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*John M. McMenemy*

PERMANENT ADDRESS:

115 STRATHCONA AVE. N.  
HAMILTON  
ONTARIO

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JOHN MURRAY McMENEMY

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THE COLUMBIA RIVER TREATY, 1961-1964: A STUDY OF  
OPPOSITION AND REPRESENTATION IN THE CANADIAN POLITICAL SYSTEM

Committee in Charge:

Professor D. W. Brison, Chairman  
Professor W. T. Easterbrook  
Professor M. Brownstone  
Professor F. J. C. Griffiths  
Professor G. Heiman  
Professor G. Horowitz  
Professor J. T. McLeod  
Professor K. McNaught  
Professor F. W. Peers  
Professor J. E. Smith  
Professor M. H. Watkins

8

THESIS

THE COLUMBIA RIVER TREATY, 1961-1964: A STUDY OF  
OPPOSITION AND REPRESENTATION IN THE CANADIAN POLITICAL SYSTEM

(Summary.)

In January, 1961, Canada and the United States signed the Columbia River Treaty for the co-operative development of the Columbia River basin in Canada. This is a study of the opposition in Canada to the treaty from 1961 until its ratification by Canada in 1964. This study of opposition to public policy in Canada considers the dispute between Ottawa and the province of British Columbia and the interjections from the United States. It surveys the vigorous opposition expressed by a section of the public in British Columbia, the Province of Saskatchewan, the New Democratic party and some Liberal members of Parliament, and by General A. G. L. McNaughton, who was retired as Canadian chairman of the International Joint Commission, a United States-Canada tribunal established to settle disputes over systems of waterways traversing the boundary between the two countries. The study ends with an analysis of the various expressions of opposition to government policy and the efficacy of such manifestations of dissent in the Canadian political system.

The methodology employed in the study is the conventional descriptive-analytical approach. Information has been drawn from public documents and private sources in portraying the efforts to alter public policy and in evaluating the opposition's strategy in the context of the changing political situation. An assessment is made of the internal cohesion of the forces of opposition and how they were modified or checked by other forces within the political system.

The study concludes that even with much greater cohesion and unity of purpose, the opponents of the treaty could probably not have matched the political power and influence of the governments of British Columbia and the United States; for the federal Government was unwilling to pursue objectives in the treaty which exacerbated federal-provincial differences and which endangered the attempt to improve relations with the United States.

The existence of disciplined parties in the system of responsible parliamentary government made it difficult to register extra-parliamentary opposition to the treaty. Moreover, the control of the executive over the legislature made even parliamentary opposition difficult to register. In addition, the divided jurisdiction in the federal system made it possible for both federal and provincial executives, when the policy was under attack, to shift responsibility to the other level of government.

The position adopted by the newly-elected Liberal Government in 1963 may have been formulated, at least tentatively, by the party leadership while the party was out of office and before a party caucus committee was established to study the issue. In any case, the advice to the Ministry from the permanent civil servants was apparently more effective than that offered by informed members of the Government party caucus. In the event, despite its minority status in the House of Commons, the Government was able with ease to secure parliamentary endorsement of its position.



In its last chapter, the thesis appraises the performance of the press in informing the public on the issues. The press was drawn to the sensational aspects of the federal-provincial quarrel. This raises the question of whether reporting and commentary emphasizing official positions in such a debate provides an adequate background for the making of public policy.

Finally, the thesis concludes that although the treaty was ratified, the opposition succeeded in casting doubt upon its value to Canada. If another similar situation arises, the experience of the debate over the Columbia River Treaty may help to crystallize public discussion. However, the basic difficulties related to the policy-making procedures in the Canadian political system may still confound those who attempt to make representation effective.

#### BIOGRAPHY

1940	Born, Hamilton, Ontario
1963	B.A., McMaster University
1965	M.A., McMaster University
1965-1969	School of Graduate Studies, University of Toronto

#### GRADUATE STUDIES

##### Major Subjects:

Government of Canada

Professor F. W. Fox  
Professor A. Wilson

##### First Minor Subject:

Political Theory

Professor Dr. Novak  
(McMaster University)

##### Second Minor Subject:

American Reform Movements

Professor K. W. McNaught

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THE COLUMBIA RIVER TREATY, 1961-1964:  
A STUDY OF OPPOSITION AND REPRESENTATION  
IN THE CANADIAN POLITICAL SYSTEM

THE COLUMBIA RIVER TREATY, 1961-1964:  
A STUDY OF OPPOSITION AND REPRESENTATION  
IN THE CANADIAN POLITICAL SYSTEM

by

JOHN MURRAY MCMENEMY

Department of Political Economy

A Thesis submitted in conformity with  
the requirements for the Degree of  
Doctor of Philosophy in the  
University of Toronto

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## PREFACE

Gen. McNAUGHTON: (...) The Lord in His divine providence caused these rains to fall on Canadian territory, and it is a principle of law that we have under the present treaty today the right to make use in our own way of what the Lord gives us.

Mr. BREWIN: You mean the 1909 treaty ... not the present treaty?

Gen. McNAUGHTON: The 1909 treaty, yes. (...) Not the present treaty by any manner of means.

Canada, House of Commons, Committee on External Affairs, Minutes of Proceedings and Evidence, April 21, 1964, p. 539.

On January 17, 1961, Canada and the United States signed the Columbia River Treaty for the co-operative development of the Columbia River basin in Canada. The matter had been under study since 1944 when Canada and the United States made a Reference to the International Joint Commission on the initiative of the United States. The Congress of the United States promptly ratified the treaty in March, 1961. In December, 1960, however, the provincial Government of British Columbia referred the development of the Columbia to its Energy Board, and, shortly before the signing of the treaty, indicated to the federal Government that federal proposals for the financing of the project were unacceptable. Thus began the delay which postponed Canada's ratification of the treaty for three-and-one-half years. Canadian

ratification came after the election of the federal Liberal Government in 1963, and the international negotiation of a protocol to the treaty which satisfied the demands of British Columbia and the impatience of the United States. The "re-negotiation" by the Liberal Government, however, failed to satisfy many critics of the Columbia River Treaty, including General A. G. L. McNaughton, who, as Chairman of the Canadian section of the International Joint Commission during the 1950's, played an important role in defining and defending Canada's interests.

This study is an examination of that "defense," from the signing of the treaty to its ratification by Canada as a manifestation of opposition to government policy in the Canadian political system. Following an outline of events leading to the signing of the treaty, the dissertation considers the dispute between the federal and provincial Governments, including the interjections from the United States which created the conditions within which the campaign of opposition to the treaty was conducted. The study continues with an examination of the opposition in the Arrow Lakes district of British Columbia and part of the provincial labour movement, the opposition of General McNaughton and his associates, the opposition of the Government of Saskatchewan, and the opposition engendered in Parliament within the federal Liberal and New Democratic parties. The examination ends with reflections on these expressions of opposition to

government policy as performance of public duty within the Anglo-Canadian political tradition, and with observations on the efficacy of such expressions of public duty on a large scale issue of continental scope within Canada's federal political system.

Because this is a study of opposition to, and representation on, public policy, the arguments in opposition to the Columbia River Treaty and protocol are necessarily prominent in the compilation of material. The writer is not, however, either a professional engineer or an economist and he does not intend to give judgment on the engineering and economic arguments used by proponents or opponents of the treaty. That task remains for others. At the same time, this study does not attempt to assemble a koran of statements and sentiments in opposition to the treaty and protocol, although the major positions are included and the divergences among them disclosed.

A prime characteristic of the dispute between the Government of British Columbia and the federal Government over the development of the Columbia River basin was its public nature. Reports in newspapers and periodicals of the day provided good "coverage" of what will no doubt be thought of as one of Canada's classic federal-provincial feuds. Apart from the attention paid occasional public remarks by General McNaughton, the press extended less diligent "coverage" to the treaty's opponents. Consequently, I have

1  
been able to amass the information on the opposition campaign only through the generosity of the treaty's critics, who have permitted interviews, released hitherto private correspondence, and replied to questions by correspondence.

Since General McNaughton's death in 1966, his papers have been closed until approximately 1980 when they will be available in the Public Archives of Canada. Exceptional access has been granted to students interested in the General's military and political career to 1945 through the Armed Forces Historical Directorate which is holding the papers at McNaughton's request. Papers relating to the Columbia River Treaty from the 1950's and 1960's remain for the most part in his family's private keeping. A suggested reference, however, to McNaughton's associates in the campaign against the treaty has proved useful. While several associates of General McNaughton in this final campaign provided their correspondence and information on the campaign, particular mention should be made of the assistance provided by Larratt Higgins of Toronto. Mr. Higgins was McNaughton's closest adviser on the treaty in the 1960's and has continued to speak out on the need for a long-range national policy on water use.

Three politicians now out of office also granted interviews: H. W. Herridge, former Member of Parliament for the New Democratic party, James Byrne, a former Liberal MP, and a member of the federal Conservative Ministry who was willing to submit to questioning, although generally inclined

to remain silent on events during his career for the time being. An official of the Department of External Affairs in Ottawa granted an interview, and a former member of the Bennett Ministry, and a senior official of the province of British Columbia outlined the province's position in an informal meeting. Mr. Herridge also provided access to a large amount of private and public documents in his office in Ottawa, which, while plentiful, remains uncatalogued and separate from another collection in his home at Shoreholme, near Nakusp, British Columbia.

I also gratefully received documents and information from the Hon. Woodrow S. Lloyd, former Premier of Saskatchewan and presently the leader of the Opposition, Mrs. E. H. Davidson of Victoria, Donald Waterfield of Nakusp, J. D. McDonald and Richard Deane of Rossland, F. J. Bartholomew of Vancouver, Bruce Yorke and Orville Braaten, also of Vancouver. Mr. Yorke provided documents from the Columbia River for Canada Committee through Emil Bjarnason, of the Trade Union Research Bureau in Vancouver, with whom I had an informal conversation in Toronto.

