



# UNCONSTITUTIONAL ALBERTA

The Government of Alberta vs. the Crown



LEGISLATIVE ASSEMBLY OF ALBERTA

Visitor Services – Parliamentary Programs



# Title Slide

## **Legend:**

Black text = presentation

Blue text = discussion

Magenta text = question and answer

## Unconstitutional Alberta

## **Sources**

When not specified, images are from the Legislative Assembly Office.

For further reading on any of the topics, see the last slide.

If you have questions not covered in any of the additional reading or spot an error, please contact [education@assembly.ab.ca](mailto:education@assembly.ab.ca).

## Slide 2

Canada's Government system was inherited from Great Britain. While we adopted the Westminster style of government when we became a country in 1867, our government has evolved since that time to a uniquely Canadian system.



Name the current leader at each level.

- **Monarch**
  - Queen Elizabeth II
- **Federal Government Leader**
  - Prime Minister Justin Trudeau
- **Provincial Government Leader**
  - Premier Jason Kenney
- **Municipal Government Leader**
  - Varies by community

At the provincial level and above, any bill passed must receive Royal Assent by a representative of the monarch to become a law. While the monarch is technically at the top, Canada's constitution protects the power of the people at every level below and prevents the possibility of an abusive monarch creating unwanted laws.

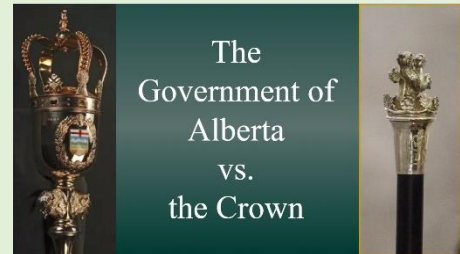
Alberta has a fascinating history related to its constitution. Sometimes Albertans have challenged the Constitution, other times Albertan governments have attempted to pass legislation that is unconstitutional. This 3-part presentation looks at a few episodes in Alberta's history when our relationship with Canada's constitution got a little bumpy.



Each section is followed by a short activity.

## Slide 3

According to our Constitution, Royal Assent is needed at the provincial and federal levels to turn a bill into a law. In this episode, we'll look at a time in Alberta's history when the government's bills did not receive Royal Assent.



## Slide 4

Here's a breakdown of *some* of the responsibilities at the federal, provincial, and local levels of government.

Pick an item and tell me why you think it belongs at the level it is.

Federal	Provincial	Municipal
<ul style="list-style-type: none"><li>National healthcare funding</li><li>Money and banking</li><li>International trade and commerce</li><li>Foreign policy</li><li>Child tax benefits</li><li>Unemployment insurance</li><li>Supreme Court of Canada</li></ul>	<ul style="list-style-type: none"><li>Health services and hospitals</li><li>Province's natural resources</li><li>Liquor licenses</li><li>Education and schools</li><li>Marriage license/divorce decrees</li><li>Labour Law</li><li>Provincial courts and civil laws</li></ul>	<ul style="list-style-type: none"><li>Ambulance services</li><li>Property taxes</li><li>Building permits</li><li>School buses and buses</li><li>Local roads and public transportation</li><li>Libraries</li><li>Zoning laws</li></ul>

Despite these divisions, the duties of our governments at all levels are strongly connected.

**\*\*CLICK\*\***

Take, for instance, healthcare. Health services and hospitals are the responsibilities of provincial governments. This is the bulk of healthcare. Building new hospitals and issuing medical licenses - not just to doctors, but to nurses, technicians, etc. - are all part of these provincial responsibilities. Provinces are also responsible for creating provincial colleges of physicians, surgeons, nurses, midwives, etc.

Stepping up to the federal level, we see that healthcare funding across the country is supported by the Federal Government. While most provinces add their own funds, this ensures that all provinces can afford at least the bare minimum when it comes to providing healthcare to their people.

Looking at the most local level now, we have things like ambulance services. These might receive provincial - or even national - funding, but it is each municipality's responsibility to organize and run them. Have you ever noticed that ambulances look different in different communities? This is why.

If a government is the body responsible for the management of something, can you think of examples of other 'governments' related to healthcare?

