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# G2G JOURNAL

## IDEAS THAT LEAD

### An Endless Cycle of Despair

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The Commissioner of Canada Elections  
vs. Ezra Levant: *A Faux Pas de Deux*

A Political Giant  
Passes the Torch

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No one will disagree that there's something terribly broken with Indigenous child welfare in Canada. But is the solution for the rest of the country to give up caring about native children altogether? That's the plan behind new federal legislation that aims to "fully Indigenize" child welfare services. Drawing on his own deep experience with the tragic consequences of the current system, former Manitoba provincial court judge Brian Giesbrecht reveals why Ottawa's new approach will simply perpetuate Canada's long history of failure to protect native children from the real causes of family dysfunction.

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Secret video recordings. Former counter-terrorism policemen interrogating a lone journalist over his recent book and promotional lawn signs. Insults and accusations of bullying. Potentially draconian fines and even jail time over spending \$501 or more on a perfectly legal service that thousands of businesses use daily. Grant A. Brown chronicles Act I of the tragicomic battle between free speech warrior Ezra Levant of Rebel News and the Commissioner of Canada Elections – and warns that free speech rights for all of us are again under threat.



## A Political Giant Passes the Torch **PAGE 13**

Paul Stanway

The expression "he's earned his retirement" could have been written for Preston Manning. The party-founding Canadian political original, onetime Leader of Her Majesty's Loyal Opposition, prolific author and tireless public affairs commentator has accomplished enough for any five regular folks. He's nearly 78, has grandchildren, a ranch and loves to ride horses. But with distant echoes of the early Roman republican Cincinnatus or the late Roman emperor Diocletian, crises of the state and confusion among the citizenry press upon him. So Manning finds himself doing double-duty as the most politically experienced member of Alberta's Fair Deal Panel and launching a nationwide tour to promote his new book aimed at the current problems of democracy and conservatism in Canada. Paul Stanway reviews.

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# An Endless Cycle of Despair

By Brian Giesbrecht



Lester Desjarlais had a short and difficult life. Born on the troubled Sandy Bay Reserve in Manitoba's Interlake district, by the time he died at age 13 Lester had been abandoned several times by his mother, habituated to underage drinking, gas-sniffing and petty theft and repeatedly assaulted, both physically and sexually. He was once tied to a post in a schoolyard and sodomized by a local child molester known as the "bogeyman."

hanged himself in his own backyard.

Sadly, only in death did Lester receive the attention he deserved in life. [A provincial inquiry](#) into the circumstances of his suicide was called and, as a Manitoba provincial court judge at the time, I was asked to preside. The results are as shocking today as they were three decades ago.

The inquiry was scheduled to last one day. But as the evidence piled

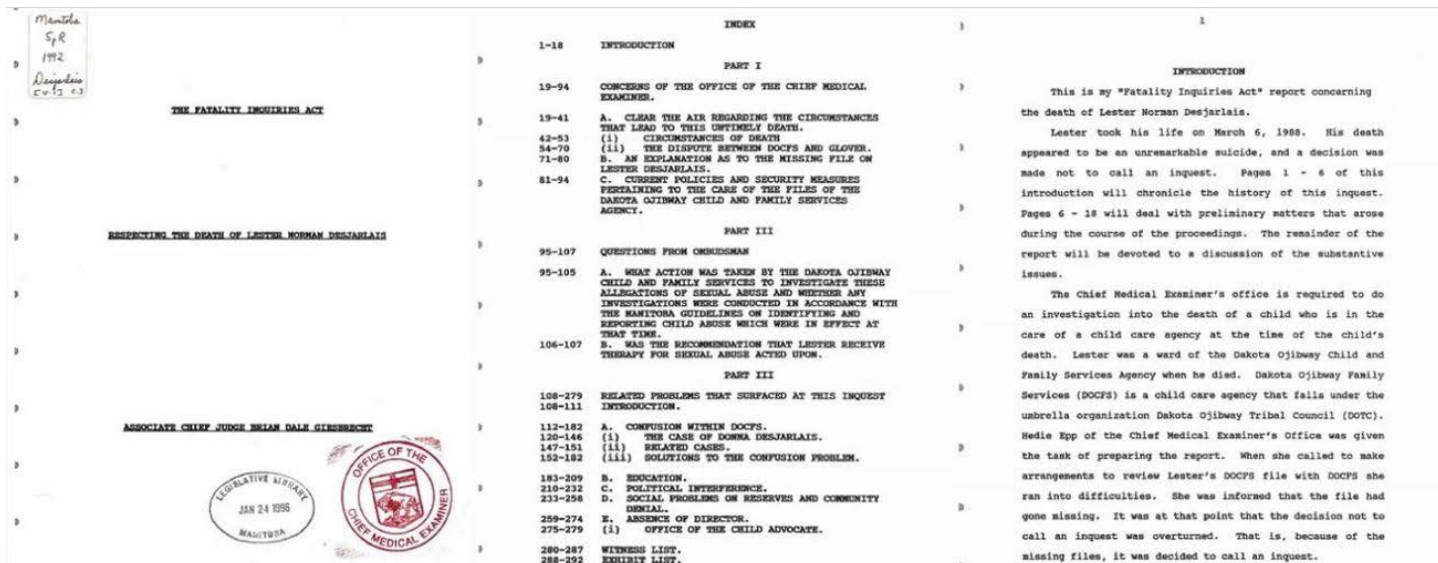
[The details of Lester's life and death](#) revealed a shocking picture of incompetence, corruption and neglect at Sandy Bay. Lester's entire file at DOCFS's offices mysteriously disappeared, never to be recovered. The tribal chief interfered with the local police investigation into Lester's death – in fact the "bogeyman" who had violated Lester so disturbingly in the schoolyard was later revealed to be the chief's brother. A local teacher was also

**The cumulative effect of the Liberals' Bill C-92 will be to completely estrange native children from the norms, expectations and regulatory oversight that exist for all other children in Canada. We will soon have two entirely separate child welfare systems: one for native kids, and one for everyone else.**

As a result of his mother's severe alcoholism and dysfunction, Lester had been apprehended several times by Dakota Ojibway Child and Family Services (DOCFS), an Indigenous-run child welfare service. It was in 1988 while living at his third foster home in two years as a ward of DOCFS that Lester, severely depressed from the multiple traumas of his brief life,

up regarding the egregious failure of everyone connected to Lester to protect him from harm – his family, the Sandy Bay community and its leaders as well as local and provincial child welfare authorities – it became obvious more time would be required. The hearings eventually lasted 40 days over two years, with testimony from 62 witnesses.

alleged to have sexually assaulted Lester at school. Not only was this complaint ignored, but it turned out this teacher was previously stripped of his teaching certificate due to sexual offences against children at another school in B.C. When presented with this information, the school board chose not to fire him, but merely reclassified him as "consultant."



Judge Brian Giesbrecht's inquiry into the death of Lester Desjarlais revealed a shocking tale of neglect, incompetence and corruption on the Sandy Bay Reserve; it also argued against further devolution of native child welfare.

As the inquiry's scope broadened, many other witnesses came forward from other reserves to testify about similar situations of child abuse, neglect and a smothering code of silence. Lester Desjarlais was not an isolated case. "The problem of sexual abuse on Indian Reserves is a problem of epidemic proportions," I wrote. "Children are victimized first by abusers, and then by the very institutions that are expected to protect them."