Particular reference should be made to Mrs. Davidson and Mr. Waterfield. Mr. Waterfield, a farmer who led the Water Resources Committee in the Arrow Lakes district in opposition to the treaty, and to the High Arrow Dam in particular, made available his manuscript, "Waterboy," which will be published by Clarke-Irwin publishers. The manuscript concerns the activity of the opponents of the

treaty in the district from before the signing of the treaty until ratification, and contains a useful section on the hearings held in the Kootenays by the provincial Comptroller of Water Rights in the autumn of 1961. Mrs. Davidson, an elderly invalid who acquired an interest in the treaty and power development, conducted correspondence with private and public people in Canada and the United States, and provided reams of information to the critics of the treaty during the campaign. Her correspondence in response to my queries has been full and detailed. Her interest extends beyond the confines of this study of the opposition to the Columbia River Treaty from 1961 to 1964, and her papers will be important source material for future students of politics and power development in British Columbia.

I acknowledge a great indebtedness to Frank W. Peers, of the Department of Political Economy at the University of Toronto, for his invaluable editorial advice during the preparation of the study. His guidance as departmental supervisor invariably resulted in an improved text. I am also grateful to Paul Fox, who, as a departmental adviser, also read the dissertation and offered constructive criticism.

\* \* \* \*

Although this study ends with Canada's ratification of the Columbia River Treaty in 1964, the debate over the treaty continues on several fronts. While the debate persists

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as part of the larger question of interest to Canadians -- the relationship of their country to the United States--the development of water resources for power production is of more pressing concern to the residents, the consumers and taxpayers, of British Columbia. Power from Bennett Dam, (formerly Portage Mountain Dam), on the Peace River was introduced in British Columbia in the autumn of 1968, and the Duncan Lake and High Arrow Dams on the Columbia River are now operational. The dam at Mica Creek will be operational by, 1973. While dam construction on the Columbia River has been ahead of schedule, the costs have risen sharply and are confidently forecast by the treaty's critics in the province to outdistance by far the payments made by the United States.<sup>1</sup> The provincial Government has attempted to keep costs down by partial, rather than thorough, clearing of the reservoirs of the treaty dams.<sup>2</sup> In part, the rising costs are attributed to the compensation being afforded residents of the Arrow Lakes district where outstanding disputes over expropriation remain to be settled.<sup>3</sup>

Larratt Higgins has continued to make public speeches criticizing the Columbia River Treaty as a blueprint for an undesirable form of continentalism. Before his death, General McNaughton made three addresses on water policy which criticized the treaty as a precedent for future international developments. This debate continues as Senator Frank Moss, of Utah, leads a sub-committee of the United States Senate



in an investigation thinly disguising the promotion of the North American Water and Power Alliance (NAWAPA), a concept designed to fill the Rocky Mountain Trench in Canada with water to be distributed to water-deficient areas of the continent, primarily in the southwestern United States.

Senator Moss' own views on NAWAPA and water as a continental, rather than national, resource have been outlined in a book published in 1967.<sup>4</sup>

The focus of comment by such critics of the Columbia River Treaty as Larratt Higgins has shifted to the need for a national policy on water use. However, the obstacles which confounded the critics of the treaty between 1961 and 1964 may still confuse and defeat attempts to influence and alter established public policy for the future. These obstacles, which are chronicled and discussed below, include the divided jurisdiction in Canada between the federal and provincial governments in the area of resource development, the complexity of the problem and the governments' practice of contracting expert authorities outside the civil service for their particular interests, the failure of the press to create an informed public opinion, the dominance of the Government party over internal dissent and parliamentary opposition, and the vested interest in established policy held by the civil service. Further, there is no evidence, yet, that the federal Government will be as firm toward an aggressive provincialism in the area of water policy as it was in the mid-

1950's. Finally, one may question the future effect on Canadian policy of the determination of the United States to appropriate what resources are available on the continent to sustain the growth of its water-hungry economy:

Footnotes

<sup>1</sup> F. J. Bartholomew to author, June 6, 1968.

<sup>2</sup> Donald C. Waterfield to author, June 13, 1968.

<sup>3</sup> Ibid. For an account of the implications of the High Arrow Dam and reservoir construction for residents in the area following ratification of the treaty, see a series of articles by Frank Rutter in the Vancouver Sun in April and May of 1968.

<sup>4</sup> Senator Frank Moss, The Water Crisis (New York: Frederick A. Praeger, 1967), especially Chapter 17, "From the Frozen North." General McNaughton made his final public appearance, shortly before his death, in a symposium with Senator Moss before a meeting of the Royal Society of Canada in June, 1966.

## PHOLOGY TO THE COLUMBIA RIVER TREATY

### 1. Introduction

The Canadian west coast province of British Columbia possesses a great treasury of water. The northeastern corner of the province is drained by the Peace, Fort Nelson, and Liard Rivers; all three are tributaries of the Mackenzie River which carries the water to the Arctic Ocean. Most of the province, however, lies in the drainage basins of rivers that flow into the Pacific Ocean. The most important of these rivers are the Columbia and the Fraser. The Columbia drains the Kootenay region and the Okanagan Valley while the Fraser drains virtually the whole of the central interior of British Columbia. The delta lands that form the rich Fraser Valley farming area extend inland from the sea for 100 miles. The most important rivers reaching the Pacific Ocean on the northwest coast are the Skeena, the Nass, and the Stikine. In the extreme northwest, a small area is drained by tributaries of the Yukon River which empties into the Bering Sea through Alaska. Arable land is scarce in British Columbia, but the rivers in the south have contributed to the growth of rich fruit-growing regions. The rivers flowing into the Pacific abound in fish and the entire network of rivers provides a great source of potential hydro-electric power

generation.

Five rivers in British Columbia as well as the major water network on the prairies will be of particular interest in this study. The Saskatchewan River, the fourth largest river in Canada, rises on the eastern slope of the Rockies and crosses Alberta and Saskatchewan to empty into Lake Winnipeg in Manitoba. The Saskatchewan has two main branches, the North Saskatchewan and the South Saskatchewan. Large tributaries of the North Saskatchewan are the Brazeau and Clearwater Rivers; of the South Saskatchewan, the Oldman, the Bow and the Red Deer. Both branches, which have a common source in the Columbia Icefield of the Rockies, diverge until they are 300 miles apart. Flowing east, they converge with the Saskatchewan 800 miles downstream near Prince Albert, Saskatchewan. The water flows another 340 miles to Lake Winnipeg and, from there, another 400 miles in the Nelson River to Hudson Bay.

On the western slope of the Continental Divide, the Columbia, the Kootenay, the Peace, and the Fraser, which originate in British Columbia, and the Pend d'Oreille, which originates in the United States and flows into British Columbia, figure prominently in the debate on the development of the Columbia River basin in Canada both before and after the signing of the Columbia River Treaty. The Pend d'Oreille River rises in the United States (where it is known as the Pend Oreille River) in Idaho and flows across the State of Washington to enter British Columbia for the last twelve

miles of its brief course before joining the Columbia River at Waneta. The 850-mile long Fraser River rises in the Rocky Mountains in the neighbourhood of Yellowhead Pass. It flows northwest for 77 miles in the Rocky Mountain Trench, turns and flows south for 413 miles to the town of Hope, where the river turns west and flows to the coast near Vancouver. The Thompson River, one of the many tributaries of the Fraser, flows from Lake Shuswap, near the Columbia River at Revelstoke in the interior of the province, and empties into the Fraser River north of Hope. The Peace River, which is the principal tributary of the Mackenzie River system, rises in British Columbia by the confluence of the Finlay and the Parsnip at Finlay forks and flows east through the Rocky Mountains into Alberta. The 1,200-mile long Peace River joins the Slave River a few miles north of Lake Athabasca, from whence the water continues to the Arctic Ocean.

Rising on the western slope of the Continental Divide to the west of Banff, Alberta, the Kootenay River runs parallel to the early part of the Columbia River's course, ten to fifteen miles from the Columbia. The Kootenay flows in the opposite direction to the Columbia for fifty miles, skirts the Columbia's headwaters and continues south. It crosses the international border into Montana (where it is known as the Kootenai), turns west into Idaho, then north again to Kootenay Lake in British Columbia. The water flows

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from Kootenay Lake in the West Kootenay River which joins the southbound Columbia at Castlegar, 407 miles from the Kootenay's source. The Columbia River is the second largest river on the Pacific slope of North America. (The Yukon River, whose drainage basin includes a small portion of northern British Columbia, flows 2,000 miles through the Yukon and Alaska to the Bering Sea. It is the largest river on the Pacific slope of the continent and the fifth largest river in North America.) Fed by glaciers and snow fields, the Columbia River rises from Lake Columbia in the Kootenay district of British Columbia. Flowing north from its source within sight of the southbound Kootenay River at Canal Flats, the Columbia doubles back, flows through the Arrow Lakes, and crosses the international boundary into the State of Washington. The river winds a course generally south through Washington, then turns west, forming the state boundary between Washington and Oregon to the Pacific Ocean. The Columbia River is 1,150 miles long and falls 2,650 feet during its course; in Canada alone, the river falls 1,360 feet during a 459-mile course. (See maps in Appendices.)

## 2. Canada, the United States, and the Columbia River

Initiative for the development of the Columbia River basin in Canada came from the United States. Negotiations between the two countries which led to the joint Reference to the International Joint Commission in March 1944 were initiated by the Department of State of the United States

at the formal request of the Departments of War and the Interior.<sup>1</sup>

A resolution from the Committee on Commerce of the United States Senate requested the Army's Corps of Engineers to review its original report on the Columbia River and its tributaries. To carry out this request, it was necessary to obtain technical information on the Canadian section of the basin. In her study of the role of the IJC in the development of the Columbia, Dorothy Louise Moore observed:

The only agency capable of getting such information and making it available to the Corps was the IJC. In short, the needs of the United States to know more about the Canadian section of the basin led to the joint making of the Columbia River Reference.<sup>2</sup>

The joint reference directed the IJC to determine the feasibility and advantages to both countries of greater use of the Columbia River system. The reference did not mention co-operative development or the apportionment of costs.