*Some possible responses:*

- hospital administration
- a regional ambulance board
- any provincial college or union of healthcare workers



- a healthcare volunteer board
- the World Health Organization (WHO)
- etc.

While these kinds of organizations do govern in the sense that they provide management, they do so in limited ways. Hospital administration can manage how patients are admitted, but they can't govern healthcare across the province. Likewise, the World Health Organization (WHO) can make global recommendations, but they cannot make sure everyone, or even anyone, follows them. There are two things that set these kinds of governing bodies apart from every level of government in Canada: they lack the **power** and **authority** that gives our governments their mandates.

## Slide 5

Since our country is a Constitutional Monarchy, the Monarch is the Head of State. Though the Queen doesn't take part in any of the decision-making of our country, she's still technically at the top, but she allows the Government to operate on her **authority**. Our governments have the Monarch's **authority** to act on her behalf - it's what allows them to make laws that everyone must follow. To represent this **authority**, the government uses a mace (pictured) which is in the Chamber with the government whenever they are meeting. Every legislative body in Canada at the provincial, territorial, and federal levels has their own mace.



How many maces does this add up to across Canada?

- 15 = one for every province (10) + every territory (3) + the House of Commons (1) + the Senate (1).

If **authority** is what allows the members of government to make laws, then **power** is what gives those members of government their positions. **Democracy** comes from Greek *demos* (people) and *kratia* (power). It literally means 'power of the people.' As people, we transfer that power to the Government by voting for them. It is important to remember that even though we don't have the authority of the government, we retain that power, allowing us to dissent, to protest, and to elect individuals of our choosing.

No matter who the government is or what they do, the people hold the government accountable in their use of power. Likewise, someone holds the government accountable in their use of authority.

Who is responsible for overseeing the government's use of its authority?

- A representative of the Monarch (Governor General, Lieutenant Governor).

## Slide 6

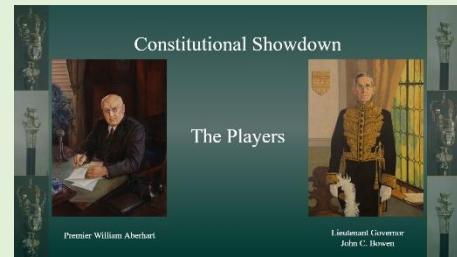
These are the official portraits of Premier William Aberhart and Lieutenant Governor John C. Bowen.

William Aberhart helped to found the Social Credit party in Alberta. For the sake of this presentation, here are a few things you should know about him:

- He had an austere, religious upbringing
- He founded his own Baptist bible school, the Calgary Prophetic Bible Institute, where he hosted popular religious broadcasts
- He believed most of the world's wealth was being mismanaged by large banking institutions

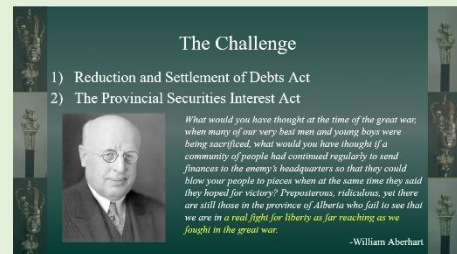
William Aberhart became Premier in 1935. One of Aberhart's sources of popularity was his belief that the government should provide \$25 a month to every Albertan to boost the economy.

John C. Bowen became the Lieutenant Governor of Alberta in 1937. As an individual, he was a veteran of WWI, a former MLA, and widely respected by Albertans. As a professional, he was the King's representative in Alberta.



## Slide 7

The two bills here were introduced and passed by the Legislative Assembly after three readings. The government had the **power** to pass these laws since they had been elected by the people, but did they have the **authority**?



When the bills came before the Lieutenant Governor to receive **Royal Assent** and be made into laws, John Bowen was doubtful that they were within the bounds of the constitution because he felt they limited the Federal Government's control over banks. He chose to **reserve** Royal Assent, forwarding the bills to the Supreme Court to decide whether or not they were lawful.

