

# Thirty Years a Senator

John J. Connolly

I know you would not expect me to make a full report on almost three decades of work in the upper chamber of Canada's Parliament. But I should like to talk first of all about the Senate in terms of people.

There were two great men in the Senate before my day, both of whose careers I knew and admired. One was Raoul Dandurand. The other was Arthur Meighen. Dandurand was Speaker of the Chamber for many, many years. He was a lawyer from Montreal; perhaps the greatest leader the Senate ever had. He was a man of many parts. At one time he was president of the League of Nations; a distinction no other Canadian ever enjoyed.

Meighen had been Prime Minister. A distinguished lawyer from Winnipeg, he was brilliant; he was caustic. There is a story told about Meighen, that on a trip to Australia by ship he was asked to speak to the people on board. He spoke on Shakespeare. As it happened, none of Shakespeare's works were available on that ship. Off the top of his head he produced quotations by the yard. It was really a masterpiece of literary comment. That was but one facet of his brilliant mind.

Those two gentlemen dominated the Senate. When they finished analysing a bill, there was little else for anyone to say. As a matter of fact, if anybody attempted to say something, they both rather resented it!

When I first came to the Senate my leader was Ross Macdonald. He had been the Speaker of the House of Commons and subsequently, after his retirement from the Senate, became Lieutenant-Governor of Ontario. Ross was a most delightful fellow who had a fine record in the First War.

I also found there T.A. Crerar. Crerar had been in Sir Robert Borden's government in the First War and in Mackenzie King's government in the Second War. He was the leader, at one stage, of the Progressive Party from Western Canada. Tom Crerar epitomized the West.

His great friend, who was perhaps my closest friend in the Senate in my early days, was Norman Lambert, who lived in Ottawa and played golf (and swore) at the Royal Ottawa. Lambert had been President of the National Liberal Federation. He was the architect of Mr. King's two electoral victories in 1935 and '40. I don't think I ever met a man who was a greater political philosopher than Norman Lambert.

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*John Connolly was Senator for Ottawa West from 1953 until his death in July 1982. This article is based on his speech to the Ottawa Rotary Club on January 18, 1982.*

We also had in those days Senator J.W. deB. Farris, an eminent counsel from British Columbia. He had been President of the Canadian Bar Association. Senator Farris took the last appeal to the Privy Council before Canada abolished appeals to that court. In my earliest days in the Senate he was as much before the Supreme Court of Canada as he was in the Senate.

We had Leon Mercier Gouin, the son of Sir Lomer Gouin, who had been Premier of the Province of Quebec. He was a great orator; equally fluent in English and French and had a magnificent voice.

We had John Hackett, the only Progressive Conservative Mr. St. Laurent ever appointed to the Senate. He was a leader at the bar of Montreal and also a President of the Canadian Bar Association in his day.

We had Donat Raymond. Raymond owned the Windsor Hotel in Montreal. He also owned *le Club de Hockey Canadiens*. When he got a little long in the tooth, he sold it to a present senator, Hartland Molson.

We had the stormy petrel from Riviere-du-Loup, Jean-Francois Pouliot. When he was in the House of Commons he would ask a question every day. When I was the leader, he seemed to think he should do the same in the Senate. And he did. The questions were not always to elicit information. They gave him an opportunity to make a speech and everybody enjoyed him.

The Senate was blessed with one of the great people this country has produced in the person of Charles Gavan "Chubby" Power. Chubby, as you know, came from Quebec. He was the man who built the RCAF. He was the "father of the House of Commons" before he came to the Senate. He was the most companionable person I think I have ever met. He could charm anyone. He had a great friend in his earlier days, Lucien Cannon from Quebec. When things became a little slow in the Commons, Chubby and Lucien would get up and bash the CPR. (You know, this was a Harry Truman technique. When things got quiet in Washington, Harry would trot out the anti-trust legislation and give big business a shot.) Chubby said to me one day, "It's getting too quiet here. I am going to make a speech about the CPR." I said, "Look my friend, you made your reputation as an administrator and as a minister, by building a great fighting force in this country. You could not have done that if you had not gone to business and to industry, to the private sector, to get the people who were the managers and who could help you. It would ill behoove you to step in now and start biting the hands that fed you." Chubby smiled. He sat there for a moment and then he said, "By God, Connolly, maybe you are right". He did not make the speech.