Basic physical and economic facts of the Columbia basin made development an obvious goal for those concerned with the Pacific Northwest region of the United States. The average flow in June of the Columbia River is ten times the average minimum flow.<sup>3</sup> Though the land area of the basin within British Columbia represents only 15 per cent of the total basin area, this Canadian portion of the basin contributed 28 per cent of the average annual run-off of 180 million acre-feet. As noted above, more than one-third of





the river's course and one-half of the river's fall from source to sea-level is in Canada. While the uncontrolled Canadian (or upstream) run-off has contributed to hydro-electric production in the United States (downstream), it has also contributed to flood damages in a 140- mile long plain lying along the lower Columbia.<sup>4</sup>

The creation of upstream storage in Canada to realize the hydro-electric potential of the Pacific Northwest and to provide the region with flood control came to be seen in the United States as the key to optimum development of the Columbia River. In her discussion of the IJC and the Columbia Reference, Moore clearly shares this view based on the assumption of what has come to be known in Canada as a continental attitude. Moore writes:

The Columbia River system cannot be fully developed without controlling the voluminous Canadian flows. Optimum benefits from Canadian storage can only be attained through hydraulic and electrical integration with the United States system. Storage releases from Canada must be timed to optimize production of firm energy at United States plants. Electrical interconnection of the power systems of the two countries would result in additional economies and benefits.

In 1955, Canada's Deputy Minister of Northern Affairs and National Resources outlined for members of the Committee on External Affairs of the House of Commons two important differences which the Canadian Government distinguished between the Pacific Northwest region of the United States and southern British Columbia. Maurice Lamontagne, future

federal Liberal Minister, noted:

First the Pacific northwest has reached a more advanced stage of industrial development than British Columbia with the result that the cheapest sources of power under its immediate control are already developed and that cheap power is becoming a scarce factor which is already limiting economic development. Secondly, the Pacific northwest is protected and favoured by the American tariff which means that British Columbia products must be manufactured at a lower cost to compete on the American market.

The Pacific Northwest, Lamontagne explained, was in an advanced stage of development with power scarce and cost of power rising, and the region thereby ceasing to attract electroprocess industries. Southern British Columbia, on the other hand, was still in an early stage of development with abundant sources of cheap power available to attract electroprocess industries. Once the potential of the Columbia River was assessed and various Canadian river diversion plans were studied, Lamontagne observed, both the United States and Canada would be free to exercise, together or separately, the rights guaranteed under the Boundary Waters Treaty of 1909.<sup>6</sup>

3. The Boundary Waters Treaty of 1909

Canada's position on the study and development of the Columbia, based on the rejection of the rationale of economic continentalism in favour of nationalist assumptions, was in keeping with the Boundary Waters Treaty of 1909. Negotiations were held from 1907 to 1909 to create a permanent commission to supersede the International Waterways Commission which had been created by concurrent legislation



in 1905 to investigate and report on boundary affairs. Ironically, it was the position which the United States held during the negotiations and which Canada accepted reluctantly that gave advantage to "national interest" in the future development of "international rivers" flowing through Canada and the United States.

The Canadian view during negotiations was that international law prohibited a riparian state from effecting changes on boundary, trans-boundary, or even tributary waters in its territory without the consent of the co-riparian state. Moreover, it was the Canadian view that international law forbade the use of more than one-half of the surplus water for power production or irrigation by a riparian state. The Canadian position, based on then commonly accepted English law of riparian rights, was that both parties basically had the right to receive or the obligation to send on water unless negotiations created a particular legal regimen.<sup>7</sup>

The United States' position of absolute territorial sovereignty over boundary and trans-boundary waters, however, was based on the older Roman law of appropriation which had been suitable for its experience of western expansion. Not only did each riparian state have jurisdiction and control over water in its state, but if the downstream state brought the water flow into beneficial use, it had established a prior right over the water flow from the upstream state.

The American position embodied what was known as the Harmon Doctrine named after an attorney-general of the nineteenth century who asserted upstream sovereignty in a dispute with Mexico on the Rio Grande.<sup>8</sup>

The United States felt that since international law was incomplete with regard to contiguous boundary waters, it would be proper to give an international commission only investigatory and advisory jurisdiction on such matters. It was never felt that an international commission should even concern itself with trans-boundary waters and tributaries. Because it was the Canadian view that international law extended to all waters of an international character, trans-boundary, contiguous boundary, and tributary waters, Canadian negotiators argued for an international commission with adjudicatory as well as investigatory and advisory powers to protect the common interest. During the course of the negotiations, the United States admitted a distinction between contiguous boundary waters and other categories of international waters. The Boundary Waters Treaty, which can be cancelled by either of the parties on one year's notice under Article XIV, therefore gave the International Joint Commission adjudicatory jurisdiction over contiguous boundary waters while other "international waters" became subject to the separate control of each state. Against the original Canadian view, then, which embodied mutual interest in, and the right to benefit from the development of trans-boundary waters and their tributaries,



the IJC was created with United States and Canadian "sections" free to articulate the national interest. The acceptance of the Harmon Doctrine of upstream sovereignty in trans-boundary and tributary waters was explicit in Articles II and IV of the treaty which gives both countries:

the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channel would flow across the boundary, or into boundary waters.

If, however, the use of the water upstream causes damages to works downstream, the downstream interests may sue in the court having jurisdiction at the point of use upstream.

The acceptance in 1909 of the doctrine of upstream sovereignty would allow for Canadian designs fifty years later on the Canadian section of the Columbia and Kootenay Rivers. These plans could be advanced under rights given in the treaty of 1909 at the expense of further development of the Columbia River basin, including the major portion of it lying in the United States. The proponents of such an all-Canada development program would insist, however, that such a program was also beneficial to the United States.

#### 4. Designs on the Columbia: The Kaiser Plan, 1955

While the IJC was entertaining the Columbia River Reference, American interest in building Canadian storage reservoirs increased. From 1948 to 1958, various attempts were made to arrange for storage in Canada to keep the power generators in the United States working at optimum capacity, particularly during the Columbia River's normally low

flow periods. The proposal which created the greatest political controversy, however, was presented by the Kaiser Aluminum and Chemical Corporation of the United States in 1954.<sup>9</sup> The dramatis personae for the Columbia River Treaty dispute between 1961 and 1964 would show similarities with the federal-provincial dispute over an agreement between Kaiser and the Government of British Columbia to develop a portion of the Columbia River. Because the political controversy over the Kaiser proposal includes principles as well as individuals relevant to the debate over the Columbia River Treaty, it is worthwhile to consider the debate over the Kaiser plan at some length.

Under the British North America Act, the provinces of Canada are the owners of the natural resources of the country located within their borders. Consequently, the provinces have a final say in the development of these resources unless the federal Government invokes Section 92 of the B.N.A. Act and declares them to be works for the general advantage of Canada, or for the advantage of two or more provinces, in which case they come under the authority of the federal Government. If this happened, of course, the provinces would have recourse to the courts to see whether Parliament's declaration was constitutionally valid. The Kaiser Corporation, then, presented plans in 1954 to the two-year old Social Credit Government of W. A. C. Bennett in British Columbia, to construct a dam on the Columbia River

below the Arrow Lakes. The American corporation offered not only to build the dam but to give 20 per cent of the increased power production downstream to British Columbia at no cost. In July, 1954, the company assured General A. G. L. McNaughton, who was then Chairman of the Canadian section of the IJC, that the dam would back water up only to the normal high mark of the flood season in the area.<sup>10</sup>

McNaughton was opposed. He told the Committee on External Affairs of the Canadian House of Commons that he had heard nothing further on the Kaiser plan until he was informed on September 17 by the provincial Government that it intended to accept the Kaiser proposal.<sup>11</sup> McNaughton wired his opposition to Victoria the following day, referring to the "remarkable possibilities of advantage to B.C." which had been indicated by recent IJC studies undertaken under the 10-year old Columbia Reference.<sup>12</sup> His telegram from Ottawa on September 18 was answered the same day by a telegram from the provincial Government informing him of the signing of an agreement with Kaiser. The provincial Government apparently feared construction of a High Dam at the outlet of the Arrow Lakes and preferred a start on the Kaiser proposal of a Low Dam. "This government," McNaughton was told, "cannot agree to any greater storage Arrow Lakes which would flood agricultural and existing economic values hence low-head dam only consideration."<sup>13</sup>

Opposition to the Kaiser proposal came from an

American source, too. The U.S. Army Corps of Engineers felt it unwise for the United States to admit the sharing of downstream power benefits with the state whose territory allowed the additional power to be derived from storage. Canadians had been trying to obtain acceptance by the United States of the principle of payment in power in connection with an American application to the IJC for the construction of the Libby Dam on the Kootenai River in Montana which involved use of Canadian territory.<sup>14</sup>

The death knell for the Kaiser plan was sounded, however, in Ottawa with the introduction and passage in 1955 of the International River Improvements Act (3 - 4 Elizabeth C 47). This parliamentary measure made approval by the federal Government necessary before any improvement could be built on an international river and provided for a fine of \$5,000 and/or five years in jail for the offender and seizure and destruction of any offending structure. The bill was heralded in the Speech from the Throne in January, 1955, which promised legislation to "ensure that natural resources are developed in the best interests of the Canadian public."<sup>15</sup> The bill's reference to the Kaiser plan was made clear by the Minister for Northern Affairs and National Resources, Jean Lesage, who described the plan in the Commons as a "firesale," "sellout," and a "steal."<sup>16</sup>