These bills had to do with Aberhart's promise of giving \$25 a month to all Albertans. After coming into office, Aberhart realized there was not enough money to make fulfilling this promise possible. Part of the reason, he believed, was because the banks of the world were secretly controlling all the wealth to keep themselves in power and to keep others poor. He frequently referred to banks as "the enemy" and spoke of this fight against the banks as "a real fight for liberty as far reaching as was fought in the great war." [Mantle of Leadership p.425 n. 222]

[Optional Discussion]



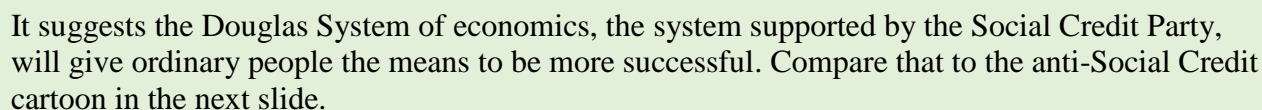


Hesketh, Bob, *Major Douglas and Alberta Social Credit* (Toronto: University of Toronto Press, 1997), 129.

Looking back at our breakdown of government responsibilities, banking and money are federal responsibilities. As Lieutenant Governor John Bowen suspected, the two bills were declared unconstitutional, or *ultra vires* (beyond the power of the government).

Since they were unconstitutional, the bills could not become laws and were stopped.

North American print media was particularly critical of William Aberhart and of Social Credit policies overall. To help combat the negative sentiment, the Alberta Government purchased the newspaper *The Albertan* to print pro-Social Credit news. Members of the Social Credit party also published their own print media to spread a more positive message. This political cartoon by Social Credit member Ernest G. Hansell was from a pamphlet called “What would Social Credit do for us?”

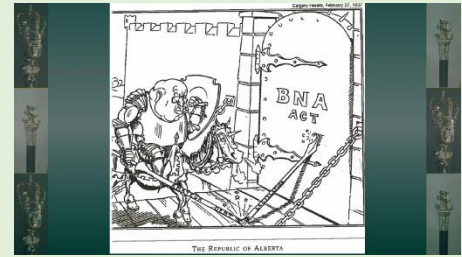


- Why would the economic system be portrayed as a gun?
- Why were furs chosen to depict wealth?
- Can you think of any modern equivalents to this cartoon?

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## Slide 10

While Aberhart was very popular on the radio, where he had earned the nickname Bible Bill, when it came to print media, the Social Credit Party could not compete with their critics. This political cartoon was published in response to the Supreme Court finding the government's bills *ultra vires*.



B.N.A. is The British North America Act, the name of Canada's Constitution at the time.

Discuss the elements of the cartoon

- Why do you think the artist used a medieval theme?
- Why do you think the artist depicted Aberhart as being so big and his horse so small?

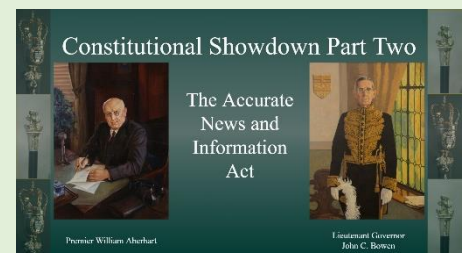
It is important to note that the artist's work is creative and critical. It expresses an opinion. Consider the context of the message: while Aberhart's bills were unconstitutional, it was not the constitution itself that Aberhart was attacking. Do you think the message of the cartoon is 'fair'? What about Aberhart's exaggerated obesity? How do you think that affects the message?

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Cameron, Stewart, "The Republic of Alberta," *The Calgary Daily Herald*, February 27, 1937.

## Slide 11

The criticism of newspapers and dislike over the way he and his government were being portrayed led to Aberhart attacking the press in a new bill. *The Accurate News and Information Act* would make newspapers responsible for correcting or emphasizing their content at the whim of the government. Newspapers would also need to give the names of authors and sources within 24 hours if demanded by the government. Failure to meet the terms of this bill would result in journalists or newspapers being banned from publishing and fines of up to \$1000 per day.



