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The legislative role of parliamentary committees in Canada: the case of the Joint Committee on the Public Service Bills[1]

Abstract. This paper examines the legislative role of committees in the Canadian parliament following from changes in the role of committees since 1965, and relates the topic to recent studies on the role of parliament. The particular committee under study was unusual in several respects: it was a joint committee of the two houses; it dealt with three separate but related bills which had been the result of long prior discussion and general party consensus; and the civil servants in attendance were permitted to play an unusually open and prominent role in negotiating significant amendments to the bills. In spite of these unusual factors, it is submitted that this case study throws new light on the differences between the behaviour of legislators on the floor of the House as contrasted with the 'small group' situation in committees. It is argued that more flexible relationships among the government, parliament, and the bureaucracy are possible than either past practice or a rigid theory of responsible government would suggest.

Sommaire. Les auteurs de cet exposé examinent le rôle législatif des comités au sein du parlement canadien à la suite des changements survenus depuis 1965 et ils considèrent ce sujet à la lumière d'études récentes portant sur le rôle du parlement. Le comité étudié était exceptionnel à plusieurs points de vue: c'était un comité conjoint des deux chambres; il s'occupait de trois projets de loi distincts mais connexes qui avaient bénéficié de longues discussions préalables et d'un assentiment général au sein des partis; les fonctionnaires présents purent jouer un rôle exceptionnel et de premier plan dans la négociation d'amendements importants. En dépit de ces caractéristiques inusitées, les auteurs déclarent que ce cas illustre bien la différence de comportement des législateurs à la chambre et en petits groupes au sein du comité. Ils en concluent que les relations entre le gouverenement, le parlement et la bureaucratie peuvent être plus souples que la pratique passée ou une théorie rigide du gouvernement ne le laisserait supposer.

Parliamentary institutions in Canada have been notably slow in adapting to the needs of the twentieth century. Until recently such changes as there have been were in the direction of strengthening the hand of the government by increasing its power to manipulate parliamentary time to its advantage. Changes which strengthened the role of parliament or improved the quality of its work have been almost entirely the creation of the last

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decade. For this achievement credit must go chiefly to a series of strong special committees of the House of Commons on procedure, and to a climate of opinion which has made reform possible.[2]

The purpose of this paper is to examine one aspect of reform – the improvement in legislative techniques through the use of small committees – and to discuss it in the light of the experience of one particular committee concerned with three important bills. It is agreed that the committee was peculiar in form – a Special Joint Committee of both Houses – and that the matter before it was one where party conflict was minimal, but it is argued nevertheless that some useful conclusions can be drawn from this experience on the role of parliamentary committees in legislation, and on the relationships among the government, the bureaucracy, party organization in the House, and individual backbenchers which throws some light on the respective roles of these groups in legislative decision-making.[3]

The primacy of the cabinet in the legislative process is an unalterable fact of our system of government. There are, accordingly, rather narrow limits in which such parliamentary bodies as standing and special committees can independently play a significant role in the legislative process. It is not our purpose here to argue the wider question of whether this needs to be so. The recent difficulties of the Standing Committee on Northern Affairs and Indian Development in getting its report even debated in the House, because its report had gone beyond a policy position which the government was yet prepared to accept, illustrates how narrow the limits are.[4] Within these limits, however, there is more freedom that is commonly suspected.

Before the adoption of Standing Order 65 in its present form by the House of Commons in 1965, the role of committees in the legislative process was slight. All bills were required to go through the Committee of the Whole House, and it was rare for a government to arrange for the additional stage of sending a bill to a smaller committee along the way. This was sometimes done with extremely complex bills to enable the

2 For a general discussion of the issues, see, *inter alia*, J. R. MALLORY, 'The Uses of Legislative Committees,' CANADIAN PUBLIC ADMINISTRATION, vol. IV, no. 1 (March 1963), pp. 1–14.

3 Here we examine a particular case. For a general discussion of the reform of the committee system see T. A. HOCKIN, 'The Advance of Standing Committees in Canada's House of Commons: 1965 to 1970,' *ibid.*, vol. XIII, no. 2 (summer 1970), pp. 185–202.

4 After a lengthy procedural argument the Speaker allowed an opposition member of the Committee to move concurrence in the *Report*, which led to a debate in which the motion was 'talked out' by the government before a vote could be taken. *Canada. House of Commons Debates* (unrevised) (Jan. 19, 20, and 22, 1970), pp. 2513ff; 2575ff; and 2694ff.

interests affected to argue objections and modifications, after which a government could decently have second thoughts and later re-introduce a modified bill. The reason, no doubt, for the attenuation in the role of standing committees in legislation was the dominant role of the cabinet in the legislative process. Certainly the growing importance of the executive through two major wars and a depression did nothing to sap the self-confidence of ministers and officials or to endow them with exaggerated respect for parliamentary criticism. Since parliamentary criticism is essentially the work of opposition parties, the generally long tenure of office of Canadian governments steadily shifted the balance of knowledge and expertise to the government benches. It would appear, though we do not know much in detail about it, that governments were far more responsive to the less visible pressures of their own caucus than to the parliamentary opposition. Furthermore the increasing reach of government, particularly after the beginning of World War II, increased both the amount and complexity of legislation. In fairness it can be said that opposition parties have not been entirely insensitive to these trends and in absolute terms they too have become more sophisticated. However, at the same time, the organization of parliamentary work, and the meagre resources of information at the disposal of the opposition, were bound to diminish the effectiveness of the participation of members of parliament in the legislative process. Thus in relative terms the quality and quantity of opposition to the government of the day has declined. This has not escaped attention, and there has been growing realization that reform of parliamentary procedure is necessary both because it creates a useful and necessary source of countervailing power to an aggrandized executive, and because it may lead to a better use of parliamentary time and better legislation.