A report in the New York Times explained federal opposition to the B.C.-Kaiser plan to its readers, noting



that with the increased power from Canadian storage, Kaiser would be able to outproduce the Alcan Aluminum plant at Kitimat, British Columbia, at less than half the cost of the Kitimat production. Also, the report continued, the federal Government would hope for something better than a 20 per cent share of increased power in such a plan. The newspaper reported Premier Bennett's description of the proposed legislation as "a cheap political trick."<sup>17</sup> Although Bennett refused to attend any sittings of the Committee on External Affairs which studied the bill, Attorney General Robert Bonner was a witness in April, 1955.<sup>18</sup>

The debate on Bill C-3 and its consideration by the Committee on External Affairs was an outstanding feature of the second session of the twenty-second Parliament. As already noted, many of the personalities in that debate, and many of the views expressed, preaged the controversy over the Columbia River Treaty of the following decade. Opening the debate in the Commons on second reading, C. D. Howe, Minister of Trade and Commerce, explained the purpose of the bill and the Liberal Government's attitude to the development of hydro power:

Our duty to future generations is obvious, and that is to conserve carefully our remaining hydroelectric potential, in order to permit the further development of Canadian industries, and the further advance in the Canadian standard of living. It is the prime purpose of this international rivers bill to ensure that the long-term national interest is safeguarded and is not prejudiced by development planned to serve immediate local purposes that may be inconsistent with the longer view.<sup>19</sup>

The Social Credit leader saw a different purpose behind the bill. Solon Iow told the Commons:

The real purpose is to try to establish the federal government in complete and exclusive control of every body of water which rises in Canada and any part of which flows across the boundary line between Canada and the United States. 20

Another Social Credit MP expressed opposition to the bill which he understood as "nothing more nor less than a political instrument used by the government of Canada to thwart the province of British Columbia." G. W. McLeod (Okanagan-Revelstoke) later added:

We are not waging a battle for the Kaiser aluminum and chemical interests; far from it. We are waging a battle only for the right of a provincial government to manage the affairs of its people in the way it feels is in the best interests of its people. 21

During part of the debate over the Columbia River Treaty from 1961 to 1964, Premier Bennett lacked this vocal support in the House of Commons. No Social Credit candidates were elected in the general election of 1958 and the party was without representation in the House of Commons between 1958 and 1962. Lack of support for him and his Government's policy from inside the Commons, however, did not cause Bennett to modify his position.

The two members for the Kootenay region, James Byrne (Liberal, Kootenay East) and H. W. Herridge (C.C.F., Kootenay West), whose constituencies would be considerably affected by the development of the Columbia River, contributed to the debate on Bill C-3. Although Byrne was absent

from the Commons between the general elections of 1958 and 1962, both men were prominent in the debate after the election of 1962. Criticizing the B.C.-Kaiser agreement, Byrne expressed sentiments which were consistent with the Liberal Government's position on the bill:

From time to time we hear Canadians referred to as hewers of wood and drawers of water. Is the next stage of our development to mean that Canadians will be simply hewers of wood and drawers of water? I think the passing of this bill will assure that such will not be the case.<sup>22</sup>

Byrne's statement was reinforced by the official Liberal spokesman, Jean Lesage, who told the Commons that "a deal like the Kaiser one is equivalent to selling down the river or giving down the river the possibilities of power development in this country."<sup>23</sup> Later, he told the Committee on External Affairs: "I do not believe that the needs of the United States should be our criterion when we decide what we are going to do with our natural resources."<sup>24</sup>

During the later Columbia River Treaty debate, H. W. Herridge often spoke for his party on the subject. He also addressed himself to the House of Commons as the scion of a pioneering family in the region and "as the member representing the riding which straddles the greatest volume of the Kootenay and the Columbia."<sup>25</sup> During the later debate, MP's often heard Herridge preface his remarks and questions as he did during the debate on second reading of Bill C-3 in 1955:

I have received resolutions and briefs from municipalities, trade unions, farmers' institutes, women's institutes, chambers of commerce, engineering groups and ... a large number of individuals, who passed these resolutions and wrote these briefs and sent letters to me because they were very seriously concerned about this whole matter.<sup>26</sup>

Herridge's parents were among the earliest settlers of the region and he would often indicate his own 50 years of familiarity with the area to MP's with introductory remarks like these: "I suppose I am the only member of the committee who can say that he has sailed down the Columbia in a bark canoe with Indians."<sup>27</sup> Herridge was concerned to create an informed public opinion on the general question of conservation and water use; he had thousands of copies of his speeches and of committee minutes printed and distributed in British Columbia.<sup>28</sup>

Many of Herridge's constituents and electors elsewhere in the province would have read the remarks of Robert Bonner during the examination of Bill C-3 by the Committee on External Affairs. Both Herridge's and Bonner's remarks were indicative of positions which would be maintained during the dispute over the Columbia River Treaty five to ten years later. In his presentation to the Committee, Bonner expressed his Government's attitude to international river development:

Knowing the strategic value of industry depending upon Columbia water power, the fact that we are delaying the development of hydro installation in the United States while we in Canada pursue a leisurely examination of our own resources can

only cause our American friends understandable exasperation. (...) While we make no move to develop the Columbia, and oppose such American projects as Libby (which I think we are well advised to do), and in these circumstances talk of diverting the Columbia into the Fraser, we cannot hope to avoid creating resentment on the part of the United States to the detriment of our long-time good relationship.

Canadians, Bonner said, should not be "dog-in-the-manger in respect of water which for the moment may be called surplus." The brief from British Columbia stressed that at the moment power demands in the province did not require development of the Columbia for Canadian consumption. It was only good business to develop it for American consumption in the meantime and, if there were a return of 20 per cent of the increased power production as well as money, the deal was that much better.<sup>29</sup>

Herridge replied that he thought Bonner

rather stressed the necessity for us to consider the United States' requirements and their needs in the way of power. Many of us are very concerned about the development of British Columbia and the development of industry ... and the power to build that industry and many of us are interested in providing jobs for Canadians rather than exporting power to provide jobs for Americans.<sup>30</sup>

Allan MacEachen, a Liberal member of the Committee and future Minister, supported Herridge's position and added:

Keeping the prospects of power development within the borders of Canada will eventually encourage and induce American industries to locate in or near a source of cheap power; and you [the Government of British Columbia] have the possibilities of development of such cheap power.

In reply, Bonner rejected MacLachen's "proposition of engendering a power shortage in the United States." Bonner and MacLachen proceeded to argue the question of export of power which was an important and misunderstood question of policy during the debate on the Columbia River Treaty. Bonner asserted that the power created downstream in the United States as a result of upstream storage was not power exported by Canada, but a service rendered; MacLachen argued that alleviation of an American power shortage by Canadian storage upstream represented alienation of Canadian resources by allowing an irrevocable consumption of water for power demands.<sup>31</sup>

The main spokesman for the Progressive Conservative party during discussion of Bill C-3 both in the Commons and the Committee was Howard Green (Vancouver-Quadra). Like Herridge, Green had spent boyhood days in the Kootenays and had built his political career on a British Columbia base. During the debate on the resolution precoding the bill and on its second reading, the Conservative party reserved opinion until the Committee had met to study the bill. The Conservatives offered support for the amended bill when the Commons went into committee of the whole. Speaking for the party which as the Government was involved later in the protracted dispute with British Columbia over the development of the Columbia River, Green admonished the Liberal Government:

We would repeat the warning we gave in the earlier stages of the debate that there must be co-operation between the two governments if this Columbia river system is to be developed adequately.

Green also advised the Government "to take one other step" which his Government actually took later and which seriously affected its position in the dispute with the province:

The dominion must negotiate quickly with the United States government for a treaty covering downstream benefits. (...) We believe that the dominion must move at once.<sup>32</sup>

Although he did not appear to be the party's spokesman in 1955, Conservative E. Davie Fulton, who was later Canada's chief negotiator of the Columbia River Treaty and who later became embroiled in the dispute with the province, was certainly the party's most effective examiner of Bill C-3 in the Committee on External Affairs. Born into a family prominent in British Columbia's political history, Fulton had represented the constituency of Kamloops in British Columbia since 1945.<sup>33</sup> As a member of the Committee studying Bill C-3, Fulton led his colleagues in hard questioning of the federal Deputy Minister of Justice and the Assistant Under-secretary and legal adviser in the Department of External Affairs on the bill's legality. The future Conservative Minister of Justice led Conservative examination of Jean Lesage on the regulations imposed by the bill and of the chief of the Engineering and Water Resources Division of the Department of Northern Affairs and National Resources on the river diversion proposals of General McNaughton. Fulton



also intensively questioned Robert Bonner and McNaughton on the question of British Columbia-IJC consultation and the proposals for diversion.

The chief witness for the Government of Canada on Bill C-3 was the man who was the most prominent critic of the Columbia River Treaty, General McNaughton, Chairman of the Canadian section of the IJC. C. D. Howe had described McNaughton as the man "most disturbed" about the B.C.-Kaiser agreement.<sup>34</sup> Solon Low charged that the bill had been introduced by the Liberal Government solely to satisfy the "piqued" and "angry" General McNaughton, a former Liberal Minister.<sup>35</sup> Now before the Committee on External Affairs, McNaughton outlined the Canadian position under the Boundary Waters Treaty of 1909 and the role of the IJC. He discussed the three river development proposals that Canada had under study: 1) No diversion either from the Kootenay or Columbia Rivers; 2) Diversion of the Upper Kootenay to the Columbia and the use of these waters in the Columbia in Canada and, then, in the United States and 3) diversion of the Upper Kootenay to the Upper Columbia and the Upper Columbia into the Fraser River. McNaughton assured the Committee of the legality of the diversion proposals, but added:

Our margin of possibility has by now shrunk to something very narrow and unless we take appropriate action to protect our interests it may indeed vanish altogether.<sup>36</sup>

He replied succinctly to the following question:



General McNaughton, you are more in favour I take it, of Canada developing a plan under which she will use those waters herself? A.