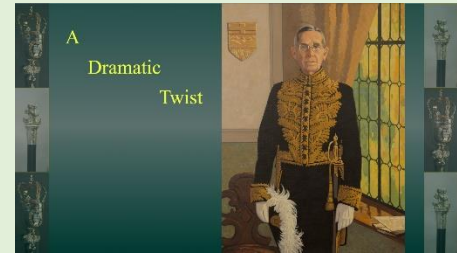
Lieutenant Governor Bowen **reserved Royal Assent** for this bill as well. The Supreme Court also declared this bill to be *ultra vires*, several of the Supreme Court Justices agreed that the British North America (BNA) Act implies that **Freedom of the Press** is vital to Canada's democracy. Accordingly, this bill was also stopped from becoming a law.

It was a dramatic time waiting for the Supreme Court's decision. Fearing repercussions, some newspapers cut back on their criticisms of Aberhart's government during this time. Others, however, looking to defend their rights, continued to publish articles and cartoons more critical than ever, including the Edmonton Journal which won a special Pulitzer Prize for "editorial leadership in defense of the freedom of the press."

Media, even something as simple as a single cartoon, can have a very powerful impact.

## Slide 12

This is the official portrait of John C. Bowen hanging in the Legislature Building. In the portrait, the Lieutenant Governor is shown standing in Government House, the official residence of Lieutenant Governors in Alberta. It was a residence paid for by the government.



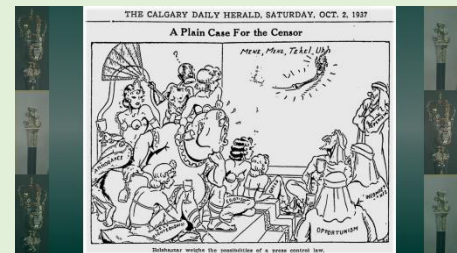
The Aberhart Government was frustrated with Bowen's efforts to stop some of their bills from becoming laws. They submitted a legal challenge, but the Supreme Court of Canada upheld Bowen's decisions and stated that the Lieutenant Governor's ability to reserve Royal Assent had "no limitation or restriction."

In the Government's next budget, they cut funds for Government House and told Bowen that he and his family had to move out. After Bowen refused to leave without an official order being passed, Aberhart cut off the power and water to the house and fired the staff, forcing Bowen out. That was the last time Government House was used as the official residence of a Lieutenant Governor in Alberta.

## Slide 13

Here's an example of a political cartoon criticising the Accurate News and Information Act before it was stopped.

Here, Aberhart is shown surrounded by negative qualities in a harem as the Babylonian literary figure Belshazzar. In Jewish tradition, Belshazzar was a tyrannical oppressor of the Jewish people. The artist is criticizing the anti-Semitism of the Social Credit party. Many in the party mistrusted banks because they believed most of the banks in the world were controlled by Jewish people. The myth of Belshazzar is the origin of the phrase "the writing on the wall" which is an expression suggesting the coming of doom for transgressing God. The cartoonist is suggesting that Aberhart, a devoutly religious man who had earned the nickname Bible Bill, would use his *Accurate News and Information Act* even to block the word of God.



Harsh criticisms of the Social Credit Party were fairly common at this time, and the support for the party could be equally harsh.

Compare this cartoon with the response from a Social Credit supporter in the next slide.

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Cameron, Stewart (uncredited), "Belshazzar weighs the possibilities of a press control law," *The Calgary Daily Herald*, October 2, 1937.



## Slide 14

Discuss the opposing points of view as a class

- Which points make the cartoonist's argument valid?
- Which points make Mr. Anderson's argument valid?
- Which side, if any, do you agree with? Why?
- What do think of the strong language used (both in the cartoon and the response)?



In the end, the Supreme Court sided with the media, stating that the freedom of the press is essential for our democracy to function properly. Freedom of the press works both ways: it allows criticisms of the government and responses to those criticisms to be printed. Today, media **bias** is more noticeable than ever. **Bias** in the media is when the media shows a preference for a particular stance on an issue. In order to engage with democracy, we must be able to recognize bias in the media so we can form our own opinions.

Anderson, George, "Does not Like Cartoon," *The Calgary Daily Herald*, Tuesday, October 5, 1937.

## Slide 15

The way a cartoon is drawn is just as important as what is being drawn. The way it is drawn conveys the tone of the message.

Compare the cartoon we looked at earlier with this other cartoon criticising the *Accurate News and Information Act*.