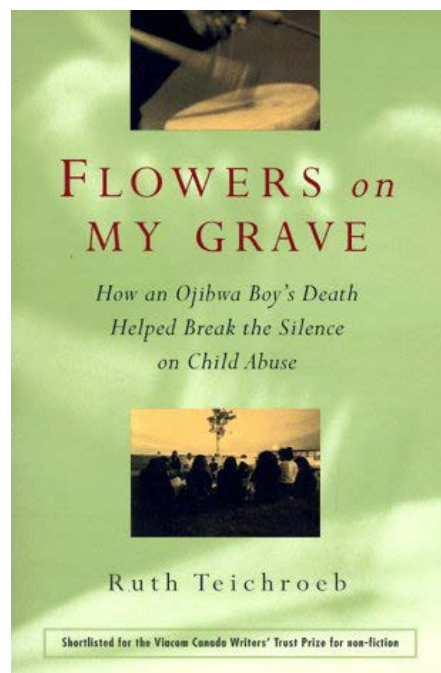
A major contributing factor in Lester's death, I concluded, was the recent policy of "devolution." For reasons of political expediency, the provincial government had shifted responsibility for child welfare services onto fledgling local Indigenous agencies such as the DOCFS. Yet these organizations lacked the competence and experience to carry out their appointed tasks, especially when doing so prompted pushback from reserve leadership. With all this before me, I called for a stop in further devolution until it could be established that Indigenous children were not being put in harm's way. Instead, devolution continued apace.

Now, it's about to get much worse. Last year, prior to the federal election, the Liberals passed controversial legislation remaking Indigenous child welfare across Canada. Bill C-92 *An Act respecting First Nations, Inuit and Métis children, youth*

*and families* marks the first direct federal involvement in native child welfare in over half a century. With this new law, which came into effect at the beginning of January, the scope of devolution will be greatly expanded. In order to claim the native child welfare system has been fully Indigenized, the Trudeau government will now allow every First Nation in the country

to create its own individual standards and mechanisms. And those services will be provided almost entirely by Indigenous agencies such as DOCFS. Most significantly, it will become much more difficult – perhaps impossible in many situations – for any agency to apprehend native children from dysfunctional homes and place them in protective foster care. All such cases will now be subject to a test of "cultural continuity", a new criterion not applicable to children elsewhere in the country. The cumulative effect of these new requirements will be to completely estrange native children from the norms, expectations and regulatory oversight that exist for all other children in Canada. We will soon have two entirely separate child welfare systems: one for native kids, and one for everyone else.

However virtuous it may sound to have fully off-loaded native child welfare onto Indigenous responsibility, Ottawa's latest move will almost certainly make things worse for native children at risk. Indigenization of child welfare cannot be considered a real fix, but rather a cultural fig leaf – a way to cast blame on non-Indigenous Canada and colonialism while ignoring other, far more serious and pressing pathologies at work. By overlooking the true causes of the Indigenous child welfare tragedy in favour



Lester Desjarlais' life story is movingly told in the 1998 book *Flowers on my Grave* by Ruth Teichroeb.



of a convenient political narrative, we do a grave disservice to Indigenous children. The rest of Canada should brace itself for more heartbreaking stories like that of Lester Desjarlais.

### A complicated and sensitive social undertaking

Since the 1960s Ottawa has largely left the delivery of Indigenous child welfare services to the provinces. Bill C-92, pushed through in the run-up to last year's federal election, thus marks a dramatic shift, with Ottawa now setting national standards all provinces must follow. This has spurred predictable complaints from the provinces over new spending obligations as well as federal intrusion into an area of provincial responsibility. Quebec has announced it will challenge the new law's constitutionality, while Manitoba's family minister has decried the lack of prior consultation and calls the changes "unacceptable." Lost within these interjurisdictional disputes, however, is the question of what the changes will mean for some of Canada's most vulnerable children.

Child welfare is among the most complicated and sensitive of all government social welfare functions, balancing as it does parents' rights to raise their own children with society's obligations to protect children at risk. This task is made all the more difficult by complicating factors such as poverty, unemployment, addiction and isolation – all of which are common on many First Nations reserves. According to the 2016 Census, Indigenous children make up 7.7 percent of all Canadian children aged 0-14, yet account for more than half of all children in foster care in private homes. Such an imbalance demands attention from all Canadians. It is a national embarrassment.

Unfortunately, Ottawa's new bill fails



*Fully Indigenousizing child welfare: The federal Liberal government announces the passage of Bill C-92 last June; the new law took effect in January 2020.*

to recognize the real forces behind these statistics. Instead of taking a hard look at the realities of Indigenous child welfare, and why the Lester Desjarlais case is, tragically, far from unique, the federal government prefers to blame all current problems in the native file on the lingering damage of colonialism. The preamble to the legislation, for example, references the "harm, including intergenerational trauma, caused to Indigenous peoples by colonial



*Former Crown Prosecutor and Indigenous writer Harold Johnson argues that addiction and FASD are central to understanding family dysfunction on reserves.*

policies and practices." The proposed remedy is to deliver full responsibility for child welfare to individual First Nations. A washing of hands, so to speak. This ignores the lessons offered by this country's long and complex history of native child welfare.

Alongside a variety of administrative shifts allowing for greater Indigenous control over child welfare, the bill's most significant item is adding a new duty of "cultural continuity" to the familiar tension between the best interests of children and the rights of parents in deciding whether a child should be apprehended. Such a communal obligation to Indigenous culture is designed to make it far more difficult for *anyone* – Indigenous authorities included – to remove children from dysfunctional

homes, particularly in favour of a stable home off-reserve. While this might reduce the number of children in foster care, it won't necessarily make their lives any better. That's because the overwhelming reason for the dysfunction – the high rate of alcohol and drug abuse on reserves – is ignored.

While some First Nations [have implemented](#) policies to deal with alcohol and substance abuse in a responsible manner, [binge drinking](#) and alcoholism among Indigenous people remains [a serious issue](#) on and off reserve. In the long-ago past, this received substantial attention from white and native authorities alike. During the 1873 treaty negotiations with North-West Territory Lieutenant-Governor Alexander Morris, for example, Ojibway chiefs in Northwestern Ontario explicitly asked that "no 'fire-water' should be sold on their reserves." Morris complied. The Indian Act also [once banned](#) the sale of alcohol to First Nations. More recently, the impact of alcoholism on reserves has been dealt with in detail by several noted Indigenous writers, including [Calvin Helin](#) and Harold Johnson.

A Woodland Cree from Saskatchewan and a Crown prosecutor for many years, Johnson makes the provocative claim that half the Indigenous people known to him locally have died, either directly

or indirectly, from alcohol abuse. “I can’t stay silent any longer. I cannot with good conscience bury another relative,” he writes in his 2016 book [Firewater: How Alcohol is Killing my People \(and Yours\)](#). “I cannot watch any longer as a constant stream of our relatives come into the justice system because of the horrible things they have done to each other while they were drunk. The



*Ottawa's intrusion into native child welfare is complicated by the new requirement of "cultural continuity."*

suffering caused by alcohol, the kids with Fetal Alcohol Spectrum Disorder (FASD), the violence, the poverty, the abandoned children, the mental wards and the emergency rooms, the injuries and the illnesses and the loss of hope and the suicides have all piled up within me to the point that I must speak.”

Johnson laments that the complicated tragedy of alcohol abuse on reserves is for cultural and political reasons generally avoided in official reports or media treatments. *The 1996 Royal Commission on Aboriginal Peoples'* lack of attention is particularly noteworthy. As Johnson notes, however, FASD – brain damage caused by maternal alcohol consumption during pregnancy – is central to the perpetuation of dysfunctional families on reserves.

It has been estimated that [nearly two-thirds of Inuit women](#) in Arctic Quebec drink during pregnancy. [A recent academic study](#) identified five demographics in which FASD is most prevalent worldwide. Indigenous children under the care of welfare agencies lie at the intersection of several of these categories. FASD was also identified as a potentially significant factor in the Lester Desjarlais inquiry. Contemplating a comprehensive solution of Indigenous child welfare problems without first recognizing the devastating effects of FASD and parental alcoholism seems inconceivable.