Yes. 37

Because of the right of appropriation by prior use, McNaughton observed:

Far the more dangerous condition is the process which steadily proceeds of the waters of rivers flowing from Canada being taken into use south of the boundary for irrigation and hydro-electric developments ... without our having been aware of what has been going on until we wake up and find that a claim against our resources has been built up which may inhibit their use in our own country. (...) I am in the position of conveying to you the grave anxiety which my colleagues and I share over this situation and the way it has developed. 38

And later:

Q.- In your judgment, how fast must we move if we are to prevent the narrow margin of interest which you spoke about yesterday from disappearing altogether?-- A. Mr. Chairman, I think we have no time to lose. 39

The bill was recommended to the Commons by the Committee on External Affairs after amendments acceptable to the Government were approved which excluded a clause declaring all improvements "heretofore or hereafter constructed ... to be works for the general advantage of Canada" and included a new clause indicating that future improvements would be subject to the same law to which they would be subject if they were within provincial legislative jurisdiction.<sup>40</sup> The bill received final approval in the Commons and was duly accepted by the Senate.

By this time, official Canadian interest in river

diversion schemes had increased. Early in 1954, before the United States presented its second application to the IJC to construct the Libby Dam in Montana, General McNaughton had announced that Canada would explore the possibility of diverting the Kootenay River to the Columbia River at Canal Flats. In December, 1955, Canada ordered studies of the McNaughton suggestion to divert Columbia waters through the Monashee Mountains into the South Thompson River which would flow into the Fraser River.

#### 5. Libby on the Kootenai:

##### Payment for Downstream Benefits

During the debate and study on the International River Improvements Act, there were references to Libby, the dam which the United States wished to construct on the Kootenai River in Montana. As outlined in the application of 1951 by the United States to the IJC, the Libby Dam, planned primarily to control flood waters and secondarily to produce power, would flood Canadian territory. Besides requesting the usual "protection and indemnity against injury of all interests" affected by the dam's construction and operation, the Canadian Government at that time demanded "fair recompense to Canada for the utilization in the project of Canadian resources."<sup>41</sup> In a similar manner, British Columbia requested that power be delivered to the province in recognition of "the physical contribution of British Columbia."<sup>42</sup> The United States Chairman of the IJC recalled the distinction

in the Boundary Waters Treaty between boundary and trans-boundary waters and argued that only compensation for flood injuries need be granted to the co-riparian state.<sup>43</sup>

In 1953, the original application was withdrawn by the United States ostensibly because of Canadian demands and the opposition of railroad, mining, and lumber interests in the United States. However, General McNaughton recorded on his copy of the American press release announcing the withdrawal of the application:

In a stormy ... session following receipt of Mr. [John Foster] Dulles's letter at the Washington meeting of the IJC, the US Chairman, Senator Stanley told me that the real reason for the withdrawal of the Libby application was my continued opposition. He said he hoped that I would be taught a lesson by the reaction of the Canadian interests on the West Kootenay ... from the failure of the US to build Libby and to concede the benefits of regulated flow to Cominco. In reply I thanked him for the compliment and expressed my disappointment that with the withdrawal of the application I had lost the chance to tell the IJC what I thought of the barefaced attempt which he had promoted to filch a neighbour's property. I have no doubt but that the US section had formed the opinion that the withdrawal of the Libby application would react to cause the removal of the Chairman of the Canadian Section, IJC from office and moreover that they still entertained hopes on this account.<sup>44</sup>

The second application, submitted in 1954, would have had more adverse effects in Canada than the original application. In the new plan, at-site power production was to be played down in favour of the need to store water upstream to regulate its flow downstream. Before the second application was made, General McNaughton announced that Canada

would study the possibility of diverting the Kootenay River to the Columbia River at Canal Flats.<sup>45</sup> When Canada's "Statement of Response" to the second application to build Libby was made public in July, the Government was seen to have sustained General McNaughton's announcement in January of the diversion study. It reserved the right under the Boundary Waters Treaty to oppose the dam if the waters of the Kootenay could be used to greater advantage in Canada. Furthermore, if Canada did approve the Libby Dam, it would insist upon "an equitable recompense to Canada for the use of Canadian natural resources," including an amount of power "based on the increase of level permitted at the International Boundary and a share in down-stream benefits of storage in power on a basis to be negotiated."<sup>46</sup> British Columbia also demanded power; its share of at-site power would have to be proportional to the head and storage contributed by the province, and a share in downstream benefits resulting from storage in the province.<sup>47</sup>

General McNaughton told the Committee on External Affairs during its study of Bill C-3:

These Kootenay waters would go down into Libby, they would be stored behind a dam which floods our boundary to 150 feet, and the water flow which would be released would go through the comparatively small head of 360 feet of our plants on the West Kootenay, but they will go down eventually nearly 1300 feet of head in the United States, and that means that most of the energy which is in that water of Canadian origin, which could be used in Canada, will be taken and will be used to the advantage of the United States.<sup>48</sup>

When studying possibilities for the development of the Columbia, the Canadian section of the IJC had found that Canada could use the same flows from the Kootenay to the Columbia through its own dams to get the full benefit.

McNaughton said later:

When we found that was reasonably possible and economic we carried the studies one stage further to see if we could take the waters from the Columbia itself through the Monashee mountains and use them to regulate the Fraser flows. As a result we know it is reasonably worthwhile to go on with the detailed investigations.<sup>49</sup>

The only other way Canada could get benefit from these storages of water for power production downstream commensurate with the diversion plan, according to McNaughton, "would be for the United States to agree to share the benefits with us by returning to us, say, half the power developed downstream."<sup>50</sup> He had told the Committee earlier that the IJC had heard a case from an American claimant in 1926 arguing for a share of power produced downstream in Canada on the Saint John River in New Brunswick. Besides being recognized in European treaties, McNaughton told the Committee that the principle of recompense in power in exchange for natural resources was recognized at the domestic level in the United States in the draft Columbia Interstate Compact.<sup>51</sup>

The American position was also weakened by a forceful assertion a few years earlier of its rights under Article II of the Boundary Waters Treaty. The Consolidated Mining

and Smelting Company (Cominco) applied to build a dam on the Pend d'Oreille which enters British Columbia from the United States. The proposed Waneta Dam would flood 2.3 acres of American soil and the United States asserted its rights in the IJC Order to divert the river at a later date "as it may consider necessary or desirable for the purpose of making most advantageous use reasonably practical on its own side of the international boundary by diversion for power purposes or otherwise."<sup>52</sup> On the Libby application, the anticipated flooding in Canada of 13,700 acres was far greater than in the United States under the Waneta application and Canada was actively considering a possible diversion upstream of water from the Kootenay to the Columbia.

The United States maintained its stand against the apparently strong bargaining position held by Canada on the Libby application: the most Canada could rightfully expect compensation for was the power-producing potential of the unregulated flow of that section of the Kootenay which the Libby Dam would cause to be inundated. Len Jordan, Chairman of the United States section of the IJC, told the IJC:

I agree that regulating the flow, the flood flows of a river has certain beneficial effects. I will point out, though, that the mere act of storing water does not increase the quantity of that water. Nothing new has been added. As a matter of fact, by the very storing of the water you lose by the depletion occasioned by evaporation.<sup>53</sup>

American insistence that Canada be compensated primarily for land flooded did not undermine Canadian deter-

mination to press its apparent advantage. As already mentioned, in January, 1954, the study of the Kootenay diversion had been announced in the IJC and, in December, the Government announced studies of the feasibility<sup>54</sup> of diverting water from the Columbia River to the Fraser River. All Canada wanted, General McNaughton told the United States at a meeting of the IJC in April, 1955, was "a fair bargain for the value of services rendered": and the value of services rendered was the value of benefits from flood control and power production that the United States would receive from the regulated flows from Canadian storage. These benefits could only be calculated, in McNaughton's view, as being the equivalent to the alternative costs of producing the same quantity and kind of regulated flow.<sup>54</sup> At this meeting of the IJC, McNaughton gave his American colleagues specific figures on Canada's diversion proposal: the diversion would represent 85 per cent of the average flow of the Kootenay into the United States and almost 60 per cent of the long-time average flow of the Columbia at Revelstoke. At the same time, he called for discussions that might lead to co-operative development on portions of water which Canada might find advantageous to allow across the boundary.<sup>55</sup> In May, Jean Lesage argued for the principle of payment for downstream benefits before a Pacific Northwest Trade Association meeting in Vancouver, Washington.<sup>56</sup> Also in May, Parliament authorized an expenditure of \$250,000 for

engineering studies of the proposed diversions and in June gave final reading to the International River Improvements Act.

General McNaughton described the spirit engendered in the IJC by mid-June, 1955:

We started off in the Columbia studies on the basis that there would be a fair allocation of benefits but I think our friends south of the line thought that there was not very much we could do about it in the way of using the water ourselves; anyway, they broke off the discussions on these downstream benefits. It was that attitude of mind which caused the members of the Canadian section of the commission to say "if that is the case -- if they will not talk these matters over fairly with us -- we shall see what we can do with our rivers ourselves." 57

A peculiar hiatus occurred in the Canadian position in 1956 when, on Canadian initiative, discussion of the development of the Columbia River basin was moved from the IJC to the international diplomatic level. The initiative came during a meeting between Prime Minister St. Laurent and President Dwight Eisenhower in White Sulphur Springs, Virginia, when St. Laurent presented a note raising doubts about the adequacy of the Boundary Waters Treaty. According to Michael Barkway, editor of the Financial Times, the Americans were "flabbergasted" by the draft note which was approved by St. Laurent and his Secretary of State for External Affairs, Lester Pearson, later Prime Minister during the controversy over the Columbia River Treaty, and which said the Boundary Waters Treaty was not adequate to deal with the



Columbia. According to Barkway's account, last-minute intervention by Jean Lesage "and some of his stout-hearted colleagues" reversed the "timorous and unnecessary surrender" involved in the "Pearson-St. Laurent note."<sup>58</sup>

McNaughton then executed a manoeuvre designed, presumably, not only to impress the Americans, but to out-flank the timid element within the Canadian Government. In 1956, he presented the case for an all-Canadian diversion scheme at the Fifth World Power Conference in Vienna. His paper, "Problems of Development of Industrial Rivers on the Pacific Watershed of Canada and the U.S.A.," was published in Transactions of the Fifth World Power Conference (vol. 18/19).