If, however, the committee system was to become more than the appendix of the house, there must be a recognition that it be looked at in a very different light if it was to be effective. Over the years it had acquired a number of peculiarities and suffered a number of handicaps which required excision if parliamentary committees were to perform greatly enlarged functions. Standing committees varied greatly in size, some being so large as to be almost a legislative chamber in themselves. The accommodation provided for the House of Commons in the parliament buildings made only modest provision for committee rooms, and any serious attempt to be active by the plethora of committees which nominally existed in the past would have been impossible, because of an acute shortage of space. This difficulty was partly alleviated by the provision of additional committee rooms when the West Block was reconstructed in the nineteen-fifties. The shortage of space was compounded

by a shortage of committee staff in the form of committee clerks, *Hansard* reporters, and translators.[5]

Furthermore, as Professor Dawson has argued, the political organization of committees resulted in both inefficiency and frustration. The 'election' of chairmen has meant that they are in fact chosen by the government, which has tended to judge their performance by their ability to ensure adequate attendance of government supporters and prevent the deliberations of the committee from becoming a cause of embarrassment to the government.[6] Government supporters, whose presence was required mainly to vote, found committees a tedious bore, while opposition members were driven to the conclusion that little could be achieved which could not better be done on the floor of the House, where at least some press coverage could be expected.

It is against this background that the resurgence of the committee system after 1965, and in particular the performance of the committee under study must be considered. The committee was peculiar in form in that it was a joint committee of both Houses. Such committees are comparatively rare. They have peculiar problems since they have two chairmen and it is unlikely that the attitudes and atmosphere to which the two groups are normally accustomed can be readily synchronized.

In spite of these handicaps the committee was generally regarded as an outstanding success. The Minister of Revenue, Mr Benson, when introducing the first of the three bills into the Committee of the Whole said:

> The special committee ... has applied itself with great diligence and patience to a very important task. I am sure I voice the feelings of all the Hon. members of this committee [of the Whole] to this special joint committee for the study they have given all three bills ... The proceedings took place in an atmosphere of calm reflection and deliberation ... *I want to make it clear now that the government is pleased to accept the amendments proposed by the committee to the bills.* As we proceed in committee of the whole on the clauses of the bills those clauses will be called as amended, because in my view they strengthen the measures previously placed by the government before this House.[7]

Richard Bell, the opposition public service specialist and a member of the committee added his tribute:

> Personally I have never been a member of a committee which worked more harmoniously, more assiduously and with more complete freedom from political partisanship ... The magnitude of the committee's work is best illustrated

5 These difficulties are still present. One recalls committees whose proceedings are regularly brought to an untimely halt because another committee is waiting outside the door to use the room, and others whose work is severely hampered by the shortage of translation and reporting staff.

6 W. F. DAWSON, *Procedure in the Canadian House of Commons*, Toronto, University of Toronto, 1962, pp. 205ff.

7 *Debates* (unrevised) (Feb. 17, 1967) (emphasis added), p. 13158.

by the fact that during some 39 sittings a total of 182 amendments were made to the bill (C-170), as I count them. I think this might be something of a parliamentary record. Of 182 amendments, I calculate 49 are of substance and greatly improve the bill originally presented to the House. A better justification for the committee system could not be found.[8]

A similar view of the committee's work was expressed by David Lewis, an NDP member of the committee:

I think the minister was right, and perhaps he understated the position when he said the bill had been improved by the special joint committee. In my view ... Bill C-170 as it now lies before the members of this committee bears hardly any resemblance in basic principle to the bill which the government originally presented. The changes that have been made are not merely changes of detail or procedure. In every case the amendments that were made ... were changes of fundamental substance ...[9]

Among the factors which contributed to the exceptional achievement of the Joint Committee was the nature of the business before it. While legislation concerning the public service may touch upon major issues of constitutional or political significance, it is not likely to arouse strong *party* feelings. This is particularly likely to be so if the legislation is the end-product of lengthy debate, discussion and preparation, so that the issues of principle have largely been settled and the questions have reduced themselves to matters of implementation. Such was the case with the three bills which came to the commitee. They represented the culmination of a decade of serious discussion of civil service reform and administrative re-organization in which the question of staff relations and

8 *Ibid.*, p. 13159.

9 *Ibid.*, pp. 13162–3. It is not without interest to compare the work of the committee to that of the Special Committee of the House which considered the Civil Service Act of 1961. The 1961 Committee proceedings covered 549 pages of transcript and suggested amendments to 19 clauses of the bill. Three of these most important amendments were 'suggested' by the Minister of Finance (SPECIAL COMMITTEE ON THE CIVIL SERVICE ACT, *Minutes of Proceedings and Evidence* (March 20–June 23, 1963); *Report*, pp. 525–9, 535–45). The Committee took 29 pages of transcript per clause amended. The debate in Committee of the Whole took 99 pages of *Hansard* and there were four opposition amendments proposed (*Debates* (1960–1), pp. 7667–75, 7709–14, 7962–83, 7992–8025, 8159–223, 8555–9, 8567–88, 8597–601). The 1966 Committee considered *three* bills, took up 1102 pages of transcript and recommended that a total of 72 clauses be amended (SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS ON EMPLOYER-EMPLOYEE RELATIONS IN THE PUBLIC SERVICE OF CANADA, *Minutes of Proceedings and Evidence*, pp. 193–1295, and *Report*, pp. 1297–339). Note that we are referring to the number of clauses amended, not to the actual number of amendments. Its efficiency is suggested by the fact that it took only 15 pages of transcript per clause amended. The debate for all three bills in Committee of the Whole took only 83 pages and there were three amendments offered at this stage (*Debates* (1966–7), pp. 13158–95, 13221–67). The comparison is even more striking when one takes into account the fact that the 1961 legislation did not make any radical changes in the public service, while the changes made in 1966–7 were far-reaching.

collective bargaining were among the last of a number of important changes which flowed from the *Glassco Report* on the organization of the public service.

A council system had been established in 1944 but serious problems developed in this system.[10] The first major attempt to break out of it came with the *Report* of the Civil Service Commission, tabled in parliament in January, 1959. One of the major themes of this report was the necessity of providing for 'greater participation by employees in the process leading to the determination of their conditions of employment.'[11] However, little was to come of the recommendations, and the Civil Service Act of 1961 left the structure of staff relations virtually unchanged.

