Parliament present fertile ground for comparative research. Both were minority governments with the same Speaker (Peter Milliken) following the same Standing Orders. Stated otherwise, a number of key independent variables used to explain the dependent variable, that is to say, the level of unparliamentary/partisan language in the daily Statements by Members – were constant. The crucial difference was that the 38th Parliament was a Liberal-led government, whereas the 39th Parliament was Conservative-led. Therefore, the idea that the official Opposition, regardless of party affiliation, would use its time in a more partisan manner could be analyzed against two similar, yet distinct Parliaments.

In total, 2,572 Statements were recorded from the 38th Parliament between October 4, 2004 to November 29, 2005: (Liberal: 1,092, Conservative: 779, Bloc: 506, NDP: 192 and Independent: 3).

Also, 3,231 Statements were recorded from the 39th Parliament – April 3, 2006 to September 7, 2008<sup>5</sup> (Conservative: 1,203, Liberal: 1,004, Bloc: 604, NDP: 403, Independent: 17).

Bloc Québécois (BQ) and New Democratic Party (NDP) Statements were not included in the analysis. As a solely Quebec based party, the BQ does not allow for an accurate comparison against Canada’s two leading national parties. The NDP, on the other hand, while a national party, had too few daily statements (approximately two each day) to be fairly included. A simple, non-weighted system was employed to code each Liberal and Conservative statement.<sup>6</sup>

Each Statement would be assigned a number if, as a guiding rule, half of the MPs one-minute statement was used to praise their party or attack another. The vast majority of statements were coded without incident but, since the measurement of data allows for the possibility of bias, a deliberate effort was made to make the data-collection reliable by using the same procedure in the same way for each statement.<sup>7</sup>

The following Table shows the result of reviewing more than 4,000 Statements. It shows an increase of political/partisan discourse in Members’ Statements from the 38th to the 39th Parliament. The Conservative Party, both in opposition and in government, regularly was more partisan in its use of Members’ Statements than its main adversary, the Liberal Party.

According to this research in the 38th Parliament, a Conservative MP was three times more likely than his Liberal counterpart to stand up during Members’ Statements and deliver a political/partisan statement. In the 39th Parliament, the opposition Liberals became more unparliamentary/partisan in their Members’ Statements – confirming, to some extent, the initial theory that the official Opposition would use its time in a more partisan manner. Although Liberal MPs contributed to the increase of partisanship during the 39th Parliament (doubling their partisan statements from 13.5% to 24.9%) Conservative MPs were still twice as likely to deliver a political punch.

### **Partisanship and Strategy**

Before looking at some of the specific strategies developed during Members’ Statements it is important to remember that Parliament is inherently a forum for political and partisan battle. C.E.S. Franks writes that the physical setup of the House contributes to an adversarial environment: the chamber is rectangular – government members are on one side and opposition Members on the other. This, he writes, “is a great simplifier, there are only two sides to every issue ... all different shades of opinion are forced into these two aggregations.”<sup>8</sup> Many students of Parliament have noted that parliamentary debate can be brutal. In response to Speaker Milliken’s February 2009 warning Conservative MP Pierre Poilievre noted that, “part of a democracy is promoting ideas. The other part of a democracy is pointing out the flaws in some of those ideas.”<sup>9</sup>

Based on the thousands of statements analyzed the Conservatives appear to have been much more successful in establishing a theme to their statements and using them in a co-ordinated way to promote their interests.

38th Parliament (Liberal Minority)	Conservative	Liberal
Total Statements	779	1092
Political/Partisan Statements	328 (42.1%)	148 (13.5%)
Positive-partisan	16 (4.9%)	90 (60.8%)
Negative-partisan	312 (95.1%)	58 (39.2%)
39th Parliament (Conservative Minority)		
Total Statements	1203	1004
Political/Partisan Statements	569 (47.3%)	250 (24.9%)
Positive-partisan	241 (42.4%)	25 (10%)
Negative-partisan	328 (57.6%)	225 (90%)

One such theme pertained to the leadership ability of former Liberal leader Stephane Dion. The following is a typical example from April 9, 2008.

**Jeff Watson** (CPC Essex): Mr. Speaker, 16 months ago, the so-called leader of the Liberal Party said that he was “a hero” but the self-proclaimed hero has in fact turned out to be a zero. The only one who has had a worse year than the Liberal leader is Britney Spears.

In a desperate effort to rebuild his image, the Liberal so-called leader has turned to his best friend for advice. No, not the Liberal deputy leader and, no, not the Liberal member for Toronto Centre, but to his dog Kyoto, and he has followed Kyoto’s advice with lethal effect.

Kyoto says “down boy” and the Liberal leader responds by driving his poll numbers in Quebec way down. Kyoto says “sit” and the Liberal leader responds by having his caucus sit vote after vote after vote. When Kyoto says “roll over”, the Liberal leader obliges on every significant matter of policy and confidence in our government.