The diplomatic talks encouraged by St. Laurent and agreed to by Eisenhower did not proceed. The election of a federal Conservative Government in 1957 and again in 1958, committed to a strong national resource development program, appeared to strengthen McNaughton's position. In December, 1957, Conservative sources were indicating full backing for the McNaughton diversion scheme; six months later, an unprecedented Conservative electoral victory in 1958 was said to have "boosted" the McNaughton plan's chances of success.<sup>59</sup>

At the same time, lively discussion in Parliament, the press, and learned journals, of the possibility of an all-Canadian diversion scheme could only strengthen the Canadian bargaining position against the United States. In 1957, 1958, and 1959, the Canadian Bar Review contained

articles on the law respecting international river developments in North America and the development of the Columbia and Kootenay Rivers in particular.<sup>60</sup> In the meantime, Congressional hearings in the United States, led by Senator Richard Neuberger of Oregon, in 1956 and 1958 were confirming the relatively weak position of the United States.<sup>61</sup> It was public knowledge during the controversy over the Columbia River Treaty in the next decade that when negotiations began on a treaty, they began on the basis of a diversion of the Kootenay River to the Columbia River in Canada.

6. Power from the Peace and IJC Agreement on Columbia Development

The position of the Government of British Columbia in the negotiations of and the later controversy over the Columbia River Treaty cannot be appreciated without an awareness of the Government's ambition to develop the province's north central interior. Essential to this long-term goal was the immediate development for power purposes of the Peace River. In April, 1956, a representative of the Swedish financier Axel Wenner-Gren visited British Columbia House in London, England, to inquire about prospects for large-scale investment in the province. In November, a statement of intent was signed by Premier Bennett and representatives of Wenner-Gren for the development of 40,000 square miles of northern British Columbia. At first, only the construction of a railway and pulp and paper mills was

anticipated. Less than one year later, however, something more valuable was discovered: the hydro-electric power potential of the Peace River. In October, 1957, a new agreement was signed with Wenner-Gren and Bennett announced preparations to build a vast hydro-electric power project on the Peace. In the legislative session of 1958, Bennett embarked on what would be known as the "two river policy." The development of the Peace, Bennett said, would be "a most powerful lever" when negotiating the development of the Columbia River basin with the United States.<sup>62</sup> Its primary use, however, would be as a most powerful lever when negotiating with the federal Government.

A prominent member of the Government of British Columbia has said the two river policy was decided upon in a brief meeting between Premier Bennett and his Attorney-General:<sup>63</sup> by the end of 1958, according to Bennett's unofficial biographer, Paddy Sherman, editor of the Vancouver Province, "the Peace project seemed real and in earnest."<sup>64</sup>

In the same year, a serious obstruction was overcome on the development of the Columbia River basin. At a special meeting of the IJC in January, 1958, the United States assured Canada of its willingness to proceed with discussions on the Libby Dam application, accepting the principle of recompense for the use of the natural resources of Canada.<sup>65</sup> The United States had agreed earlier to have the International Columbia River Engineering Board (ICREB) study the proposed diversion

of the Kootenay River in Canada.<sup>66</sup>

In January, 1959, General McNaughton reported to his Government that the engineers would soon reach agreement on the development of the Columbia River basin in Canada and, two months later, the ICREB reported on three possible sequences of development.<sup>67</sup> The differences in the plans under consideration involved the nature of the diversion of the Kootenay into the Columbia. Two of the sequences would have allowed for the Libby Dam in Montana, while the third, informally called the McNaughton Plan and titled officially Sequence IXa, would have turned practically the whole of the Kootenay into the Columbia and made the Libby Dam impractical. In December, the IJC submitted a unanimous report on principles for determining and apportioning benefits from co-operative use of storage and electrical interconnections in the Columbia River system.<sup>68</sup> Almost simultaneously, Wenner-Gren's Peace River Power Development Company submitted its report to the Government of British Columbia on the Peace project.<sup>69</sup>

The report of the IJC, which recommended equal sharing between the United States and Canada of power produced on the Columbia system in the United States as a result of Canadian storage, was hailed by Clark Davey, of the Toronto Globe and Mail, as "another major accomplishment for General A. G. L. McNaughton."<sup>70</sup> According to another observer, the threat of a diversion to the Fraser River was

now a dead issue. Warren Baldwin noted:

Ottawa did spend \$250,000 to make the survey, but it was money well spent. The diversion threat proved to be a first rate bargaining weapon. Out of it has come the present agreement which seems to illustrate the benefits of tough bargaining.<sup>71</sup>

General McNaughton described the agreement in the IJC on principles as "a triumph of reason." However, he emphasized that conditions would change unless there were prompt action.<sup>72</sup>

### 7. Tri-partite Negotiations:

Washington, Ottawa, Victoria

In January, 1960, the United States and Canada appointed their negotiating teams. Prime Minister Diefenbaker announced that the chief negotiator for Canada would be his Minister of Justice, E. Davie Fulton. A Cabinet committee on the Columbia River had been established in 1957 under the chairmanship of Alvin Hamilton, Minister of Northern Affairs and National Resources.<sup>73</sup> According to a Conservative informant, Fulton was selected to be chief negotiator for several reasons: to keep the actual treaty negotiations out of the hands of the two other Ministers concerned, Hamilton and Howard Green, Secretary of State for External Affairs, who might "have axes to grind"; because of the constitutional implications of natural resource development on which Fulton would be informed; and because Fulton was a Minister from British Columbia who possessed such qualifications as skill, tact, diplomacy, and firmness.<sup>74</sup>

Besides Fulton, the Canadian negotiating team consisted of Gordon Robertson, Deputy Minister of Northern Affairs and National Resources, A. E. Ritchie, Assistant Under-Secretary of State for External Affairs, and E. W. Bassett, the Deputy Minister of Lands and Forests of British Columbia.

According to Davie Fulton, the Canadian negotiating position was formulated by a B.C.-Ottawa policy liaison committee composed of representatives of the governments of Canada and British Columbia, assisted by their respective technical advisers. The liaison committee consisted of Howard Green, Alvin Hamilton, Robert Bonner, Ray Williston, Minister of Lands and Forests of British Columbia, General McNaughton, Hugh Keenleyside, Chairman of the B.C. Power Commission, J. V. Fisher, financial co-ordinator of British Columbia, and A. F. W. Plumptre, federal Assistant Deputy Minister of Finance. A technical liaison committee sat without political representatives to formulate recommendations for consideration by the policy liaison committee on the basis of technical considerations. "It was on the basis of these reports," Fulton told the Committee on External Affairs in 1964, "that the policy committee decided the Canadian position to be taken at the next step of negotiations." The full negotiating team for Canada attended all meetings of the policy liaison committee, according to Fulton. "These meetings," he said, "usually lasted two days -- there were at least one and sometimes two meetings between

every negotiating session -- and at every one the concluding phase was a full discussion leading to a decision as to the position to be taken at the next negotiating session."

In his testimony to the Committee on External Affairs in 1964, Fulton was stressing "the closest cooperation and agreement" which the federal Government insisted existed between it and the Government of British Columbia. Fulton, who was by then leader of the Progressive Conservative party of British Columbia, also stressed the "intimate association" of General McNaughton, the staff of the Canadian section of the IJC, and the negotiating team. McNaughton, as noted above, was a member of the policy liaison committee and had members of his staff appointed to other advisory committees. "At every stage the views of General McNaughton and the Canadian section ... were obtained," Fulton testified, "and at no stage did they or General McNaughton withdraw or refrain from the discussions."<sup>75</sup>

Differences between the provincial and federal Governments existed from the beginning of the negotiations. Fulton, as chief negotiator, wanted a treaty which had General McNaughton's support. The McNaughton Plan would not allow a High Dam at the Arrow Lakes or at Libby, Montana, and in the Dorr-Bull River-Luxor scheme of diverting the Kootenay to the Columbia, would cause considerable flooding in the east Kootenay valley. Negotiations had begun on the basis of the Kootenay to Columbia diversion scheme without Libby

hen, apparently on the question of the Dorr Dam, the Government of British Columbia refused on June 16 to permit the extensive flooding which the McNaughton Plan would have entailed. The federal Government accepted British Columbia's position and negotiations continued on the basis of including the Libby Dam to satisfy American requirements on the Kootenai and the High Arrow Dam to satisfy downstream requirements on the Columbia.<sup>76</sup>

By this time, mid-1960, the Government of British Columbia had clearly stated its preference for the development of the Peace River for the province's requirements rather than the Columbia River. Bennett had said emphatically:

If the Peace dies today, the Columbia will die tomorrow. The Peace is the only reason why after all these years of talk there has been some real action on the Columbia. The Peace is an empire crying out for development. Its hydro, coal, gas, and oil make it the greatest potential energy resource area in North America.<sup>77</sup>

he development of the Peace would be high in cost as well as power yield and an outsider might well wonder how both immense projects could be financed and where the power could be marketed. British Columbia's insistence against the Kootenai to Columbia diversion would, in retrospect, be a clue to the resolution of the questions. If power production on the Columbia were to be increased downstream as a result of Canadian works, need Canada's share of the downstream benefits be returned for domestic consumption?