None of this is intended as a cultural or racial slur. Sober Indigenous parents are as capable of providing outstanding care for their children as any other group, and addictive parents of other races are similarly destructive to their children. But widespread parental alcohol abuse on and off reserves, and the interrelated pathologies of FASD, are scientific facts and must be tackled head-on. Attempts to deal with these issues indirectly or by second-hand measures have only added to these problems. The historical record of failure is clear.

### [From ad hoc use of residential schools to the Sixties Scoop](#)

From the late 19th to the mid-20th century, when the now-reviled residential schools were in full operation, it was common practice for federal officials to use these schools as a safe haven for children who were not receiving proper care at home. In many cases an Indian Agent would contrive to protect children at risk by sending them to school.

A moving description can be found in Alan Fry's novel [How A People Die](#). While using the tools of fiction, Fry's book is deeply informed by his work as an Indian Agent in rural B.C. throughout the 1950s and 1960s. “Men fought with their wives, families broke up, children were neglected

and a death toll from accidents and violence in which alcohol was inevitably the decisive factor filled the pages of the small town papers,” Fry writes of his experience on reserves. He criticizes white authorities for their paternalism as well as native leaders for their inability to control the rampant alcoholism destroying their own communities.

Lacking formal means to apprehend

neglected children, agents such as Fry relied on their own judgement to decide which children needed to be removed from their families. [John Siebert](#), a researcher for the United Church, has similarly observed that residential schools “were used primarily for child welfare purposes – that is to say, most of the children in the schools were sent there to protect them from abuse and neglect in their family homes.” The 1967 [Caldwell Report](#) into conditions at residential schools found that 80 percent of the students at eight Saskatchewan schools were there due to “a welfare need of the family.”

The role of residential schools as flawed substitute for a properly functioning child welfare system helps explain the experiences of many former students. While not excusing the abuse or other problems that occurred within their walls, it should be recognized that federal officials were attempting to offer native children a form of state protection similar to what was available to non-Indigenous children at the time. This imperfect system came to an end when the residential schools were phased out in the late 1950s and early 1960s. Of course the problem of parental alcoholism – and the need to protect their children – did not disappear.

The provinces filled the gap. Granted limited jurisdiction to provide some child welfare services on reserves in 1951, in



the 1960s they took over full responsibility. Ontario signed an Indian child welfare agreement with Ottawa in 1965, Manitoba a year later. Now, for the first time, Indigenous children were to be offered the same care and protection as all other children in Canada.

reads a report marked *APPREHENDED*, dated 1974...

*'Mother was single mother with chronic alcoholism and no means to adequately care for children as she was frequently hospitalized due to drinking,' reads an entry from 1975, signed by another social*

mom," she writes. The tension between the doctrine of "cultural continuity" and the best interests of a child is readily apparent in Clair's story.

As with the residential school system it replaced, neither can the Sixties Scoop be judged an overall success. In his recent

**Famed Indigenous singer Buffy Ste. Marie was born on a reserve and raised by loving adoptive parents in Massachusetts who encouraged her to understand and appreciate her ancestry. There was no racist or sinister plot behind the Sixties Scoop — and allegations of cultural genocide are entirely libellous.**

Having taken on this responsibility, however, provincial child welfare workers were often appalled by the conditions they encountered on reserves. Part of this can be ascribed to culture shock, but another significant factor was the high rate of chronic alcohol dependence among Indigenous parents. Faced with what they considered a pressing need to rescue children from problematic situations, provincial child welfare agencies encouraged the large-scale adoption of native children by non-native families, what is now called "The Sixties Scoop."

A moving personal look into this era can be found in a 2015 memoir by native writer Annie Margaret Clair, [Family secrets after the Sixties Scoop](#). Clair, a Mi'kmaq from the Elsipogtog First Nation in New Brunswick, was a ward of the state from age three; between 1973 and 1981 she lived in ten different foster homes off the reserve. As an adult, she requested a copy of her entire child welfare file in an effort to piece together her childhood. As she dramatically recalls:

*"I undo the papers from the stack and lay them out in chronological order. Month by month, year by year; it's like laying out pieces of a puzzle, the full image of which should be a version of a young me.*

*'The children were left alone, mother has been gone five days and has not returned,'*

*worker. 'The house is so deteriorated that it is not possible to return the children at the present time.'"*

Clair goes on to describe how she was sexually abused by a "man from my community." Her sister was similarly



*The "Sixties Scoop" was a response by provincial child welfare workers to chronic alcoholism and dysfunction on reserves: Saskatchewan-born Indigenous singer Buffy Ste. Marie was adopted by a family in Massachusetts.*

abused. She recalls that when she tried to talk to adults on the reserve about the attacks, "The first thing they'd say was: 'Gepuniegswel!' or *Would you stop lying!*" Her mother later died in a house fire. "Growing up I was mad and angry at the world. I didn't like that I was taken away from the love I could have gotten from my

apology for Saskatchewan's out-adoption of an estimated 20,000 Indigenous children from the 1950s through the 1980s, premier Scott Moe admitted these children were "caught between two worlds." Cultural alienation and loss of familial connections had a severe impact on many. Yet it must also be acknowledged that out-adoption was another sincere attempt by government officials to discharge their [duties towards neglected children](#).

And not every case can be judged a failure. Famed Indigenous singer Buffy Ste. Marie, for example, was born on a reserve in the Qu'Appelle Valley of Saskatchewan and raised by loving adoptive parents in Massachusetts who encouraged her to understand and appreciate her ancestry. There was no racist or sinister plot behind the Sixties Scoop — and allegations of cultural genocide are entirely libellous. Rather, it was a policy motivated by the real need to rescue children from dysfunctional situations. And that need still exists.

**The Sixties Scoop devolves – literally and figuratively**

Out-adoption was eventually abandoned in favour of devolution as provincial child welfare authorities relinquished most of their authority over reserves to local Indigenous agencies such as the DOCFS in Manitoba. As a sitting judge, I watched

as this policy unfolded in real time.

Advocates assured provincial governments that as newly formed Indigenous agencies opened up and Indigenous leaders gained more control, the old problems would ease. Appropriate cultural influence would inevitably reduce the number of children in care. Some even claimed chronic Indigenous welfare problems would disappear altogether. I once expressed my skepticism to a highly placed welfare bureaucrat. He candidly, if naively, responded: “How could it possibly be worse than the current situation?”

As it turned out, it could. To the story of Lester Desjarlais, we have added the equally tragic stories of Tina Fontaine, Phoenix Sinclair, Serenity and Devon

[wards](#). Meanwhile, FASD takes its toll on reserves, generation after generation.

Many of the Indigenous organizations given responsibility for child welfare were initially incapable of protecting native kids. Training and education among staff were dramatically different from the provincially-run agencies and these problems were exacerbated by dysfunction and corruption within other reserve institutions, including school boards and local government, as the Lester Desjarlais inquiry painfully illustrated. Again, this is not a racially-motivated accusation; the size of many reserves' polity leaves them especially prone to conflicts of interest and nepotism. The problem of “small democracies” is detailed in University of Calgary academic

during previous eras.

When devolution began, it was common for Indigenous agencies to declare that no native babies would ever be apprehended from maternity wards. Parental and cultural rights would trump the rights of children at risk. This belief is further embedded in Bill C-92 through its “cultural continuity” requirement. Yet Indigenous child welfare officials have lately come to realize that leaving a newborn baby with his or her mother can be so fraught with risk that immediate apprehension is the only safe option.