By 1963 all of the major parties had come around to supporting the introduction of collective bargaining in the public service. The new government set up a preparatory committee which would recommend the institutional changes necessary to bring collective bargaining about. This *volte face* in public policy, it must be suspected, was essentially a change in attitude by the most influential member of the higher civil service. The catalyst in the change proved to be the *Report* of the Royal Commission on Government Organization which was released in 1962. In accordance with the general principle that departments be given authority commensurate with their responsibility, the *Report* specifically recommended that departments be empowered to 'select, classify, train, promote and discipline their own personnel. In the process, the Civil Service Commission ... would be divested of various powers.'[12] Among other things responsibility for wage and salary policy would be transferred to the Treasury Board. This tipping of the balance of power in salary determination further towards the government led almost at once to criticism from those who had previously been unwilling to accept collective bargaining in the public service.[13]

The Preparatory Committee reported to the government in 1965. Its recommendations were framed to be consistent with the re-organization of the public service in accordance with the *Glassco Report*, which was then in process. In essence it recommended that there should be collective bargaining between employers and representatives of designated groups at regular intervals; that machinery for arbitration be available

10 The long and melancholy story is admirably set out in PROFESSOR S. J. FRANKEL'S *Staff Relations in the Civil Service: the Canadian Experience*, Montreal, McGill University Press, 1962.

11 *Personnel Administration in the Public Service*, Ottawa, Queen's Printer, 1958, p. 8.

12 ROYAL COMMISSION ON GOVERNMENT ORGANIZATION, *Report*, Ottawa, Queen's Printer, 1963, vol. V, p. 102.

13 ARNOLD HEENEY, the chairman of the Preparatory Committee, was one of the first to change his mind on the issue. See 'Some Aspects of Administrative Reform in the Public Service,' CANADIAN PUBLIC ADMINISTRATION, vol. IX, no. 2 (June 1966), p. 222.

when negotiations fail; and the system be responsive to change and should adhere as closely as possible to existing methods of collective bargaining in the private sector.[14]

The *Report* was, by and large, adopted by the government, which introduced three bills into the House of Commons in late April and early May of 1966. A related and important purpose of the legislation was to give effect to the redefined roles of the Treasury Board and the Civil Service Commission.

The first of the three bills, the Public Service Staff Relations Act (C-170), extended collective bargaining rights to virtually all civil servants except management, groups already covered by the Industrial Relations and Disputes Investigation Act and other special groups such as the armed forces. There would be a Public Service Staff Relations Board whose duties would include the definition of bargaining units and the certification of bargaining agents. (However the *original* bargaining units would be defined by the governor-in-council.)

For most of the public service, the Treasury Board would represent the employer interest. Agreements reached through the bargaining or arbitration process would be binding on the parties. Evidently the government had decided that the reservation to the government of an exceptional power to refuse to be bound by agreements, as recommended by the Preparatory Committee, was either unwise or unworkable.

Two methods of dispute settlement were to be open to the bargaining agents. The alternatives were either binding arbitration or 'reference to a conciliation board and offering, in defined circumstances, to employees other than those deemed necessary in the interests of safety or security of the public, the right to strike.'[15] This again went beyond the Preparatory Committee which had not recommended the right to strike.

The second bill, the Public Service Employment Act (C-181), redefined the functions of the Public Service Commission (as the Civil Service Commission was re-christened). In the words of the minister these were:

> First, to preserve and extend the merit system of appointment and promotion under the control of an independent commission responsible only to parliament; second, to provide the commission with a flexible framework of law with which to operate, one well suited to the task of staffing a modern public service with qualified personnel; and, third, to relieve the commission of any responsibility for the classification, pay and conditions of employment, or from the control of personnel policy, and remove from the law any detailed provisions relating to these matters, in order to make possible a genuine system of collective bargaining and to provide in Treasury control a focal point of central managerial responsibility.[16]

14 PREPARATORY COMMITTEE ON COLLECTIVE BARGAINING, *Report*, Ottawa, Queen's Printer, 1965, pp. 49–50.
15 *Debates* (May 31, 1966), p. 5786.
16 *Ibid.*, pp. 5802–3.

The minister also noted that, while the government was not proposing a change in the legislation regarding the political activities of civil servants, the government, while not advocating change, would consider it 'if there was a consensus of agreement within the committee' at the committee stage of the bill.[17]

The third and final piece of legislation was entitled An Act to Amend the Financial Administration Act (C-182). The intention of this bill was to 'establish the Treasury Board as the central source of managerial authority in the public service and to provide it with the capacity to serve as the principal agent of the employer in the process of collective bargaining.' The Treasury Board would thus act for the government 'in all matters relating to personnel management, financial management, and general administrative policy ... It would be expected in fact to concern itself generally with the quality of management in the public service.'[18]

After second reading, the government adopted the somewhat unusual course of sending the three bills to a joint committee of the two Houses. In the absence of clear evidence, it is possible only to speculate on the reasons for this course. It may have been a desire to disarm in advance anticipated Senate opposition to the granting of the right to strike in the public service. This move represented a rather rapid change in the conventional wisdom in Ottawa, and it may have been anticipated that the proposal would encounter opposition in the Senate and lead to either delay or mutilation of the legislation. Certainly if there was to be serious opposition to the proposal at that time, it was most likely to come from the Senate. Corroborative evidence of this is contained in the proceedings of the Committee. It was the Senators, more than the members of the Commons, who questioned the wisdom of this provision.[19]

The unusually active and effective role of members of the opposition parties in the Committee is a point to which we shall return. It stemmed in part from the unusual freedom which was extended to the Committee by the government, which can be inferred from the Minister's speech on second reading. Several reasons for the unusual degree of independence of the Committee can be suggested. For one thing, although there was general agreement in principle, civil service questions can still be potentially explosive and members of parliament consider themselves to be seriously concerned with such matters, and have a historic interest in them which descends from the days when patronage was of considerable importance. Thus there were advantages in handling a substantial revision of the structure of the public service in as non-partisan a way as possible.

17 *Ibid.*, p. 5803. 18 *Ibid.* (June 6, 1966), p. 6011.

19 SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS ON EMPLOYER-EMPLOYEE RELATIONS IN THE PUBLIC SERVICE OF CANADA, *Minutes and Proceedings of Evidence* (hereinafter cited as *Proceedings*), pp. 553–536, 609–10, 877.

Furthermore, a small specialized committee made it possible to give a strong voice and role to members who represented 'civil service' constituencies or who were known to have strong trade union interests. Into the first category would go Messrs Richard, Bell, and Tardif, all with constituencies in the Ottawa-Hull area, and Mr McCleave, whose Halifax constituency includes a large number of public servants, including the employees of the naval dockyard. The two NDP members, Messrs Knowles and Lewis were experienced and knowledgeable in collective bargaining matters, and could be expected to articulate trade union points of view. Mr Emard was also experienced in union affairs, and at one point in the proceedings appeared to be speaking for the Confederation of National Trade Unions. Another member, Mr Orange, was also experienced in civil service matters. It therefore appears that those responsible for manning the Committee had kept strongly in mind the need for representation of the interests most affected.