They are both against the *Accurate News and Information Act*. The one on the left shows Aberhart as an ugly, overweight man, whereas the one on the left still depicts Aberhart in a villainous way, but does so without needing to make him look ugly.

How do you think a cartoon like the one on the left would be received today?

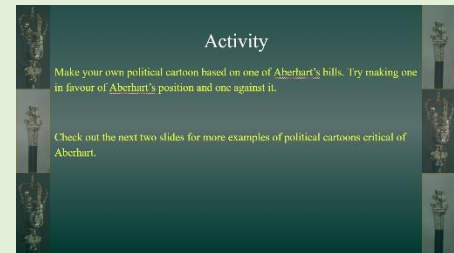
Do you think it is important to separate criticism of policies from personal attacks? Why or why not?

Cameron, Stewart (uncredited), "Belshazzar weighs the possibilities of a press control law," *The Calgary Daily Herald*, October 2, 1937.

Dale, Arch, "Where's the Editor?" *Winnipeg Free Press*, June 3, 1936.

## Slide 16

[Activity]



## Slide 17



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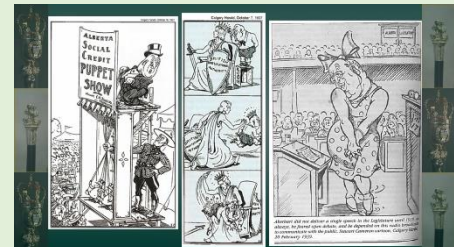
Johnson, Ivan Russell "The winning appeal," 1935.

Cameron, Stewart, "The expert was called in," *The Calgary Daily Herald*, January 30, 1937.

Cameron, Stewart, "Cowardly blue jay," *The Calgary Daily Herald*, August 24, 1937.

Cameron, Stewart, "Oh-you-Nazi Man," *The Calgary Daily Herald*, September 28, 1938.

## Slide 18



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Cameron, Stewart, "Puppet show," *The Calgary Daily Herald*, October 16, 1937.

Cameron, Stewart, "Spanked!" *The Calgary Daily Herald*, October 7, 1937.

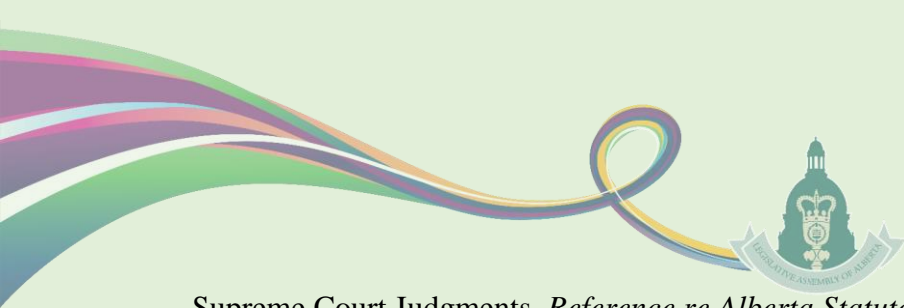
Cameron, Stewart, "Shy Aberhart," *The Calgary Daily Herald*, February 20, 1939. Caption by Elliot and Iris Miller.

## Slide 19

### Further Reading

### Legal





Supreme Court Judgments, *Reference re Alberta Statutes - The Bank Taxation Act; The Credit of Alberta Regulation Act; and The Accurate News and Information Act*, March 4, 1938.

Accessed April, 2020: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2777/index.do>.

Supreme Court Judgments, *Reference re The Power of the Governor General in Council to Disallow Provincial Legislation and the Power of Reservation of a Lieutenant-Governor of a Province*, March 4, 1938. Accessed April, 2020: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/8562/index.do>.

#### On Aberhart and Social Credit in Alberta

Elliot, David R. and Miller, Iris, *Bible Bill: A Biography of William Aberhart* (Edmonton: Reidmore Books, 1987).

Hesketh, Bob, *Major Douglas and Alberta Social Credit* (Toronto: University of Toronto Press, 1997).

#### On analyzing political cartoons

Hou, Charles and Hou, Cynthia, *The Art of Decoding Political Cartoons: A Teacher's Guide* (Vancouver: Moody's Lookout Press, 1998).