When it became clear that the High Arrow Dam might be included in the treaty projects, residents of communities along the Arrow Lakes began to organize opposition to the High Arrow Dam that would flood their properties and destroy the agricultural and recreational value of the valley. Newspapers in the province received telegrams, for example, from the Nakusp Chamber of Commerce asking for their help and, in Ottawa, the local Member of Parliament, H. W. Merridge, whose property and home would be directly affected, expressed vigorous opposition to the High Arrow Dam which would create a lake 145 miles upstream from the dam to Revelstoke and flood an estimated 40,000 acres of residential and agricultural land.<sup>78</sup>

Fulton, as chief negotiator, was the recipient of a large number of written protests from residents along the Arrow Lakes opposed to the dam. He replied to these critics that since the matter was being negotiated he could not discuss the matter at length.<sup>79</sup> General McNaughton also received letters from interested residents and although he, too, refrained from specific observations, he did recall that he had never varied in the view "that the proper and most effective plan for development of the Columbia and Kootenay Rivers is represented by Sequence IXa."<sup>80</sup> As outlined in the report of the International Columbia River Engineering Board, Sequence Xa involved the diversion of the Kootenay River to the Columbia River at Canal Flats with dams at Dorr and Bull

River on the Kootenay and Luxor on the upper Columbia. A low dam at Murphy Creek, below the confluence of the Kootenay and the Columbia, would be constructed to assist in fulfilling storage requirements of the United States, while a dam at Mica Creek on the Columbia above Revelstoke produced power as well as storage which might eventually be diverted to the Fraser River system. A dam would also be constructed at Duncan Lake on the Kootenay system between the international boundary and the West Kootenay River's connection with the Columbia to regulate flow to power plants upstream on the West Kootenay River. (See maps in Appendices.)

A progress report outlining the basic provisions of the treaty was presented to the national Governments in September, 1960. Announcements of agreement were made in October by Prime Minister Diefenbaker and President Eisenhower. <sup>81</sup>

Under the proposed Columbia River Treaty, Canada was to build three storage projects in the Columbia River basin in Canada. Construction would include the dams at Duncan Lake at the Mica Creek site and a high dam at the outlet of the Arrow Lakes near Castlegar. Canada was entitled to a return of one-half of the downstream power benefits accruing to the United States from the added storage upstream on the Columbia. The United States was given a five-year option of constructing the Libby Dam on the Kootenai in Montana. The United States would pay the cost of dam and that part of

the reservoir in Montana, while Canada would provide 13,700 acres of land to be flooded on its side of the border and clear that part of the reservoir if the dam were built.

"For that very small contribution," as a federal Government blue book expressed it in 1964, Canada would receive benefits in terms of flood control and increased power production from the downstream plants on the Kootenay system in Canada.

The draft treaty restricted Canadian diversions to various portions of the Kootenay River's volume into the Columbia, increasing at 20, 60, and 80-year intervals, and forbade any diversion if none was commenced within 100 years. If the United States decided not to build the Libby Dam, Canada's rights remained practically those afforded the country as the upstream state under the Boundary Waters Treaty of 1909. Under the proposed Columbia River Treaty, however, and regardless of the decision of the United States on the Libby Dam, Canada could not effect any diversion from the Columbia River basin for power production. Diversions could be made for consumptive purposes which, as defined, excluded the production of power. The treaty, as proposed, also contained provisions for the designation of operating entities, the establishment of a joint Permanent Engineering Board, procedures for settling differences, provisions for restoring the pre-treaty legal position after the termination of the treaty, and liability for damages. <sup>82</sup>

While the Heads of the Governments of Canada and the United States announced their approval of the draft

agreement in October, a similar statement in Victoria was made by the Minister of Lands and Forests, Ray Williston.<sup>83</sup> Six months later, however, Premier Bennett's Government was expressing doubt about the value of the development of the Columbia River. These doubts were made public after unsuccessful attempts to resolve the question of how to finance the construction of the proposed treaty projects which were estimated to cost \$458,422,000. As provincial Minister of Finance, Premier Bennett had not allowed a representative of British Columbia to discuss this money question with Ottawa although the matter had been raised.<sup>84</sup> After the draft agreement was accepted, Bennett wrote the federal Minister of Finance, Donald Fleming, asking for an outright grant and a loan.<sup>85</sup> By November, the Premier knew the province would get no grant and that Ottawa would want some control over the project in return for any financial assistance; at the same time, the federal Government sent the threat that subsequent negotiations with the province could be conducted in public and primarily through the press.<sup>86</sup>

As the federal Government felt it had reached an impasse with the province, Davie Fulton was dispatched as chief negotiator and a British Columbia personality to present the federal Government's reply to Bennett and to try to reach a meeting of federal-provincial minds.<sup>87</sup> The proposals<sup>88</sup> were immediately rejected by Bennett, and, using language reminiscent of the debate on the International River

Improvements Act, he advanced a British Columbia "go-it-alone" policy:

Under our constitution, property and civil rights are the sole prerogative of the province. We want no fifth wheel. I am protecting the rights of the people of British Columbia.

Fulton called a press conference to explain the federal Government's position. In return for a loan of \$172 million, there must be some federal control, he said.

to be sure no improvident arrangements are made, and that nothing is done that is inconsistent with the treaty obligations. (...) We are not prepared to allow benefits under this treaty to be sold for cash into the provincial general revenue, to be used for financing other pet projects of the premier of B.C. 89

The fat was now in the fire! During the remainder of his stay in Victoria, Fulton tried unsuccessfully to meet Bennett to avert what was shaping up as a serious federal-provincial dispute. <sup>90</sup>

The fuse was lit and the bomb exploded on December 27. While the treaty was being drawn up by civil servants in the two countries, Premier Bennett referred both the Columbia and Peace River development schemes to the recently-established B.C. Energy Board which consisted of Gordon Shrum, a university administrator as chairman, Hugh Keenleyside, A. F. Paget, the province's Comptroller of Water Rights, and James Sinclair, a former Liberal federal Minister of Fisheries. The Prime Minister and his Cabinet knew that Premier Bennett opposed their intention to obtain joint control of the project and veto his plan to sell

Canada's share of the downstream benefits on the Columbia; they also realized that short of declaring the project to be for the general advantage of Canada or two or more provinces, thereby bringing the project under complete federal authority, the development of the Columbia could not go forward without the Premier's approval. They also knew that, in any case, British Columbia was the potential domestic market for power benefits derived from the Columbia project when completed.

The treaty-signing ceremony was to be held in Washington on January 17, 1961, and no written agreement existed between Ottawa and Victoria on how to carry out the obligations imposed on Canada by the proposed treaty. On January 13, Premier Bennett sent Donald Fleming a letter expressing the provincial Government's wish that the development of the Columbia River basin proceed, "assuming, of course, that it is proved feasible from engineering and financial standpoints." Bennett informed Fleming of his reference of the entire Columbia as well as the Peace development scheme to the province's Energy Board, "to investigate this question in association with independent engineering counsel of international repute"; he indicated that an interim report would be received by March 1.<sup>91</sup>

For the admittedly "puzzled" Fleming, this was "a most extraordinary development." He reaffirmed the federal Government's conviction that the project was entirely economic

nd suggested in his reply to Bennett that the parties return to consideration of financing the development on the basis that the provincial Government "seriously intends to support the project."<sup>92</sup> Fleming later told his colleagues in the House of Commons that Prime Minister Diefenbaker was already on his way to Washington when Bennett's letter was received in Ottawa on the morning of January 16. According to Jansard, the Prime Minister was on his feet in the Commons on the afternoon of January 16 informing MP's of his imminent departure for Washington to sign the treaty. In any case, Fleming told the Commons, "it will be seen by those who care to read Premier Bennett's letter that he did not ask that the treaty not be signed."<sup>93</sup> Fleming's attitude appeared to confirm the then year-old impression that Ottawa felt the important aspect of the development of the Columbia to be the agreement with the United States. Robert Duffy had reported in the Toronto Globe and Mail in February, 1960, that "the feeling in some quarters ... of the Government" was that with the treaty signed and sealed, "the R.C. Government would be unable to stand in the way even if it wanted to."<sup>94</sup>

The view seems generally to have been held in Ottawa and Victoria that Diefenbaker was anxious to have the treaty signed with the outgoing President of the United States in a ceremony in the White House.<sup>95</sup> In his announcement in October, 1960, President Eisenhower had viewed the provisional

treaty agreement as "heartening proof ... in these days of international tensions" that two nations could resolve international problems through a process of mutual examination and mutual accommodation."<sup>96</sup> Before he left for the treaty-signing ceremony in Washington in January, 1961, Diefenbaker echoed Eisenhower's remarks. He told the Commons that the treaty showed "to all the world the benefits that can accrue when nations, while having their differences, have common objectives and a desire for peace."<sup>97</sup>

In reply to the Prime Minister, Lester Pearson, leader of the Opposition, noted two legal obstacles that the treaty's proponents had yet to overcome: the reference of the treaty to the Committee on External Affairs of the House of Commons and the approval of the Senate of the United States by a two-thirds majority. In addition, Pearson observed that the treaty could not be made "effective in its implementation without the co-operation of the province of British Columbia." The leader of the Liberal party had noted earlier that his group's "satisfaction" about the Canada-United States agreement was related to the terms of the treaty which "we have not yet had an opportunity to ascertain." The CCF-New Party group expressed itself as opposed to the "unnecessary and unseemly haste in signing this treaty." H. W. Herridge promised a thorough study of treaty in the Committee on External Affairs by "numerous organizations and thousands of persons ... whom I represent who ... are very anxious to come to Ottawa and present their



evidence."<sup>98</sup>

Members of Parliament, however, would not get an opportunity to study the treaty for three years. Despite the rhetorical optimism of the statesmen gathered in Washington to sign the treaty, this "example to all the world" of successful international negotiation proved to be of little inspirational value in overcoming the major difficulty which delayed ratification by Canada until 1964: the failure of the federal and provincial Governments to come to an agreement.

In mid-March, 1961, Donald Fleming was preparing to go to Victoria. The federal offer to the province of a loan of \$172 million at market rates repayable from Columbia revenue still stood. Premier Bennett was asking for three per cent interest rates, or power delivered to Vancouver at a federally-guaranteed rate of 3.77 mills per kwh. A provisional report from the B.C. Energy Board recommended that the approval for the development of the Columbia be held up until at least mid-1961 when further studies would be concluded.<sup>99</sup> In the same month, the treaty was ratified by the Senate of the United States with one dissenting vote after a debate lasting 30 minutes with only a handful of Senators in the chamber.<sup>100</sup>

In the early stages of the federal-provincial dispute, the disagreement appeared to centre on the relatively prosaic and technical problems of financing the treaty pro-

ects. Later, however, the dispute would come to involve the entire question of Canada's national water resource and power policy and the central problem of Canadian existence: sharing the continent with the preponderant United States of America.