When the Committee got to work its independent and autonomous characteristics became more marked. Undoubtedly these were reinforced by the way in which the joint chairmen interpreted their role. A joint chairmanship, while inevitable in the circumstances, does not sound like a particularly workable arrangement. In fact it worked smoothly, and Mr Richard (chairman representing the House of Commons) quickly emerged as the dominant figure, so much so that we shall from now on refer to him as 'the Chairman.' It seems to have been generally agreed that he was a good chairman, and the tributes paid to him by opposition spokesmen after the bills moved to Committee of the Whole had an unusual ring of sincerity.[20] His two most effective characteristics were impartiality and flexibility, qualities not frequently noted heretofore in this position. On several occasions he showed his impartiality by accepting the procedural advice of Mr Knowles over that of Mr James Walker who, as parliamentary secretary to Mr Benson, was in charge of the bills in the Committee. On procedural matters he showed considerable flexibility, allowing the Committee a good deal of rope even when it strayed from the point. The easy rein which he allowed the Committee helped him preserve a generally friendly and cooperative atmosphere in the Committee, and in the end contributed greatly to the effectiveness of its work.[21] When he could not readily resolve a procedural disagreement, he quickly referred it to the Steering Committee, where it was quickly and amicably resolved. Under his benign guidance the members of the Committee dis-

20 *Debates* (unrevised) (Feb. 17, 1967), pp. 13159; 13161–2.

21 For example, he allowed the committee to discuss the question as to whether or not the IRDI Act should be amended instead of a new bill before clause-by-clause study. The committee decided on the latter but then went on for seven pages of transcript to do the opposite before he reminded them of their previous decision. *Proceedings*, pp. 869–77.

played an unusual lack of partisanship, and when the discussion became partisan it took place in an atmosphere of unusual good humour. Members of the Committee seemed genuinely interested in what others had to say, and upon occasion were able to change their minds after discussion.

The next two important areas to be considered are the relations of the committee with the government and with the officials who appeared before it. To a significant degree, the officials emerged before the Committee as an independent entity. They had been closely involved with the legislation for some time, both on the preparatory committee and in the drafting stage. For this, and perhaps other reasons to which we shall return, they were allowed an unusual degree of freedom by the government in dealing with the Committee.

The minister himself made it clear from the beginning that he intended to leave the Committee a good deal of independence in considering the legislation:

> The Government has proposed solutions ... which it believes are reasonable and workable in the context of the basic objectives of the legislation. I make no claim that the solutions proposed in these difficult areas are the only possible solutions. There are undoubtedly other ways to deal with these issues ... we will give very careful consideration to alternative proposals advanced by this Committee. However, the ultimate test of any proposal must be its capacity to support the objectives of the legislation. I think I may say on behalf of the government that we will support alternative proposals that we believe are consistent with the basic objectives of the legislation, but that we will be bound to oppose proposals for changes in the bills which fail to take account of the total objective.[22]

The minister went on to say that while he would be available to the Committee for further consultation, he really did not expect to be called back, at least until 'all of us have had an opportunity to listen to and assess the views of employee organizations and others who may appear before the Committee.' The Committee should really expect to do most of its work with 'officials of the Preparatory Committee on Collective Bargaining, the Civil Service Commission and the Treasury Board who have been closely associated with the development of this legislation [who] will be on hand to provide technical guidance to the Committee in its analysis of the legislation.'[23]

The minister never again appeared before the Committee, in striking contrast to the situation in 1961 when the most important clauses in the Civil Service bill were virtually dictated to the Committee by the minister in charge. This unusual ministerial restraint was no doubt caused in part by the fact he had great confidence in the strong team of officials he had left with the committee, and particularly in Dr George F. Davidson, who

22 *Ibid.*, p. 201.
23 *Ibid.*, pp. 209–10.

combined great knowledge and experience with the ability to establish rapport with parliamentary committees. He was quite willing to trust Dr Davidson to the point of being prepared to back most initiatives that the latter might find it necessary to take. Mr Benson may also have felt that the government interest was sufficiently protected by the presence on the Committee of his parliamentary secretary, Mr Walker. The latter, also, eschewed a minatory role in the Committee, and showed great flexibility and willingness to let the Committee function in a polycentric fashion. As it turned out, the initiative in the Committee was often taken by two opposition members, Messrs Bell and Lewis, who appear to have been the most knowledgeable and effective members of the Committee. In any event there developed in the Committee a very high degree of non-partisan cooperation.

This is not to say that the Committee was entirely free from outside pressure from the government, real or apparent. On October 3, 1966, the Canadian Union of Postal Workers and the Letter Carriers Union of Canada sent a telegram to the prime minister notifying him of a resolution passed at a joint mass meeting requesting him to instruct the Committee not to finalize its proceedings before the publication of the *Montpetit Report*. To this Mr Pearson replied: 'You will appreciate that it is for the Joint Committee to arrange its business as it decides, but I shall bring your telegram to the attention of the Joint Chairmen. They will undoubtedly report the resolution to the Joint Committee which, I feel sure, will want to give the Letter Carriers' Union of Canada and the Canadian Union of Postal Workers an opportunity to make submissions in the light of the Commission *Report*.' The Committee responded to this as follows. Mr Knowles: 'I think we should give them that assurance now. I am sure they understand that the Prime Minister does not instruct this Committee, but we wish to do it anyway.' Mr Bell: 'I am sure it is the wish of everyone to hear them at the appropriate time on our own initiative and not on the instruction of the Prime Minister.'[24]

While this episode reflects nothing more than the Committee's sensitivity to the forms of independence, more serious difficulty was to be encountered over the awkward problem of the political activities of civil servants. Initially, it appeared that they had been given *carte blanche* on this matter by the minister, who had observed that the 'Committee might find it desirable to come to grips with this problem ... if the Committee can reach a consensus on this problem as it relates to individuals, I do not think it will be difficult to adjust the relevant provisions of the collective bargaining bill.'[25] As it turned out, none of the associations and unions which appeared before the Committee showed much interest in

24 *Ibid.*, pp. 310–11.
25 *Ibid.*, p. 207.

the question, and apart from some questions to witnesses, the matter did not come before the Committee until quite late in the proceedings.