That was the situation in the high-profile [G \(DF\) case](#), in which a Winnipeg-based Indigenous child welfare agency tried to detain an addicted pregnant mother for treatment. She had previously given birth to several brain-damaged babies, yet the Supreme Court of Canada ultimately decided that detention violated the mother's rights and, hence, was unlawful. The child, and many others since, was therefore consigned to a fate of painfully low chances.

After more than 30 years on the bench, it was clear to me that governments and agencies have very little control over how parents actually care for their children, or the eventual outcomes. Child welfare workers, Indigenous or non-Indigenous, are all motivated by a deep desire to do what is best for children under their watch. If a child has become a permanent ward of the state, it is almost certain that his or her home life was thoroughly and irreparably dysfunctional. Accordingly, the only way to remedy the high number of native children in foster care is to tackle the root cases. Family dysfunction on reserves is not the fault of child welfare agencies. The blame lies with parents and their communities.

It is this difficult reality that the federal government was trying to cope with using residential schools, and the provinces with the Sixties Scoop. Given the subsequent failure of devolution to remedy the situation, it is impossible to imagine a further push to sever native child welfare from the rest of the country will yield the desired results.

**Regardless of who is in charge, the root causes remain: addiction, family breakdown and poor community oversight. It has even become common for Indigenous child welfare workers to be criticized for making the same difficult choices that federal and provincial child welfare workers once made during previous eras.**

Freeman, to name just a few of the better-known entries from a long list of despair. In Manitoba, approximately 90 percent of the province's 11,000 children under the care of a child welfare agency are Indigenous, either on or off reserve. The biological parents of these children are often themselves products of an Indigenized child welfare system.

And because off-reserve adoption has been so severely discouraged, many children are placed in temporary foster care instead of with permanent families. This means that when they reach adulthood they are often left to fend for themselves, without any reliable family supports. This is one major reason why [the majority of homeless people on Winnipeg's streets are believed to be former child welfare](#)

Tom Flanagan's 2016 study [Corruption and First Nations in Canada](#).

Today, staff at Indigenous-run agencies are much better credentialed and the organizations more professional. After several decades of devolution, the care provided to children at risk is now largely equivalent to provincially-run child welfare agencies. Yet the statistics continue to worsen. Indigenization alone is clearly not sufficient to remedy the massive problems facing Indigenous children. Regardless of who is in charge, the root causes remain: addiction, family breakdown and poor community oversight. It has even become common for Indigenous child welfare workers to be criticized for making the same difficult choices that federal and provincial child welfare workers once made





Taxpayers are on the hook for an estimated \$8 billion due to a controversial Canadian Human Rights Tribunal ruling on native child welfare services last year.

### A new federal formula for failure

If Canada truly wishes to reduce the number of Indigenous children in foster care – and all Canadians have a stake in this outcome – we must start by emphasizing the importance of sobriety, parental responsibility and family stability among all citizens. Instead, Ottawa has chosen to place the blame for native child welfare failures on past injustices such as colonialism and institutional racism.

An extreme manifestation of this thinking is the Canadian Human Rights Tribunal ruling that last September ordered Ottawa to pay up to \$40,000 to each First Nations child who was placed in foster care. The same compensation is to go to any parents or grandparents whose children or grandchildren were taken away, and to kids who were refused essential services. The tribunal argues the government deliberately underfunded child welfare services on reserves; had government simply spent more money, it apparently would have been unnecessary to remove these children from their biological parents. The hard reality is that the tragedy of native child welfare is almost always a matter of parental attention, not financial resources. The total payout required is estimated at a staggering \$8 billion.

Beyond the sheer size of this amount, the underlying logic is perverse. Indigenous parents who properly cared for and raised their children, on or off reserve, will get nothing while the worst parents are in line for a fabulous payout. As the renowned African-American social theorist Thomas

Sowell once said: “Have we reached the ultimate stage of absurdity where some people are held responsible for things that happened before they were born, while others are not held responsible for what they are themselves doing today?”

While Ottawa has said it will appeal the tribunal ruling – a position reiterated, if somewhat reluctantly, by Trudeau during last fall’s election campaign – the government is already making plans to offer its own compensation package. Given NDP leader Jagmeet Singh’s moralistic posturing during the campaign demanding that the full \$8 billion be paid without question, combined with the political realities of a minority government, taxpayers should brace for impact.

### What every child deserves

After an absence of many decades, the federal government is returning to the field of native child welfare. And its solution to the manifest problems in this area is based on dangerously flawed thinking. Presenting further Indigenization as a cure-all assumes the system’s flaws to date have resulted from issues outside native control. This is simply not true. At its core, the Indigenous child welfare system is broken because so many Indigenous families are broken. Until this is recognized and confronted, it will be impossible to make progress.

Alleging it can be fixed by an administrative switch, or by excusing native communities from the duties expected of households and the standards of care

provided to children in the rest of Canada, is simply untrue. And blaming colonialism or other past injustices is a triumph of the victim narrative that will put more Indigenous children at risk. “If we allow ourselves to believe the victim story and we live by it, we become victims,” Harold Johnson writes in *Firewater*. “And victims can never fix their own situations.”

Every Canadian should be deeply concerned about the welfare of Indigenous children, for every child in Canada deserves the same opportunity to live, be loved and to thrive.

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# The Commissioner of Canada Elections vs. Ezra Levant: *A Faux Pas de Deux*

By Grant A. Brown

In December 2018, Parliament passed Bill C-76 into law [by a vote of 257-0](#). A longstanding adage holds that mischief is afoot whenever laws are enacted unopposed. And so it is with the *Elections Modernization Act*.

The “modernization” includes more stringent requirements on what might be construed as election-period “advertising” by so-called third parties. That is to say, by any Canadian who isn’t a professional politician or lucky enough to own or write opinion pieces for a legacy news media outlet. Politicians of all stripes like to control the message, and never more so than during an election period. They don’t like pesky third parties queering their pitch with inconvenient narratives, let alone allow them to expend financial resources in the hopes their message will reach a wider audience.

So Bill C-76 severely limits what third parties can spend, and forces them into an arduous process of registration and submitting filings with Elections Canada if they spend more than \$500. Unlike the previous law, the new one applies not only to the five-week campaign itself, but to the two-and-a-half-month pre-writ period. For any media outlet or politically interested organization that wishes to use its own money to get its message out, that is a rather long time.

Exceptions to the prohibitions are found in section 2(1). Subsection (a) allows editorials, debates, speeches, interviews, columns, letters, and commentary. Subsection (b) allows “the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless

of whether there was to be an election.” And “of course” subsection (e) allows “the transmission by an individual, on a non-commercial basis on the Internet, of his or her personal political views.” Phew! Individuals retain their free speech rights, such as they are. But we sure wouldn’t want anyone monetizing political commentary in competition with the approved, bought-and-paid-for media exempted in ss. (a).

Anyone who knows Ezra Levant of [Rebel News](#) even a little bit will appreciate that these amendments to the *Canada Elections Act* constituted an irresistible red flag. Levant wrote a new book last year, *The Libranos*, and released it during the pre-election period. He then promoted it in a variety of ways, including by distributing lawn signs looking conspicuously like the kind political candidates litter the countryside with every few years. *The Libranos* ([reviewed here by Barry Cooper in C2C Journal](#)) darkly depicts Prime Minister Justin Trudeau and senior ministers on its cover. The inside is as hard on today’s Liberals as one would expect Levant to be – that is to say, he says they’re just as bad as the old, 1980s and 90s versions.