However, the Liberal so-called leader is saving Kyoto’s best advice for last. In the next election, which Liberals now pretend they will call in the dog days of summer, their so-called leader will finally play dead.<sup>10</sup>

Another theme was directed squarely at the Bloc Québécois and intended to convince Quebec voters that the Bloc did not represent their interests.

The following is a typical statement illustrating this theme:

**Luc Harvey** (CPC Louis-Hébert): Mr. Speaker, over the past few weeks, I have repeatedly asked members of the Bloc Québécois to talk about their record here in the House. The reality is that

the members of the Bloc Québécois simply raise their voices to mask their powerlessness.

The Bloc is all talk and no real, concrete action for families, workers and seniors.

I cannot help but conclude that the Bloc Québécois record in 18 years is lighter than a blank sheet of paper. In fact, the Bloc Québécois could carry on for another 118 years and never advance a single major issue, resolve a single problem or pass a single bill. The only thing gaining ground with the Bloc members—and everyone knows it—is their pension.

I am proud to be a Quebecker who can take action within a government that delivers the goods for Quebec families and workers.

I invite the Bloc members to listen to their supporters and pack up. Now there is a party that is not limited to defending their interests, but can take action in their best interests.<sup>11</sup>

Other examples of Conservative themes included:

- the “unelected, unaccountable Liberal dominated Senate”;
- the Liberals’ soft on crime approach; and
- the “permanent new tax that would hurt all Canadians” (which was an attack against the Liberal Green Shift policy).

The Liberal Party appeared to be less co-ordinated in developing themes for Members’ Statements<sup>12</sup> but did focus on certain themes such as the promotion of a “fairer, richer and greener Canada” to promote their Green Shift policy. They would also frequently cite Stephen Harper’s quote of, “There is no greater fraud than a promise not kept” to ridicule the Prime Minister’s broken promise vis-à-vis the tax on income trusts.

The order of Statements is a political decision negotiated by the House Leaders at the beginning of a session. But a small change in this procedure had a major strategic impact on Members’ Statements in the first Harper minority. Whereas in the 38th Parliament the last speaker would rotate between parties, in the 39th Parliament – with few exceptions – the last speaker was always a Conservative. This is significant because Question Period is the focal point of the parliamentary day and one of the few occasions when the House is packed. Therefore, having the last statement gives the government the opportunity to criticize the opposition to a full House, a packed press gallery and, more importantly, directly to Canadians since Question Period is typically aired live on Canada’s two national television networks. Below is one example of a final statement before Question Period:

**Rick Dykstra** (CPC, St. Catharines): Mr. Speaker,

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as our government continues to focus on a strong economy I thought it was time to review what the Liberal leader would do if he were in charge.

Here are his top five expenditures.

Number five, would be to spend \$1 billion on project green, a program that would do nothing for national objectives, but it would cost a fortune.

Number four, would be to spend \$5 billion on a wasteful daycare program, not on child care spaces, but on a bloated bureaucracy and interest groups.

Number three, would be to spend \$5 billion on implementing the Kyoto accord. That is how much it would cost today because they did not get it done 13 years ago.

Number two, would be to increase the GST from 5% to 7%, over \$12 billion in new taxes.

Number one, would be a new gas tax, billions of new taxes at the pumps so each and every one of us will have to pay 60% more than we are paying now.

These billions equal one thing, a Liberal deficit. One person wants to bring our country and our economy to its knees. Who is that? The person who is about to stand up.<sup>13</sup>

Of course, the person who stands up after the last Statement is the leader of the Opposition. The practice has continued in the present Parliament with members using the last statement to frequently attack the new Opposition Leader, Michael Ignatieff, for "being away from Canada for 34 years;" "promising to raise taxes;" and "wanting to increase the GST and impose a job-killing carbon tax."

### Crossing the Line

Political strategy is one thing but both the Standing Orders and numerous rulings by Speakers have made it clear that Members' Statements which constitute personal attacks are out of order. As Speaker Parent noted on March 16, 1998 "Regardless of how dramatically our opinions may diverge or how passionately we hold to convictions that our political opponents do not share, civility must be respected in the House of Commons."

But what is the line between political and personal? Does the following statement represent a personal attack?

**Pierre Poilievre** (CPC Nepean—Carleton): Mr. Speaker, today marks the first anniversary of the Liberal leader declaring himself a hero, and many agree.

For starters, with his heroic plan to hike the GST, the Save the GST Society says that the Liberal

leader is the wind beneath their wings.

Convicted criminals also call the Liberal leader their hero, as he and the Liberal Senate are blocking the tackling violent crime act.

The greenhouse gas monster called the Liberal leader his hero as well. When he was environment minister, emissions could fly higher than an eagle.

Ebenezer Scrooge agrees as well. Just as kids are preparing to gather around the Christmas tree, the Liberal leader says, "Bah humbug, I will take away your \$1,200".

While the member for Etobicoke—Lakeshore once said that the Liberal leader did not get it done, he now says to his seatmate, "You are everything I would like to be". Bette Midler could not have said it better herself.<sup>14</sup>

What about the following Statement which is not really personal but certainly violates the spirit if not the letter of the rules relating to Members' Statements.