Mr Walker presented a draft amendment which, he said, was 'the government's position on this whole question,' which had been arrived at after discussions with interested people. To this Mr Knowles objected, recalling the minister's undertaking to accept a Committee consensus.[26] After some discussion it was agreed to put the matter to a special sub-committee, which met *in camera* on January 23, 1967. The following day a formal proposal was presented to the Committee which, as Mr Lewis pointed out, fell short of Mr Walker's original proposal. As a result Messrs Lewis and Knowles presented a counter-amendment which was defeated in a recorded vote, with the Progressive Conservatives voting with the NDP.[27]

What had happened? According to Mr Walker:

> ... I must say that my proposal does not coincide with my personal opinions. I will explain this: Mr Lewis' amendment tonight is not a great deal different from the one which I put before this Committee myself as a basis for discussion, but I have reluctantly come to the conclusion that – and I speak very frankly – I am out of step with the majority of my own colleagues. I am not speaking about the government; I am speaking about the members of my own party. It could well be I suppose, that my idea of what I thought the employees wanted just does not coincide with the lack of any demand that has been placed on me [by them] to give [them] rights ... I should not be inclined to impose my ideas on a public service which at this particular time may not be ready for it or may not want it.[28]

While it was true that the civil service associations and unions had not exhibited much interest in expanding the area of permitted political activity, there is no evidence whatever to suggest that they would have resisted any attempt to cut away the restrictions on political activity previously contained in the Civil Service Act. Mr Walker's sole difficulty was elsewhere. He had evidently run into difficulty with the Liberal caucus on this issue, partly no doubt from a generally conservative sentiment not uncommon in that body, and partly from a handful of members

26 *Ibid.*, pp. 1204–5. While Mr Walker's proposal was never formally before the Committee, it was described by Mr Lewis in these terms: '... Mr Chairman, the effect of this proposal is as follows ... that any member of the Civil Service, at whatever rank, is permitted to be a member of a political party; to attend a political meeting; to contribute to a political party or to the election of a member, but no employee in the Civil Service ... can work on behalf of a candidate ... [or] be a candidate without first applying to the Public Service Commission and receiving from the Commission permission to run as a candidate, and the necessary leave of absence ... No public servant can work in any campaign. *Ibid*, p. 1205.

27 *Ibid.*, pp. 1280–93. In the new proposal, civil servants could not be members of political parties.

28 *Ibid.*, p. 1286.

who were uneasy at the prospect of threats to their own position in 'civil service' constituencies.

One of the most striking aspects of the Committee's proceedings was the visibly independent role played by the civil servants who were in constant attendance at its sessions, and the way in which they interacted with the Committee without the need for constant recourse to ministerial direction. This situation was unusual, and possibly unique. It is much more common for officials in this situation to betray an uneasy feeling that they must be constantly on their guard lest they betray a government position, and that members of the committee will seek to exploit any advantage thus gained. In this case nothing of the sort happened. It was often possible to work out mutually satisfactory solutions to difficulties by informal discussion.

Many of the changes which were made in the legislation came as a result of long discussions between members of the Committee and the officials where each would move from his original position through a process of give and take leading to a consensus. This often happened between Dr Davidson and Mr Lewis. Through this type of dialogue the Committee was able to make many of the important changes in the legislation. The fact that this happened illustrates part of the uniqueness of the Committee in that important arguments were put to the officials rather than to ministerial persons who were nominally in charge of the legislation.

One example of this dialogue concerns the issue of the timing of negotiations and the routes to be followed, whether negotiation or arbitration. It had been provided that the bargaining agent must choose one or the other before bargaining actually began. Then, once the choice had been made, it could not be changed for three years regardless of the length of the agreement. At first Mr Lewis opposed both of these provisions claiming that they introduced rigidity into the bargaining as well as putting the bargaining agent at a disadvantage.

However, through their discussions they came to agreement; Mr Lewis yielding on the first point and Dr Davidson on the second. Dr Davidson: 'The change in Clause 37, Mr Chairman, can be stated briefly by saying to the Committee that if, and I say "if," Mr Lewis is still willing to accept the change he was willing to accept ... we are willing to make this change.' Mr Lewis: 'Like all collective bargaining carried on in good faith, we have arrived at the sensible conclusion.'[29]

Another example concerns the exclusion of the personnel from bargaining under Bill C-170. A subclause would have excluded personnel where there was a 'conflict of interest' between their responsibilities to the bargaining agent and the employer.

29 *Ibid.*, p. 1153.

Dr Davidson and Mr Lewis had an extended discussion on this point. Mr Lewis objected to the generality of the phrase 'conflict of interest' and felt that it would give the government an excess of authority to remove employees from the bargaining unit. On the other hand, Dr Davidson felt that parts of the Act which more specifically related to this issue could not cover all conceivable situations which might arise, and therefore there was a need for a general clause. Eventually they were able to come to a mutual agreement.[30]

During the proceedings the officials worked closely with the members on a number of matters. In one case Dr Davidson suggested the procedure for the clause by clause study of Bill C-170 and this was adopted.[31] We also understand that when there were situations where a member of the Committee felt that he had to put on record something for the benefit of his constituents, rather than the Committee, he would inform an official beforehand that he was going to make a 'speech' but not to worry. There may also have been occasions when officials met with the Liberal members of the Committee to discuss aspects of the legislation. Late in the proceedings the following exchange, which speaks for itself, took place. The joint chairman (Mr Richard): 'Does the Committee agree to permit Mr Lewis to withdraw his amendment, and allow the proposal Mr Walker has suggested, including the amendments which have been proposed to be re-edited and made part of the recommendations of this Committee?' Mr Lewis: 'I assume, without any offence to Mr Walker, that Dr Davidson and Mr Roddick had something to do with the authorship and that they wrote with their hearts.' Mr Walker: 'I did it all myself.' Mr Knowles: 'The record will not show Mr Walker's smile.'[32]

Often the discussions with officials did not relate directly to the bills under study but they did cover important areas of mutual concern. When Mr Carson, the chairman of the Civil Service Commission, was before the Committee several members vented their frustrations concerning appointments to the civil service. The dialogue which followed cleared things up to some extent.[33] On another case Mr Carson was able to inform the Committee that the Civil Service Commission welcomed inquiries and recommendations by MPs on behalf of constituents who were applying for work in the civil service. This seemed to come as a surprise to some members of the Committee.[34]

We now turn to consider the relationships of the Committee to the various groups which appeared before it. The Committee heard virtually

30 Which was that the Public Service Staff Relations Board would have general authority to make other exclusions. *Ibid.*, pp. 1098–102. For other examples of 'negotiations' between members of the Committee and civil servants, see pp. 753, 964 and 981. (Pages cited indicate the end of the discussion.)