It didn’t take official Ottawa long to notice. In a letter dated December 9, 2019, [Rebel News was advised](#) by the Commissioner of Canada Elections that it was under “administrative investigation” for the distribution of the lawn signs promoting Levant’s book. The letter hints, without expressly stating, that Levant offended the *Act* by timing his book’s release to coincide with the election period, and by spending more than \$500 on lawn signs to promote the book without registering as a third party with Elections Canada. Ostensibly, the Commissioner was responding to a public complaint about Levant’s promotional activities. The letter requested a meeting at Elections Canada headquarters in Ottawa to assist the investigation.

## *A faux pas de deux*

Levant obliged “under protest” – after splashing the news across the Rebel site and summoning his supporters to figurative



## CANADA ELECTIONS ACT

2014, c. 12, s. 2(2)

2 (1) The definitions leadership campaign expense and nomination campaign expense in subsection 2(1) of the *Canada Elections Act* are repealed.

2007, c. 21, s. 1; 2014, c. 12, s. 2(7)

(2) The definitions capital asset, election officer, polling day, prescribed and Register of Electors in subsection 2(1) of the Act are replaced by the following:

**capital asset**

capital asset means any property with a commercial value of more than \$200 that

- (a) in the case of a registered party, an electoral district association or a candidate, is normally used outside an election period other than for the purposes of an election;
- (b) in the case of a nomination contestant, is normally used outside a nomination contest other than for the purposes of a nomination contest; and
- (c) in the case of a leadership contestant, is normally used outside a leadership contest other than for the purposes of a leadership contest. (*bien immobilisé*)

**election officer**

election officer means a person referred to in subsection 22(1) or appointed under section 32. (*fonctionnaire électoral*)

**polling day**

polling day, in relation to an election, means the date fixed for voting at the election under paragraph 57(1.2)(c) or subsection 59(4) or 77(2). (*jour du scrutin*)

**prescribed**

prescribed, in relation to a form or a solemn declaration, means one that is authorized by the Chief Electoral Officer. (*prescrit*)

**Register of Electors**

Register of Electors means the Register of Electors established under paragraph 44(1)(a). (*Registre des électeurs*)

Canada's new "Lets-not-have-any-bothersome-third-party-political-debate-during-an-election" law: An excerpt from the Elections Modernization Act, unanimously passed by Parliament in December 2018.

battle. Late last month he travelled to Ottawa and met with two investigators, who were retired RCMP officers with 59 years of experience between them. According to Levant, they are both former terrorism investigators. They didn't come off terribly well: alternately defensive, dismissive and evasive. Scowling one moment and smirking the next, the investigators even *looked and sounded* eerily similar. The duo seemed unready to do business, often futzing about shuffling papers, looking at their shoes or picking at their fingernails as Levant spoke. They didn't control the meeting, or get to the heart of the matter.

None of this would normally see the light of day. We know all this, however, because Levant secretly recorded the meeting, then quickly posted it to the Internet (where it was promptly reposted on [widely read U.S. sites](#)) and had himself interviewed about the experience on Rebel News. A half-hour portion of the secret recording [can be viewed here](#).

It is vintage Levant. The investigators seem flustered and bamboozled by Levant, who asks them more questions than the other way around. After they refuse to provide the original complaint against Rebel News, Levant denounces the "secret" document and theatrically refuses to disclose his own name, declaring it too a "secret". He calls one of them "a bully

and a censor", declares their investigation "unlawful" and "unconstitutional" and asks whether one of them needs to step out "to get permission from your mom" to release the complaint. When one of them says he's not "the lead investigator", Levant calls him "the sandwich boy." He declares them and the process "un-Canadian" and threatens to write "a chapter about you two fellas in the next edition" of his book.

Among the most revealing exchanges is when Levant says, "I'm just asking you to confirm that not a single, other, *loving* book of Trudeau is being investigated." The investigators, of course, do not answer – while revealing they know of "over 24 books that were published around that period." Denouncing Ottawa's "bureaucrats and their blackface boss", Levant declares that he will dedicate himself and all his guile and resources to "smashing this law."

Observers of the Canadian political scene are witnessing a *faux pas de deux*: a pair of characters stumbling around to the amusement of partisans on each side. Both are compromised and, at times, seem almost clownish. There is a deadly serious point behind this dance, however.

One party – the "third party", as it were – is standing up for free speech rights but has almost unquestionably broken the letter of the new law – indeed, initially admitted to doing so. This is something millions of

Canadians still recoil against. The other has dedicated an array of bureaucratic resources to enforcing a law that is so whimsical, vague, self-contradictory and ultimately oppressive that some are comparing it to soft Stalinism.

And so far, the enforcers seem to have identified just one target: Levant's Rebel News. To official Ottawa, he must seem irresistible as well. His enemies – and, when they're not

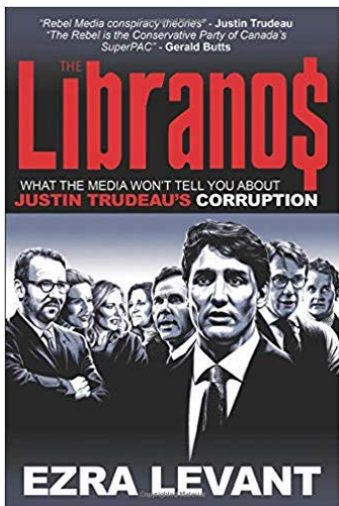
studiously ignoring him, mainstream media commentators – deride him as far-right, alt-right and even anti-Muslim. So among the *bien pensants*, he's an easy and obvious target. And his book did go after the prime minister, who was just re-elected.

### The process is only part of the punishment - the penalties are real

Some might well consider Levant's response to the Commissioner's letter and behaviour during his interrogation to be largely hyperbole, including inflated claims about the nature of the investigation, the injustices of the process, and the direness of the consequences, all in order to raise funds and increase his profile as a freedom fighter. The Act's penalties, however, are no joke – and are all the more menacing for their vagueness.

In one place the Act specifies a maximum fine of \$2,000, three months' imprisonment, or both. Elsewhere it reads \$5,000 plus six months. In still another spot it talks about a penalty five times the amount by which the accused's expenses exceeded the permitted amount. And that's just the beginning. If Levant violated the Act with intent, he might face criminal charges, exposing him to a fine of up to \$50,000, five years' imprisonment, or both.

Canada's *Elections Act* as amended



*Publishing a book critical of the Trudeau Liberals is apparently allowed, publicizing it is not. The Libranos book cover (left) and the controversial lawn signs that got Levant into trouble.*

over the years is so convoluted and duplicative, so scattered in its provisions, that it would be almost impossible for the average layman to navigate. It isn't clear, for example, whether Levant's case would be seen as a single overall event, subject to a single penalty. Arguably, Rebel News could face a separate fine for each unlawful act: not registering, not appointing a financial agent, not setting up a separate bank account, not filing reports. Pretty soon, you're talking real money. And any formal punishment comes on top of the time, stress and legal fees of mounting a defence, a situation others have aptly described as, "The process is the punishment". Then again, it might also be a huge fundraising opportunity – not without some justification.

Bureaucracy will bureaucratize; but this investigation reached absurd proportions before Levant even had time to hire lawyers. The Commissioner assigned no fewer than five people to the matter: three lawyers and the two former RCMP investigators. A cynic might suspect these two were eyeing retirement and took a job at Elections Canada to wind down their careers with a few years of relaxed, easy, no-pressure bureaucratic work before their overly generous public pensions kicked in. Maybe it was an act; maybe their investigative strategy was to appear diffident and give Levant as much rope as he wanted to take, in the expectation that

he would hang himself.

That they fell for Levant's underlying tactic is stunning. As cursory perusal of the public record would reveal, not only does Levant seemingly live for these kinds of fights, he loves using the unforgiving eye of the camera to discredit overbearing authorities. Back in 2008 Levant insisted on video-recording the Alberta Human Rights Commission's interrogation of him over his publication of the infamous "Muhammad Cartoons", gaining so much public sympathy that the tables turned on the investigators.