**Jacques Gourde** (CPC, Lotbinière-Chutes-de-la-Chaudière): Mr. Speaker, in its 17 years in Ottawa, did the Bloc put a stop to the Liberal culture of entitlement?

Some hon. members: No.

Mr. Gourde: In its 17 years in Ottawa, did the Bloc implement an agreement ensuring Quebec's participation in UNESCO?

Some hon. members: No.

Mr. Gourde: In its 17 years in Ottawa, did the Bloc restore fiscal balance in the federation?

Some hon. members: No.

Mr. Gourde: In its 17 years in Ottawa, did the Bloc finalize a \$350 million agreement to finance Quebec's green plan?

Some hon. members: No.

Mr. Gourde: In its 17 years in Ottawa, did the Bloc put in place a program for the sale of Mirabel land?

Some hon. members: No.

Mr. Gourde: In its 17 years in Ottawa, did the Bloc put in place one measure to help farmers?

Some hon. members: No.

Mr. Gourde: In its 17 years in Ottawa, did the Bloc reduce taxes for corporations, workers and seniors?

Some hon. members: No.

Mr. Gourde: Is it of any use to have 49 Bloc members in Ottawa?

Some hon. members: No.

Mr. Gourde: Recognizing the Quebec nation in

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Ottawa means having Conservative members with the means to put words into action.<sup>15</sup>

## Conclusion

My extensive review of parliamentary transcripts showed that unparliamentary or partisan discourse is on the rise during Members' Statements in the House of Commons. Policy differences and their expression in a democratic society should not be used as cover for mean spirited attacks. All Members, regardless of party affiliation, should strive to arrest this decline in political discourse and help to cultivate a political environment conducive to cooperation.

The Speaker has the power required to sanction those parliamentarians who violate Standing Order 31. Throughout the 38th and 39th Parliaments, however, many examples can be found of violations of the spirit of the rule. It is no wonder then that when Speaker Milliken issued his warning to House Leaders, most Members simply ignored his advice and continued to follow the pattern set over the past five years.

The Speaker is the "guardian of the rights and privileges of Members and of the House as an institution. He can and should vigorously enforce existing rules in order to curtail the declining decorum in Canada's Parliament. However, the situation may have reached a point where it is time for the members themselves to rethink some of the Standing Orders including those relating to Members' Statements. Without such an effort Canadians are likely to agree with British historian James Bryce who claimed that "Party spirit ... may even be a substitute for thinking."<sup>16</sup>

In *House of Commons Procedure and Practice*, Marleau and Montpetit clearly state that "the proceedings of the House are based on a long-standing tradition of respect for integrity of all Members ... Personal attacks, insults and obscene language or words are not in order."<sup>17</sup> In my view the transformation of this minor and non-partisan part of the Parliamentary day into a hyper antagonistic period with no holds barred cannot, in the long run, be good for the institution of Parliament or for the people it is supposed to represent.

## Notes

1. Robert Marleau and Camille Montpetit, eds. *House of Commons Procedure and Practice*, McGraw-Hill, Toronto, 2000, p. 363.
2. *Ibid.*, 364. Despite this constraint, MPs regularly attack "the other place" with little interference from the Speaker.
3. C.E.S. Franks, *The Parliament of Canada*, University of Toronto Press, Toronto, 1987, p. 124.
4. David E. Smith, *The People's House of Commons: Theories of Democracy in Contention*, University of Toronto Press, Toronto, 2007, p. 10.
5. Only Members' Statements after the election of Stephane Dion as leader of the Liberal Party were included.
6. 0 = Non-partisan; 1 = Positive-partisan; and 2 = Negative-partisan. The Oxford Dictionary's definition of "partisan" (a strong, often uncritical, supporter of a party, cause, or person) was used as a guide to judge "positive-partisanship".
7. Robert O. Keohane, Gary King and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research*, Princeton University Press, New Jersey, 1994.
8. C.E.S. Franks, *The Parliament of Canada*, University of Toronto Press, Toronto, 1987, pp. 144-145.
9. Alexander Panetta, "Speaker muzzles Tory attack dogs," *The Canadian Press*, March 12, 2009.
10. House of Commons, *Debates*, April 9, 2008.
11. *Ibid.*, March 3, 2008.
12. In *Hansard* – every statement receives a title "determined by the principal editors in Parliamentary Publications based on the subject-matter of the statement." In the 39th Parliament, approximately 25 per cent of CPC statements were grouped under only seven titles. In contrast, Liberals' statements seldom had the same titles and when they did, it was more often than not for non-partisan purposes.
13. House of Commons, *Debates*, May 5, 2008.
14. *Ibid.*, December 6, 2007.
15. *Ibid.*, December 5, 2007.
16. James Bryce, *Modern Democracies*, Macmillan, New York, 1921.
17. Robert Marleau and Camille Montpetit, eds. *House of Commons Procedure and Practice*. McGraw-Hill, Toronto, 2000, p. 525.