31 *Ibid.*, pp. 867–9.

32 *Ibid.*, pp. 1275–6.

33 *Ibid.*, pp. 553–6.

34 *Ibid.*, pp. 562–3.

every association and union which would have any part to play in the collective bargaining process which was being established. Most of the hearings were conducted in the fall of 1966 after a summer of strikes and evidence of growing militancy in the unions. It might have been expected that there would have been heated discussions in the Committee over such issues as the right to strike in the public service. This in fact did not happen. When some Committee members did question the right to strike with union spokesmen, the discussions were never heated or unreasonable.[35] On one occasion, the Committee listened calmly to a somewhat militant threat from the Union of Postal Workers to strike unless the post office was either made a crown corporation or they were permitted to bargain under the terms of the IRDI Act.[36] In subsequent sessions the Committee did in fact discuss without heat the advantages and disadvantages which might flow from the objectives sought by the postal workers.[37]

One of the major factors which facilitated an easy dialogue between the unions and the Committee was the presence of Mr Knowles and Mr Lewis who were both experienced in labour matters and members of a party which claimed organized labour as part of its constituency. In several cases one or other of them was able to modify or clarify a witness's position in the interests of better understanding. In one case Mr Knowles pointed out to the Union of Public Employees that they were asking for too little in agreeing to make the choice of either collective bargaining or arbitration 'too early.' The union spokesman then admitted that 'We discussed this in our brief and I think that we underestimated the Committee. We thought the attitude so firm on this question that there would be very little likelihood of moving this clause in any major direction.'[38]

As acknowledged spokesmen for labour in parliament, Mr Lewis and Mr Knowles might have been expected to act solely on behalf of the unions. This was by no means always the case. In fact their role was much more that of 'moderator' and 'interpreter.' On the issue referred to immediately above, Mr Lewis later changed his mind and took a position the reverse of what the union had wanted, as we have shown above.[39] On the other hand, they occasionally assumed the role of straight union spokesmen. In one case Mr Knowles attempted to have the Government Printing Bureau shifted to schedule A, part II of C-170, so that the printers would bargain with the Bureau as a separate employer rather than with the Treasury Board.[40] The effort failed. It may well have been

35 For example, see pp. 533–6; 609–10.
36 *Ibid.*, p. 303.
37 *Ibid.*, pp. 585–90; 870–7.
38 *Ibid.*, pp. 477–8.
39 This was the issue of choosing the bargaining route before bargaining began. See above p. 13 and *Proceedings*, p. 1153.
40 *Ibid.*, pp. 1062–73; 1163.

only a function of Mr Knowles' membership in the International Typographical Union.

What did the Committee accomplish? Mr Richard Bell calculated that the Committee had made 49 amendments 'of substance' to Bill C-170 alone.[41] Whether this is literally true or not, there are a great many areas in which the Committee was able to make substantial changes.

The first of these concerns the definition of the original bargaining units. As C-170 was first drafted, the power to specify and define the occupational groups which would provide the basis for the bargaining units lay with the governor-in-council. It also had the power to set the date upon which employee organizations would be permitted to apply for certification as bargaining agents in each occupational category and it had the power to set the dates of the original bargaining schedules.

The unions were all opposed to this, as was Mr Lewis. He suggested to Mr Heeney that the original authority should lie with the Public Service Staff Relations Board which could receive proposals from the government as to what the bargaining units should be, hear argument in rebuttal, if any, from the potential bargaining agents, and then make a binding decision. Mr Lewis pointed out that in private industry it was usually the union which made the original proposal on the bargaining unit to which management would then respond and then a decision would be made by a board. He also said that although the original definition of the bargaining units could later be contested after two or three years, it would be unlikely in practice that this would ever happen. Mr Heeney responded that the Act had been written as it was to provide for flexibility at the outset of the bargaining process and that if Mr Lewis's suggestion were to be accepted the resulting arguments over the definition of the bargaining units might delay the introduction of collective bargaining for years. However, the government and the senior officials at the Treasury Board took note of Mr Lewis's criticism. When the matter came up again, during clause by clause study of the bill, the particular clause which covered this matter was introduced in a substantially changed form.[42]

As the revised clause now stood, the Public Service Commission would be given the responsibility for defining the occupational groups and the

41 *Debates* (Feb. 17, 1967), p. 13159.

42 *Proceedings*, pp. 630–9. Dr Davidson pointed out that the Bureau of Classification had now finished its work, which had not been done when the bill was originally drafted, and this fact 'together with a careful examination of the criticisms submitted by different employee organizations, and the observations made by members of the Committee itself, has led us to conclude that certain changes ... are possible and desirable.' *Ibid.*, p. 945. The Bureau of Classification Revision was established under the Civil Service Commision to re-classify most positions in the public service as a necessary pre-requisite to the introduction of collective bargaining and departmental decentralization. See *ibid.*, pp. 691–700.

Public Service Staff Relations Board would define any additional categories if they were needed. The fixing of the dates for application for certification would be done by the Staff Relations Board and the dates concerning the schedule of bargaining would be put into the Act itself. Later, Mr Lewis commented, 'As I have been so critical many times, may I say that this redraft strikes me as a very intelligent one.'[43]

When the legislation was first introduced it was often criticized for being too detailed, or 'trying to cross every "t" and dot every "i".' Some members, like Mr Lewis, who made this criticism, were successful in 'loosening up' the Bill (C-170). Some examples of this are given below.