He's also well aware of the U.S. conservative activist James O'Keefe's [Project Veritas](#), which carries out surreptitious recordings by undercover journalists to expose nefarious activities. (In this vein, Levant held back what he earlier this week was billing as "part two" of the secret recording, which he promised contained the "worst parts".) That our elections investigators failed to anticipate a similar move on Levant's part seems farcically obtuse – but proved highly enlightening for the public. As Levant later declared of his

Ottawa scoop, "No one will believe how bad [kangaroo courts] are unless they see it with their own eyes." (Of course, his interrogation wasn't actually a trial just yet.)

If one takes the investigators at their word, Rebel News stands accused of a mere "administrative offense." This term does not appear in the Act, however; its use seems to suggest the criminal provisions were not being invoked. Playing psychological games with the "suspect" in this case is hardly called for. Why not just come right out and ask for an admission of the key elements of the offense? It's not as though Levant is shy about defying government speech codes. And why not just ask for the records you want Levant to turn over, or subpoena them, and get on with it?

Bureaucratic work expands to consume



*A rebel with no shortage of causes: Ezra Levant at work stirring the pot at Rebel News.*



the budget allotted to it. Levant, for his part, was playing to the crowd. His complaints about the process being a “Star Chamber that is illegal” seem exaggerated. He isn’t being investigated for writing a book critical of Trudeau – not technically, at least. And on its face, he did break the law. Nor is Levant entitled to know the identity of his accuser; that legal right comes after one has been charged. Different rules apply in the investigation stage, and perhaps Levant knows that. It’s not the investigator’s job to explain or defend the law. Further, unlike in his previous ordeal 12 years ago, due process appeared to be followed here. Levant was told he could have a lawyer present.

The odour of selective enforcement hangs over the affair, however. Perhaps the seeming

inconsistency is simply because those on the right don’t formally complain about people on the left breaking an obtuse, oppressive law that conservatives think shouldn’t be on the books to begin with. Then again, how would we know?

Earlier this week, Levant [fired off a](#)

strongly worded and makes a number of claims that have yet to be tested.

### Another serious state encroachment on our freedoms

The far more serious question underlying this petty investigation is whether the law as it stands is an unconstitutional limit to the *Canadian Charter of Rights and*



Not his first rodeo: A screen shot from Levant’s much-viewed video of his 2008 Alberta Human Rights Commission interrogation.

*Freedoms’* protection of free expression. The *Act’s* exception that is carved out for books, and for the advertising of books, seems too restrictive of the free exchange of ideas, as well as needlessly damaging to content producers’ freedom to reach Canadians, and their freedom to take in

were defeated or the losing leader stepped down.

Moreover, there is no difference of principle between releasing and promoting a book about a political party or leader during an election campaign, and publishing a string of newspaper columns about a political party or leader during an election campaign. And such outlets are allowed to advertise their existence throughout. The government-subsidized *CBC* certainly doesn’t go dark; nor the *Globe and Mail*. The exemption in subsection (a) is much broader than that in subsection (b), which is arbitrary and discriminatory against book authors and publishers. Every author and every journalist should be concerned with the overreach of Parliament here – as

should every engaged citizen.

For smaller media outlets, including online ventures, the new law is a particular problem. On June 30 of last year – the start of the pre-writ period – *C2C Journal* faced this very situation. The publication decided to follow the law to the letter. The

That two former RCMP anti-terrorism sleuths with 59 years’ experience between them fell for Levant’s underlying tactic – the secret video recording – is stunning. As cursory perusal of the public record would reveal, not only does Levant seemingly live for these kinds of fights, he loves using the unforgiving eye of the camera to discredit overbearing authorities.

[lawyer’s letter](#) to the Commissioner arguing the probe was “irreparably tainted” by the investigators’ conduct, which it alleged had not followed due process protections, and that Rebel News’ promotion of *The Libranos* met the exemptions provided in the *Act* and, therefore, had not violated the law after all. Like nearly all of Levant’s public communications, the letter is

whatever information interests them.

From a purely commercial point of view, the best time to release and promote a book about a political party or leader is right before an election campaign. No writer would spend months researching and writing such a book and time its release for just after an election, because no voter would be interested if the party

*Journal* suspended promotional spending on articles that were not merely about the election campaign, but that so much as mentioned any federal politician, party, law, proposal, policy, event or controversy, even one in which the primary subject matter was provincial or municipal.

It needs to be clear that Bill C-76 does not merely forestall new or additional

promotional spending. *C2C Journal* was already spending a certain amount to promote its full range of articles, including



*Major Crimes Unit, Ottawa-style: Commissioner of Canada Elections Yves Côté assigned three lawyers and two former RCMP investigators to the case of The Libranos lawn signs.*

those about federal politics. The election-period restrictions forced the publication to *reduce* these activities. This even extended past election night, as the *Journal* needed to re-register with its social media advertising vehicles. Perhaps this kind of thing is just what the governing party intended; it's difficult to see every opposition MP feeling the same.

### Bill C-76 is absurd at its heart

Like many other outlets, *C2C* also encountered the conceptual absurdity at the heart of the law. A media venture, think-tank, advocacy group or solo journalist or activist can spend any amount of money on *producing* content and running its business throughout the election cycle. It can hire staff, give them raises, buy computers, move to nicer digs, design a new website, and so on, without limitation. It can increase the *amount* of content it produces. It can even increase its pace of “free” communication, like e-mail blasts. And if that outlet is fortunate enough already to have a large, established audience, its influence could be significant throughout the election period. But try spending money directly to *gain or grow* your audience – even \$1,000 – and you could end up in the slammer. Such a

law should not stand in any respectable society.

For these reasons, I think there's a good chance the law under which *Levant* is being investigated will be struck down as an unreasonable limit on political speech in Canada. But it's not certain. The Canadian judiciary is not a reliable defender of free speech; a judge might decide a “more nuanced” decision is better than a principled one. A court might well hold that the law against publishing a book to coincide with an election is unconstitutional, while upholding restrictions on how a book can be promoted during the period in question. Presumably, the analogous restrictions on other “third-party” outlets would also stand. That would be unprincipled and wrong; that doesn't mean it can't happen.

The more important lesson in all of this is that, if you value freedom of expression, if you value freedom of the press – including of non-traditional media – it is never a bad time to express your concerns over the limitations. It doesn't matter how you voted; all parties are to blame, for all of them and all the MPs present supported the current law. Former Conservative MP Maxime Bernier (now People's Party of Canada leader) is the only member to express disapproval – but even he did not show up to vote against them.

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# A Political Giant Passes the Torch

By Paul Stanway



Over the past few months Canadian conservatives have been inundated with advice on how to broaden their voter appeal, get “woke” and generally haul themselves into the 21<sup>st</sup> century. Some of it has even come from conservatives. Very little has been as practical or insightful as that contained in a new book by Preston Manning on the “realignment” of Canadian conservatism and the overall strengthening of Canadian democracy.

*Do Something! 365 Ways You Can Strengthen Canada*, isn't specifically about the Conservative Party's current leadership contest or the state of Canadian unity in the wake of last October's election. But there is much here on the tensions between what Manning calls “reactionary” and “pragmatic” conservatism and the recent upwelling of Western alienation. So it's a timely book in more ways than one.