A person I had to contend with often, particularly on the Appropriation bills, was one of the most acute critics I think Parliament has ever seen. His name was Wallace McCutcheon. He came from Toronto. He was an actuary as well as a lawyer. When Donald Gordon was head of the Wartime Prices and Trade Board during the war, Gordon said that without McCutcheon the program would not have succeeded. I rather believe that. After he left the prices board, he and Eddie Taylor from Ottawa, and Bud McDougald from Toronto, put together the organization known as the Argus Corporation. Wallace McCutcheon was a distinguished Canadian who operated most effectively in the private sector. From the point of view of people like myself, who were responsible for running things in the public sector, it was great to have him in Parliament. But it was tough when we had an *Appropriation Bill* before us and he got up to criticize it.

I think the finest parliamentarian I ever knew was Senator Adrian Hugessen from Montreal. He was another outstanding lawyer. I never knew a parliamentarian who could dissect legislation so quickly and so accurately. This man was born in England, of an eminent family — all Balliol men. Hugessen was educated at McGill. His father, who was in the House of Lords, had entertained Sir John A. Macdonald in the days when some of the Fathers of Confederation were in England to help draft the BNA Act in 1867. Yet when the time came in 1949 to abolish appeals to the Privy Council, the great speech in the Senate was made by Hugessen. He said we have now developed our own legal institutions here in Canada. They are of a high calibre and sophisticated. These institutions are good enough for any country in the world. We should not have to depend upon other courts to decide what our law should be.

We had D'Arcy Leonard in the Senate for many years. He revitalized the Finance Committee. He perfected the system of pre-study of the estimates and of the Appropriation bills. Unknown to most people this practice, now generally used by committees of the Senate, has drastically reduced the charge against the Senate that it is a rubber stamp for the Commons.

Then we had two people from Ottawa whose names I am sure you will recognize. I refer to Charlie Bishop and Grattan O'Leary. Bishop came from the *Ottawa Citizen*; O'Leary from the *Journal*. Charlie was my roommate for many years and we had great times together. I remember a dreary wet November morning after a Grey Cup game. Charlie and I had entered the elevator to go up to the office. Just at that moment one of the Senate staff, an old girl who was at least 80, came into the elevator. (Nobody ever gets fired from the Senate, I can tell you that now!) This lady came in and Charlie, so politely, took off his hat, looked at her and said in a voice full of chivalry, "Are you, perchance, Miss Grey Cup?" The elevator door opened and he left. I am sure she had a wonderful week after that encounter.

Grattan came into the Senate from his great career at the *Journal*. He was one of Canada's remarkable editors. I knew what close association there was between Grattan and Arthur Meighen, his great hero. I also knew that he had been influenced very appreciably by a man who had influenced me in my early days in law and in politics. That man was another Ottawan, later a senator, but earlier a cabinet minister in Laurier's last cabinet and in King's first government, Charles Murphy. Grattan O'Leary charmed the

Senate. Most of the Senators had not known him. He spoke with a full mind, with magnificent language, and the Senators sat with opened mouths and bated breaths as they listened to the oratory this man commanded.

I have not mentioned many of the present senators, my immediate colleagues. Perhaps that is based upon the proposition that: "Ne'er of the living can the living judge; Too close the affection or too fresh the grudge." I confess to respect and affection for them. I deny any grudge. These men and women carry on in a great tradition. They discharge an important national function. They work harder than most senators did when I went there.

In 1982, a vote in the Senate was televised. The occasion was the resolution on the Constitution. On each of the six or seven motions, each senator stood to declare his position. As the Clerk called the names, the CBC commentators would identify each voter. Some were existing or former cabinet ministers, some former members of the Commons, some former premiers, some were chairmen of committees and so on. In the midst of these proceedings, one of the commentators paused and then said, with much feeling, "I never realized there was so much talent in Parliament as we see here in this chamber." Very few realize that.

## Thoughts on Senate Reform

There are a few other things I wish to say, because after three decades I have a few basic convictions with reference to our Canadian political establishment. Canada is a federation. The federal authority is responsible for the welfare of the nation as a whole. The ten provincial authorities are responsible for local and private matters. Because of the great diversity of this country, if we did not have this establishment we should have to invent it.