In the original bill, clause 52 stated that when the parties entered arbitration their 'negotiating relationship' terminated. The officials argued that this clause was necessary to stop the 'parties from seeking arbitration lightly.'[44] That is, once they had entered arbitration they could not negotiate any more since their negotiating relationship had legally terminated. Mr Lewis argued that this clause was unnecessary and that it might in fact prevent the re-opening of negotiations when it was desirable for both parties to do so. This argument was eventually accepted and the clause was deleted.[45]

Clause 70 of the same bill originally provided that an arbitration tribunal could not give any reason for its award. Mr Lewis argued that although this might often be desirable, it seemed to be an unnecessary restraint on the arbitrator. He was again successful in bringing the Committee to his point of view.[46]

One of the most important and controversial issues covered by the Committee was the issue of 'community of interest' in the bargaining units. The original plan of the legislation was that the occupational groups would be identified on a national basis. During the proceedings, Mr Emard, the Liberal member for Vaudreuil-Soulanges, attacked this principle.[47] In effect, he argued that the Public Service Staff Relations Board, in certifying the bargaining agents, be allowed to use 'community of interest' as one of its criteria in judging the legitimacy of claims. It would be able to allow more than one bargaining agent for an occupational group, in which case a council of organizations would bargain for the group. The purpose of this proposal was to enable the Confederation of National Trade Unions to achieve the status of a bargaining agent in cases where it could achieve significant membership of those in the bargaining unit. This issue had arisen before in collective bargaining situations with some federal Crown Corporations, and it was no doubt inevitable that it would arise when collective bargaining was being extended to the public service.

43 *Ibid.*, p. 1109. 44 *Ibid.*, p. 979. 45 *Ibid.*, pp. 977–80, 1122.
46 *Ibid.*, pp. 1014–17. 47 *Ibid.*, p. 976.

The matter was more or less resolved by Dr Davidson's suggestion on the last day of proceedings, that no amendment was necessary. He said that if a 'bargaining unit based on an occupational group concept would not permit satisfactory representation of the employees included therein' then other criteria such as 'community of interest' could be used.[48]

The conflict in the Committee[49] was little more than the tip of the iceberg, for there appear to have been some very lengthy informal negotiations involving civil servants and French- and English-speaking MPs before the affair came to an end. The fact that Dr Davidson's compromise suggestion came to the Committee on the last day the bill was under consideration suggests a protracted struggle.

Another matter which greatly exercised the opposition members of the Committee was the appeal provisions in the legislation. Bill C-182 would originally have amended the Financial Administration Act so as to give to the governor-in-council the right to dismiss or suspend any public servant in the interests of the safety or security of Canada. This carried forward a very similar provision in the old Civil Service Act. Mr Lewis objected strongly to this and referred to the Spencer case in which an employee had been dismissed without a hearing of any kind. Mr Lewis went on to suggest that the Act be amended so that the employee in question could be heard 'in his defence before a special commissioner appointed by the governor-in-council, and the commissioner may hold such hearings *in camera* and receive such evidence in such a manner as he in his absolute discretion decides.'[50] This provoked a heated exchange with Mr Tardif in which Mr Lewis was supported by Senator Fergusson.

Dr Davidson pointed out that the amendment before the Committee already constituted a significant restriction when compared to the old Civil Service Act which allowed the governor-in-council to dismiss an employee for any reason whatever.[51] In the end, however, the Committee accepted an amendment which incorporated Mr Lewis' suggestion.[52]

Controversy over appeals procedure also arose over Bill C-181. Mr Lewis suggested that there be a separate review body to which appeals concerning the decisions of the Public Service Commission on promotion and appointments could be made. This appeal board, if it disagreed with a decision made by the Commission, could refer the matter back to the Commission for a second look, and the Commission would then make a final binding decision.[53]

In the end the Committee succeeded in having the Bill changed so

48 *Ibid.*, p. 1240.
49 See *ibid.*, pp. 970, 1240–1.
50 *Ibid.*, pp. 1176–7.
51 For the whole discussion see *ibid.*, pp. 1176–82.
52 *Ibid.*, pp. 1228–9.
53 The entire discussion is in *ibid.*, pp. 778–88.

that in the case of an appeal, the appeal would be made to a board established by the Commission and its decision would be binding on the Commission. However, in a case where there had been no closed competition a public servant would not be allowed to appeal unless (in the words of clause 21 of the bill) 'in the opinion of the Commission' his 'opportunity for advancement ... [had] been prejudicially affected.' Mr Lewis sought to have the words 'in the opinion of the Commission' deleted because, he argued, whether or not a person had been 'prejudicially affected' might itself be a point of contention on which the right of appeal should exist. His motion lost.[54] However, it would appear that the main point had been won.

Does the experience of this particular committee lead to any useful conclusions about the role of parliamentary committees in strengthening parliamentary institutions and improving an important part of the decision-making process? While we believe that this question justifies an affirmative answer, we must first admit that the Committee operated under an unusual combination of favourable circumstances. One can well imagine, even now, an ill-starred committee which found itself bullied by its chairman and the responsible minister, confronted by timid and prevaricating officials, where the proceedings teetered perilously close to partisan brawling. Good government is not the inevitable result of good machinery. But good machinery helps.

The Committee was fortunate in a number of respects. The matters before it, while in some respects involving almost revolutionary changes in public policy, had already been thoroughly thrashed out in principle to the point where none of the political parties disagreed with the changes proposed. Consensus legislation, in that sense, is easy. But the details of important changes can be a serious matter, and can be much improved by informed non-partisan discussion. If the Committee was fortunate in its emollient chairman, it was perhaps even more fortunate in the minister and his parliamentary secretary, neither of whom showed a disposition to exploit the committee for the sake of aggrandizing their respective political images. The considerable freedom of action left to the officials, and the skilful and diplomatic use to which this was put, led to a serious and constructive reaction between them and members of the committee. That practically all of the serious issues were raised by opposition members of the committee, or (in the case of Mr Emard and Mr Lachance) members at odds with their own party caucus, suggests the value of allowing important questions to be reconciled in the peaceful and intimate atmosphere of the committee room.

It may be, in fact, that the physical lay-out of the Canadian parliamentary committee room, with the chairman and witnesses at the closed

54 *Ibid.*, pp. 856–60.

end of a U-shaped table, and the members distributed at random along the sides, is a contributing factor to informality and non-partisanship in contrast to the rigid confrontation suggested by the seating plan of the House of Commons.

A further factor in the success of the operation was the unusually high level of expertise possessed by some members of the Committee. They, and the officials, were so thoroughly grounded in the subject that it was possible to carry on the discussion at an exceptionally high level of sophistication. It is obvious that this cannot always be the case. But the remedy is equally clear. If the work of parliamentary committees is to be taken seriously they must have the resources of knowledge at their disposal to do the job properly. There clearly are cases where a committee needs a research staff of its own to compile adequate and independent information for the use of all committee members. In other cases the enlargement of the now rather niggardly provisions for research in the offices of the major party leaders would be sufficient. And in others it could well be sufficient to provide the kind of excellent legislative reference service developed by the Library of Congress and now increasingly provided by the Library of the British House of Commons. In any case the point is simple: the quality of legislative output is necessarily determined in large part by the quality of the information input.