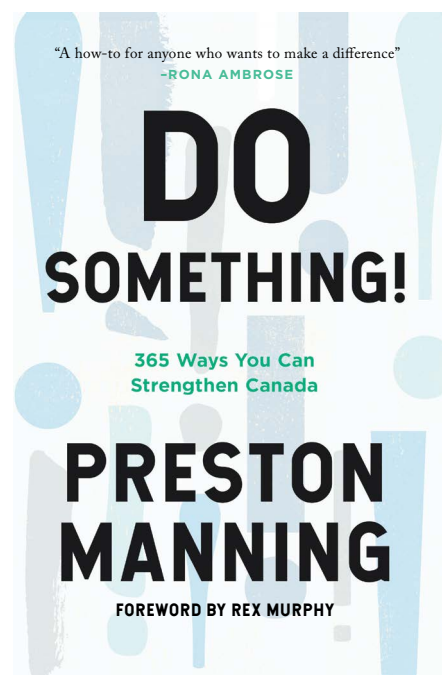
You could probably fill Calgary's new central library with deep and learned opinions on the state of democracy and, as one of Canada's most accomplished political thinkers, Manning could certainly have added to the pile. But in addition to being an observer of politics, he has been a practitioner at the highest level, and those familiar with his life will not be surprised to learn that the Reform Party of Canada founder goes beyond theory to offer detailed, practical approaches to heal what ails democracy in general and conservatism in particular.

*Do Something!* ([you can pre-order it on Amazon here](#)) is clearly not intended to be a memoir, but it is a history of sorts, spanning Manning's political education over six decades from his youth as the son of an Alberta premier (Ernest Manning of the Social Credit movement), to Opposition

is a how-to guide for revitalizing Canadian democracy and Canadian conservatism by somebody with enormous hands-on experience of both, at the provincial and national levels.

“What can be done to strengthen democracy and party performances in the years going forward?” Manning asks rhetorically in his introduction. “This book endeavors to provide answers to precisely such questions.” Each chapter also comes with a list of suggested actions for the reader, and Manning explains their purpose: “These action lists are not presented merely for the purpose of stimulating discussion. They are accompanied by specific pleas for the conservatively inclined reader to *Do Something!*” There are 392 of them, as it turns out.

Manning has been a productive writer over the years, a career that has included a nearly 400-page collaboration with former Ontario Premier Mike Harris, [VISION for a Canada Strong and Free](#). His last book, [Faith, Leadership and Public Life](#), was published barely two years ago, and to Manning devotees many of the themes in *Do Something!* will be familiar. It's a weighty if not downright daunting list that includes better equipping Canadians to understand and participate in their democratic institutions, the difference between political movements and political parties, looking beyond simplistic left-



Leader in Ottawa, to conservative elder statesman. The history is the framework to tell us what he's learned and what he believes but, most of all, to challenge all those armchair critics to *get involved*. Hence the title. At its heart, *Do Something!*

right labels to redefine politics for the 21st century, winning the global ideological battle against Chinese state-capitalism, the obligations of citizenship, and most of all the mechanics of governing the massive and complex country we call home.

Much of this book is an update and expansion of those themes, with the addition of Manning's thoughts on social media, identity politics and what some see as the intrinsic threat of populism. As a lifelong student of history and politics, particularly Canadian politics, he provides badly needed historical and moral context. If you are unsettled by the CBC's "narrative" of populism as an alien, existential Trumpist threat to democracy, for example, you will find comfort (or at the least useful context) in Manning's timely reminder that populism has been a feature of Canadian politics of all stripes for generations. As he writes:

*"Historic examples of populist uprisings in Canada include the farmers' movement of the 1920s and 1930s that created the Progressive Party of Canada, and elected farmers' governments in Manitoba, Alberta and, briefly, in Ontario. These, in turn, laid the foundations for the Great Depression parties of the Cooperative Commonwealth*

**If you are unsettled by the CBC's "narrative" of populism as an alien, existential Trumpist threat to democracy, you will find comfort (or at the least useful context) in Manning's timely reminder that populism has been a feature of Canadian politics of all stripes for generations.**

*Federation (CCF), a predecessor to the New Democratic Party (NDP), and the Social Credit Party. In fact, it may be argued that western Canada had more experience in the 20th-century with populist movements, movements which expressed themselves through new political parties including the Reform Party of the 1980s and 1990s, than any other part of North America."*

Manning recognizes that such



Son of a premier, founder of a movement: Preston Manning (r) and his father, Alberta Social Credit leader Ernest Manning (l).

"uprisings" can be unsettling, and indeed can go badly off the rails. But he believes that in a healthy democracy they also play an important role in broadening public debate, expanding our rights and freedoms and, in the process, turning radicals into legislators. "Canadian populism has demonstrated both a capacity to advance progressive ideas that the establishment initially opposed and on occasion a capacity to moderate the extremism of some of its own leaders," he writes.

He cites the women's Temperance

Movement of the late 19th century, which in the 20th morphed into a more general agenda demanding women's rights. Often noisy, sometimes violent, the achievement of the vote for women is now accepted as a major milestone in the development of our democracy, and its elected leaders recognized as heroines. The real danger from populism, argues Manning, lies in ignoring or misunderstanding these "bottom-up outbursts of political energy from rank and file people which erupt from



time to time to disrupt the political status quo."

This is vintage Manning. During his years leading Reform he was habitually portrayed by major media and "progressive" opponents as a reactionary blast from the past with expired beliefs and, often, as a sinister Evangelical with a hidden agenda (entire books centred on that calumny). This is a massive and unforgivable misreading of the man.

In reality Manning has always been a disrupter of the status quo, an innovator and a challenger of conventional wisdom. As a conservative he values the past and its lessons, but primarily as waypoints towards the future. As he puts it, "You can get ahead further when you get a run at it, when you know the political history of your country, your people, your party, and your constituency, than when you start from where you're presently standing, as if politics did not really begin until the day you discovered it and entered the field."

Manning's particular constituency is, of course, Western Canada. From his teens on he has been driven to work on behalf of that region, culture and people. That work led him to become an important architect of modern Western Canadian conservatism – individualistic, practical, confident, tolerant – and that view pervades this book as it has all his writing over the years. So it's no surprise that a chapter of *Do Something!* is devoted to the current unhappiness in



Alberta and Saskatchewan.

He provides an excellent synopsis of the history of Western grievance. This ranges from the creation of Alberta and Saskatchewan in 1905 over the objections of local leaders, who feared the weakness built into such division and had asked Ottawa to create one big province, to the economic frustrations of the present day. Manning concludes that, "As generations of disaffected westerners can attest, the flaws are embedded in the economic structure of the federation, our national political institutions, and often in the complacency and condescension of the so-called Laurentian elites." As the opinion polls attest, that's a view lately embraced by a huge number of Westerners, leading many to question the very future of the federation.

Even so, the architect of "The West Wants In" – the Reform Party's slogan and agenda – has not given up on Canada. As is characteristic for Manning, he looks for and finds the glimmer of hope, the potentially positive outcome:

*"The country now has seven conservative-oriented provincial governments with more than 50% of the population, sufficient to fundamentally amend the constitution if there was concurrence from the federal parliament. Just maybe some of those elected to the 43rd parliament will come to believe that the weakness and divisiveness of the current situation calls for nothing less than Re-Confederation: the convening of federal-provincial meetings, not unlike those once held in Charlottetown and Quebec City, to hammer out a new set of terms and conditions (not necessarily constitutional) for uniting and strengthening Canada for the remainder of the twenty first century."*

Could "Re-Confederation" become the big idea that unites Canadian conservatives in a quest to modernize our democracy? Such swinging for the fences is another regular Manning theme and, indeed, "Think Big" was one slogan during some of the Reform years. Manning acknowledges that

attempting Re-Confederation now might be "a bridge too far", as the idea presupposes some interest in Ottawa (not to mention a dash of good faith) in overhauling our creaking federation. His caution seems well-placed. Thirty-odd years ago, in the decade following the patriation of the Constitution from the U.K. by prime minister Pierre Trudeau, a Manning-led campaign to democratize the Senate foundered on general lack of interest and opposition from entrenched factions.