I believe that one area of jurisdiction, either provincial or federal, should not interfere with the other. The federal authority should remain responsible for the federal establishment and its operations in the interest of all of Canada. The provincial authorities should look after the immense problems of their own jurisdictions. There should be cooperation, but each should stick to its own knitting.

I am a devotee and a strong proponent of the use of the parliamentary system in this country. I agree with Churchill, who said "parliament is not the best institution for the governance of men; it is the best known, however."

Under the monarchy we have an elected Commons and an appointed Senate. Reforms we must always have but I think we must be careful when we make them. The British in 1910 and since have made changes in their Upper House. They have failed because they made it too weak. The Australians tried reform in their Upper House by making it elective. They made it too strong. Both have lived to regret it.

I think that appointments to the Senate should be made by the federal authority alone, not by the provincial ones as was suggested in *Bill C-60* about three or four years ago.

I believe there should be a new arrangement for the appointment of members of the Senate. I think the needs of the Senate and the needs of the committees of the Senate must be taken into

account when appointments are made. And the federal government of the day must be answerable ultimately for this.

I believe opposition numbers should constitute at least one third of the complement of the Senate. This would allow them to man committees and do the kind of job that is required.

The Senate should be a legislative court of appeal. It must continue to review bills thoroughly and objectively, both at the pre-study stage and on second reading, in the Chamber and especially in Committee. Committee Chairmen should continue the admirable practice of using experts to assist the analysis. Witnesses should continue to be drawn from the appropriate department and from the public. Historically both groups of witnesses have repeatedly praised this aspect of the Senate's work. Unlike the practice in the Congress of the United States, the media ignores this process — mainly because it is not politically oriented. Generally speaking, the academics and the public are unaware of its value.

If I say nothing else it is important I say this: The Senate, the Upper House, should have the power to amend legislation and make it stick. That must remain a basic function in the second chamber of any parliamentary legislature, except, of course, for financial bills and now also for constitutional matters in Canada. I can give you example after example of the truth of this. Let me give you just one.

In the tax reform legislation about six or seven years ago, the Senate made over 80 important amendments to the tax reform bill. Every single one of those amendments was accepted by the committee, and by the minister in the Commons. That kind of action is most important for satisfactory work in Parliament.

The Senate should also be able to study great national issues — the kind of work that Senator Croll and others have done — on trade, on foreign affairs, on defence, on science, on social policy, on energy, on agriculture and on so many of the other aspects of our diversified national life. Parliament, I know, is a political place but I think the smaller part that partisan politics plays in the work of the Senate, the better.

It is said that the Senate is undemocratic. This is not the true test. There is current a legend to the effect that popular election

confers some special kind of wisdom or judgment upon the person elected. Some elements of the press seem to think that. Some academics seem to think that. Some politically ambitious people say that. But this is not so. It should be understood that the two houses are of completely different orders. In the Commons there are many younger people, less experienced people, people subject to the party whips and to the party line. They know how to work the electoral process and they have an understanding of the grass-roots needs of each of the ridings. In my many years in the caucus, I have observed that more and more very able people are entering the Commons. They are drawn both from the private and from the public sector where the advancing sophistication of the institutions in both areas postulates higher and higher qualifications.

But in the Senate you have older people, more experienced people. They have a deep knowledge of public affairs. Many of them know also the needs and the problems of the private sector. They come from among the managers, the executives, the captains, in business, in the resource industries, in the trade unions, in the universities, in the professions, in many other important sectors of national activity. Most of these people could not get elected if they tried: nor would they want to. They would not go to Parliament if they had to go through the electoral process. But they understand something about national needs. They understand something, too, about regional needs.

In 300 years this country has experienced tremendous growth. From a primitive frontier society Canada has become a significant community internationally. We have a diversified economy which our people even 100 years ago could not have visualized. We have great natural resources and a tremendous potential. Our political and juridical institutions have matured. We have training facilities for our youth in the schools and universities which are second to none. The people who emerge are our greatest natural resource. They organize, manage and operate enterprises of significant importance, nationally and internationally.

Surely all parts of this great resource should be tapped in a variety of ways to help Parliament discharge its duties to the nation as a whole. Some of these people should be and are talent who, although they could not be elected, have a great deal to offer. To make that talent available is a national challenge.