There appears to be a general increase in the importance of parliamentary committees, not only in Canada, but in Great Britain. As a result we may be seeing the emergence of a new model of parliamentary government. If the model works, the result may be as revolutionary as Mr John Mackintosh suggests:

> Instead of fixing up legislative proposals in cosy conclaves with the pressure groups and then coming to the House with a 'take-it-or-leave-it' approach, there would have to be public explanation and discussions at a formative stage of policy-making. To introduce such extra and less predictable considerations would mean more work, the strain of increased uncertainty, civil servants would have to learn the new technique of public exposition before rank and file MPs on committees and ministers would have to be able to face much more searching cross-examination than can ever take place under the rules of Question Time. So the critics were right to argue that this was something new in British politics and this is why they turned to what the academics rightly dismiss as misleading foreign comparisons or appeals to outdated maxims about the authority of the House as a whole.[55]

Our case study of the Special Committee on the Public Service has been conceived in relation to the theory of modern parliamentary institutions set out by Professor Bernard Crick in *The Reform of Parliament.* He argues that the nature of parliamentary government has changed

55 JOHN P. MACKINTOSH, MP, *Specialist Committees in the House of Commons: Have They Failed?*, University of Edinburgh, Edinburgh, n.d., p. 11.

from that of 'cabinet' or 'party' government to a structure which is governed 'absolutely' by the prime minister who is restrained only by general elections. The conventions of the constitution are now those rules which govern the *continuous* election campaign, most of which is carried on in parliament. Parliament is no longer the body which creates and overthrows governments but rather it is the forum through which parties gain access to the ear of the electorate through the media.[56]

The traditional model of responsible government has changed, he argues. In the traditional theory it was the people who created and influenced parliament which in turn created and influenced the government. In the new model, parliament influences the people who create and influence the government. During a general election the focus of attention is on which party leader will be elected to office and once the election is over, it is the prime minister and his government who are held responsible for policy, not parliament. The government does not seek the 'will of the people' from parliament. In order to influence the government, parliament must first influence the people.

Professor Crick goes on to argue that it follows from the above that parliament should spend less time on the details of legislation and more on probing and publicizing the conduct of the administration. It is the government, in concert with an ever-growing bureaucracy, which runs the country and parliament cannot hope to play a major role in this process but it can and should discover how the country is being run. However, this is not being done. In order that it can be done there must be more 'parliamentary control,' which he defines as follows: 'Control means *influence*, not direct power: *advice*, not command; *criticism*, not obstruction; *scrutiny*, not initiation; and *publicity*, not secrecy.'[57]

The present structure does not allow adequate parliamentary control because of secrecy and the rise of the specialist bureaucracy. Against the near-monopoly of informed knowledge effective criticism of legislation becomes impossible unless there is a countervailing source of knowledge. The reformed specialist committee system which Professor Crick and Mr Mackintosh, among others, regard as an essential element in parliamentary government is intended to provide an effective parliamentary forum for discussion of general issues of major policy.

Our study, which relates to Canadian conditions, suggests that through these same structures parliament can also improve its capacity to legislate, at the level of detailed consideration of legislation. This role, which can be provided by a specialist committee system, need not be contradictory to indulgence in the 'continuous election campaign.' It will depend on the circumstances. When the general principles of the legislation are not in

56 BERNARD CRICK, *The Reform of Parliament*, London, 1968, pp. 25–6.
57 *Ibid.*, p. 80 (emphasis in original).

question, proper use of the committee system can facilitate cooperation between the parties, the civil service, and possible interest groups, towards better legislation. This will make a significant contribution to the experience and knowledge of the members of parliament and provide a valuable aid to the fulfilling of the more comprehensive functions envisaged by Professor Crick and Mr Mackintosh.

It may be argued that the committee role which we have described is, at least potentially, incompatible with the concept of ministerial responsibility. That is, since ministers are responsible for the actions of their officials, the officials cannot be permitted to play an independent role vis-à-vis committees. The structure we have examined does not in fact put at risk the concept of ministerial responsibility, but it does indicate that this responsibility need not be carried to the logical extreme of prohibiting constructive dialogue between officials and MPs. After all, if a minister cannot trust his officials to articulate responsible positions consistent with governmental goals there must be something very wrong with the system of authority and communication in his department. Also if officials are denied the opportunity to discuss openly with MPs legislation with which they are probably more familiar than the minister, one may question whether this is an evasion of another responsibility of the minister: that of producing the best legislation. It is, of course, arguable that officials might be at a serions disadvantage in open argument with the clever fellows on the committee, and easily trapped into politically damaging positions. The experience of the Public Service Committee indicates that the officials were quite capable of holding their own, and it is pretty evident that senior officials in Ottawa have reached their positions of eminence partly because they possess the political skills which stand them in good stead in dealing with parliamentary committees.

We are then led to the conclusion that there is much to be gained from the use of small and specialized committees in the legislative process, and that this can be a salutary means of opening more effective lines of communication between members of parliament and senior officials of the public service. That this development poses any threat to the sacred doctrine of ministerial responsibility seems without foundation. Our examination of one important committee exercise does suggest how much potential for improvement in parliamentary performance and – dare we say it – good government is contained in the 1965 changes in the rules of the House of Commons.

It is important, however, not to be led to unwarranted degrees of euphoria about the improvement in the system. It makes very heavy demands on the facilities of the parliament buildings for space, translation facilities, and information facilities. None of these are adequate and all must be improved. Even more limiting on a fuller exploitation of the

Committee system is the scarcest resource of all – members' time. There are simply not enough MPs to man the standing committees which are now required to deal both with scrutiny of the estimates and with legislation. This, as Mr Fulton warned the House in 1967, is far too much, and the result of 'suffering, as it were, from an excess of bad conscience.' This is why he was led to suggest that the number of departments referred to standing committees for detailed scrutiny should be limited to six, so that over the life of a normal parliament it would be possible to cover all of the important ones.[58]

Whatever the solution, what seems to be required is a much closer study of committee experience, so that the costs of time and effort, particularly of back-bench MPs, is commensurate with the results achieved.

58 *Debates* (unrevised) (March 22, 1967), p. 14393.