Undaunted, he seems prepared to have another go. "Members of my family have been intimately involved with Alberta and federal politics for eighty-five years," he

writes. "I understand and feel the pain of western alienation that is prompting separatist sentiments among many of my friends, associates, and supporters as much or more than anyone in the province or the federal parliament. Yet if forced to choose, separation or re-confederation, I vote for re-confederation and will dedicate my remaining years to help bring it about, not just for the benefit of my home province but for the lasting benefit of all Canadians."

For Manning, good ideas don't die. Sometimes you just need to persevere, hold tight to your beliefs, wait for the right time – and try again. Last summer, Manning resigned from his executive



Populism is no anomaly in Western Canada: even the NDP began as a socialist grassroots populist movement, the CCF.



Manning on the campaign trail with candidate Deborah Grey in 1997, who had been the Reform Party's first MP.





Following his time in electoral politics, Preston Manning founded a centre and foundation, retiring this year.

functions with the Calgary-based Foundation for Democratic Education and the Centre for Building Democracy, which he had created when he left federal politics and which bore his name until this month.

Was he truly hoping to retire once and for all? Was he clearing the decks perhaps to focus on the one issue that has dominated his political life – the West's place in Confederation? Or, as circumstances changed and the conflicts in federal politics worsened, did the one become the other? Manning's experience and focus on the practical will be a welcome addition to the debate and, probably, a strong counterweight to the airy talk of an ostensibly easy separation from Canada.

*Do Something!* says nothing specific about the Conservative Party's current leadership contest, and it would be surprising and out of character for him to get actively involved. Having said that, as noted, Canadian conservatives are being urged by all and sundry to think about who they are and what they stand for. Having spent the better part of his life thinking about this, who better than Manning to offer some advice "for the purpose of renewing and strengthening the capacity of Canadian conservatism to better serve the people of Canada." He has much to say about the tensions plaguing modern conservatism, including this:

*"There is a stark difference between*

*the conservative and the reactionary (although detractors love to equate the two). The reactionary mind is one that is reflexively backward-looking, yearning (idealistically, in a perverse sort of way) for some non-existent past-paradise. The archetypical conservative, while temperamentally resisting rapid and wholesale change, nevertheless appreciates the long centuries of gradual corrective change that produced our present society.*

*"The conservative family also includes people who, because they wish to distance themselves from reactionary conservatives, adopt a pragmatic conservatism without any guiding principles. A kind of conservatism that in its sensitivity to shifting electoral preferences, changes in direction with every political wind that blows. It is the attempt to bring together these two apparently conflicting viewpoints which will determine the future of Canadian conservatism – not in the distant future but over the coming few years."*

Is there a better way to describe the policy confusion that last October caused the Conservative Party to fumble a golden opportunity to unseat the Liberals? One area of particular confusion was climate change. As Manning points out, however, there is nothing fundamentally incompatible between the principles of environmental

conservation and political conservatism:

*"Yet conservative political parties on both the federal and provincial levels have been slow to develop and promote a positive, pro-active conservative position on environmental protection and instead have largely adopted a default position characterized by opposition to the environmental positions of liberals, social democrats, and greens. This posture seriously damaged the Conservative Party of Canada's chances of winning support in the 2019 federal election, especially support among young people and electors in our largest cities. Thus one of the major challenges facing Canadian conservatism going forward is that of rethinking and repositioning itself on the issue of environmental protection, including that of climate change."*

Manning himself is a strong proponent of a "market-based" approach to conservation, although he's quick to point out that the allegedly market-based policies of the Trudeau Liberals are primarily attempts "to generate new revenue" by a government that neither trusts nor believes in the effectiveness of the marketplace. He laments that left-of-centre parties have "seized the moral high-ground" on environmental issues and sees lots of room for conservatives to develop practical and effective policies that would do less damage to the economy and more good for the environment.

More broadly, Manning does not accept the widespread notion that "progressives" must be given all manner of advantages in the public arena because their motives are considered idealistic and above reproach, while anyone advocating individual freedom, free markets and less government involvement in our lives generally is assumed to be self-serving, out to impose their views on everyone else, and uncaring about the environment or the welfare of their fellow citizens. This, Manning suggests throughout this book, is pure bunk, and conservatives must not be intimidated by it.

*Do Something!* offers so much of value,



*Preston Manning speaks in the House of Commons in 1993.*

from its discussion of “the polarization of public political discourse” and the increasingly partisan nature of politics to its description of the responsibilities of elected office. On partisan politics, for example: “Partisan candidates running for office and politicians in opposition can get away with taking sides on a particular issue and even adding to the conflict that characterizes the public square in a free society. But once one becomes part of a government, the larger and more difficult task becomes the reconciliation of conflicting interests by non-coercive means.”

Manning, of course, has never been in government (more’s the pity), but in that one short paragraph he captures the central paradox of our increasingly adversarial politics: You must fight along partisan lines to form government but, once elected, you find yourself responsible for an entire electorate of “conflicting interests”. This includes individuals, groups and regions who didn’t vote for you and may even actively despise you, but whose views you must take into account. One suspects our current prime minister may even now be grappling with this urgent requirement of statesmanship, or at least we can hope so.

Inevitably, Manning lays out what he believes would be an appropriate response from Ottawa to the distress being

felt by millions of Canadians in Alberta and Saskatchewan who may not have elected Liberal MPs but whose wellbeing is still partly the federal government’s responsibility. That response must recognize “justifiable demands for reform of the equalization formula, unobstructed transportation corridors to the Atlantic and Pacific, immediate construction of the Trans Mountain pipeline expansion, and an administrative agreement limiting federal spending and taxation in areas of provincial and joint jurisdiction (such as environmental protection) without the consent of the affected provinces.” One suspects these suggestions will feature in the report of the [Fair Deal Panel](#) set up last November by the Jason Kenney government and of which Manning is a member. The panel’s report is due in March.

The challenges facing our federation are daunting. Manning never underestimates them in this complex and wide-ranging book, but neither does he underestimate the ability of Canadians to grapple with and overcome them. “There is an old saying that a Canadian optimist is someone who believes things could be worse,” Manning writes in the folksy mode with which friends and supporters have long been familiar. “I am a Canadian optimist who believes the future can be better if enough of us resolve

to make it so.”

Preston Manning is a serious, moderate and prudent Canadian elder statesman in an age of unserious politics dominated by instant analysis, shallow opinion, excessive emotionalism, virtue signalling and denunciation of opponents. Those of us less optimistic than he might fear that Canada is in danger of being overwhelmed by the regional and philosophical issues that divide us, the challenges spiralling far beyond the abilities of our current leaders.

Manning acknowledges that faith in democracy is being sorely tested. “The current practice of democratic politics is not producing stellar or exemplary governance in much of Europe or Australia,” he writes. “And then there is the Canadian example of the seeming inability of democratic governments elected on the basis of style rather than substance to even recognize let alone effectively address the major issues of the day.”

Despite all of that, Manning’s confidence in democracy and the ability of conservatives to lead a renewal of faith in politics and public service never seems to waver. For him, it’s just a matter of determination and hard work. As he writes: “The biggest single thing we can do to strengthen the competitive position of citizen-directed democracy in



*Preston Manning retires leaving a legacy of vision, determination hard work — and enduring hope.*

our times is to clearly identify its principal deficiencies and vigorously implement reforms to address them. In other words, *Do Something!* Do many things to make citizen-directed democracy great again.”

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