Footnotes

<sup>1</sup>Dorothy Louise Moore, "The Role of the International Joint Commission in Columbia River Basin Development," unpublished M.A. thesis, University of California, Berkeley, (1962), p. 41.

<sup>2</sup>Ibid., pp. 41-42.

<sup>3</sup>Figures in this paragraph are from Ibid., pp. 51.

<sup>4</sup>In 1956, the U.S. Army Corps of Engineers estimated annual flood damage to this area at \$12 million. Upper Columbia River Development (Washington: United States Government Printing Office, 1956), p. 75. This document and others of the same name published in different years are products of joint hearings of the U.S. Senate's Committee on Interior and Insular Affairs and a special subcommittee of the Committee on Foreign Relations chaired by Senator Richard Neuberger, of Oregon.

<sup>5</sup>Moore saw further advantages in upstream storage: Acquisition of sites in Canada involves less expense because less relocation of communities, industries, and transportation facilities is needed. Far less opposition from protectors of recreation, fish and wildlife assets has been encountered in Canada." Op. cit., p. 59.

<sup>6</sup>Canada, House of Commons, Standing Committee on External Affairs, Minutes of Proceedings and Evidence, March 2, 1955, pp. 220, 222-23. Hereafter cited as Minutes.

<sup>7</sup>The negotiators for Canada were James Bryce, British ambassador to the United States, and George Gibbons, Canadian member of the International Waterways Commission. See the statements of the Prime Minister; Sir Wilfrid Laurier, and the leader of the Opposition, Sir Robert Borden, who were in agreement on the "ideal" Canadian position, in Can. H. of C. Debates, December 6, 1910, pp. 95-912. Hereafter cited as Debates.

<sup>8</sup>The negotiators for the United States were Elihu Root, Secretary of State, and Chandler P. Anderson, counsel for the Department of States. See Anderson's remarks in William L. Griffin's Legal Aspects of the Use of Systems of International Waters. With Reference to Columbia-Kootenai Rivers Systems Under Customary International Law and the Treaty of 1909, Memorandum of the Department of State,

Senate Document No. 118 (Washington: United States Government Printing Office, 1958), pp. 15-21. See also General McNaughton's explanation of the position of the United States to the Committee on External Affairs of the House of Commons, Minutes, March 10, 1955, p. 86. On the Harmon Doctrine, see Austin Jacobs's "A Study of the History and Influence of the Harmon Doctrine," Canadian Bar Review, v. 37, no. 3, 1959, pp. 393-443.

<sup>9</sup> These proposals are examined by Moore, pp. 60-80. On the Kaiser proposal, see Moore, pp. 66-69, 73-80. See also Paddy Sherman, Bennett, (Toronto: McClelland and Stewart, 1966), pp. 212-14.

<sup>10</sup> Thomas K. McCarthy, counsel, Kaiser Aluminum and Chemical Corporation, to General A.G.L. McNaughton, Chairman, Canadian Section, Joint International Commission [sic], July 12, 1954. Published in Minutes, April 28, 1955, p. 331.

<sup>11</sup> McNaughton to McCarthy, July 22, 1954, Ibid., pp. 334-35. R. E. Sommers, Minister of Lands and Forests, to General A.G.L. McNaughton, September 17, 1954. Ibid., April 29, 1955, p. 420. McNaughton's assertion that he received no information between June and September appears in Ibid., May 12, 1955, pp. 505-06.

<sup>12</sup> McNaughton to Sommers, September 18, 1954. Ibid., April 29, 1955, p. 420.

<sup>13</sup> Sommers to McNaughton, September 18, 1954. Ibid., p. 421.

<sup>14</sup> Brigadier General L. H. Foote to Administrator Pearl, Bonneville Power Administration, October 7, 1954. Quoted in Moore, p. 72, n. 25.

<sup>15</sup> Debates, January 7, 1955, p. 3.

<sup>16</sup> Ibid., February 10, 1955, p. 1038.

<sup>17</sup> Tania Long, "Canada Puts Curb on Power Exports," New York Times, February 26, 1955. On the effect of the Kaiser plan on Alcan, see Allan MacEachen's questioning of Robert Bonner, in Minutes, April 29, 1955, pp. 446-48.

<sup>18</sup>"Committees deal with Committees, ministers with ministers, premiers with premiers." Premier Bennett's view quoted in Sherman, p. 213.

<sup>19</sup>Debates, February 4, 1955, p. 871.

<sup>20</sup>Ibid., February 11, 1955, p. 1094.

<sup>21</sup>Ibid., February 4, 1955, p. 871, and, February 10, 1955, p. 1025.

<sup>22</sup>Ibid., February 10, 1955, p. 1036.

<sup>23</sup>Ibid., p. 1037.

<sup>24</sup>Minutes, March 10, 1955, p. 99.

<sup>25</sup>Debates, June 14, 1955, p. 4769.

<sup>26</sup>Ibid., p. 4771.

<sup>27</sup>Minutes, April 28, 1955, p. 350.

<sup>28</sup>Ibid., April 27, 1955, pp. 304-05.

<sup>29</sup>Ibid., p. 357.

<sup>30</sup>Ibid., April 29, 1955, p. 450.

<sup>31</sup>Ibid.

<sup>32</sup>Debates, June 14, 1955, p. 4767.

<sup>33</sup>Fulton's father, Frederick John Fulton, served as Provincial Secretary, Attorney-General, and Minister of Lands and Works from 1901 to 1909. Later, he sat as a Conservative Unionist MP from 1917 to 1921. Fulton's maternal grandfather, A.E.B. Davie, and a great-uncle Theodore Davie, were Premiers of British Columbia. Theodore Davie later became the province's Chief Justice.

<sup>34</sup>Ibid., February 11, 1955, p. 1106.

<sup>35</sup> Ibid., February 24, 1955, p. 1490. General McNaughton was Mackenzie King's Minister of National Defence for almost ten months in 1944-45. During that time, McNaughton failed twice to win election to the House of Commons.

<sup>36</sup> Minutes, March 9, 1955, p. 43.

<sup>37</sup> Ibid., March 10, 1955, p. 98.

<sup>38</sup> Ibid., March 9, 1955, p. 45.

<sup>39</sup> Ibid., March 10, 1955, p. 107.

<sup>40</sup> Ibid., May 19, 1955, p. 520.

<sup>41</sup> "Statement of Response," Lester B. Pearson, Secretary of State for External Affairs. Quoted in Moore, pp. 84-85.

<sup>42</sup> "Statement of Response," G. S. Wisner, Attorney-General. Quoted in Ibid., p. 85.

<sup>43</sup> March 12, 1951. The Chairman's remarks are reported in Upper Columbia River Development, pp. 284-89.

<sup>44</sup> Quoted in Higgins to author, December 15, 1968. Larratt Higgins, of Toronto, an economist with Ontario Hydro, had worked with McNaughton on the development of the Columbia River basin prior to the negotiation of the treaty and was associated later with the opposition to the treaty. Higgins has access to McNaughton's papers on the Columbia which are closed to the public. On the "ostensible" reasons for the withdrawal of the Libby application, see Minutes, March 9, 1955, p. 33. The Consolidated Mining and Smelting Company (Cominco), whose holdings included power installations on the Kootenay downstream in Canada, approved the Libby Dam and the treaty which contained it. See testimony by officials of Cominco before the Committee on External Affairs during Parliament's examination of the treaty in 1964 in Minutes, April 28, 1964, pp. 800-40.

<sup>45</sup> Announcement was made at an executive meeting, January 27, 1954. Moore, p. 88.

<sup>46</sup> Lester B. Pearson, July 7, 1954. Quoted in ibid., p. 90.

<sup>47</sup> W.A.C. Bennett, July 2, 1954. Quoted in Ibid., p. 91.

<sup>48</sup> Minutes, March 11, 1955, p. 113.

<sup>49</sup> Ibid., June 1, 1955, p. 624. The Committee was studying the estimates of the Department of External Affairs.

<sup>50</sup> Ibid., p. 625.

<sup>51</sup> Ibid., March 10, 1955, pp. 84-85.

<sup>52</sup> Published in Ibid., December 16, 1957, "Appendix 3," pp. 321-23.

<sup>53</sup> Quoted in Ibid., June 7, 1956, pp. 369-70. Prior to his position as Chairman of the United States section of the IJC, from 1955 to 1957, Jordan was Governor of Idaho (1951-1955) and a member of the state legislature (1947). Since 1962, he has been a Senator from Idaho.

<sup>54</sup> McNaughton's remarks were made at a meeting of the IJC on April 5, 1955, and were published in Ibid., pp. 364-65.

<sup>55</sup> Figures are from the ICREB's "Report to the International Joint Commission, United States and Canada: Water Resources of the Columbia River Basin," 7v., Appendices I-VI, 1959, pp. 36-37. Also, "Appendix I" of the "Report," pp. 20-21. Quoted in Moore, p. 106.

<sup>56</sup> May 9, 1955. Quoted in Upper Columbia River Development, p. 18.

<sup>57</sup> Minutes, June 1, 1955, p. 624.

<sup>58</sup> "The Fifties: An Ottawa Retrospect," Waterloo Review, Summer, 1960, pp. 33-35.

<sup>59</sup>See the report of Greg Connelly for the Southam press, "Early Start on B.C. Power Scheme Seen Vital to Halt U.S. Domination," Hamilton Spectator, December 16, 1957, and the report of Bruce Phillips for the same group of newspapers, "Ottawa Hints It Would Share Cost of Public Columbia Power Project," Ibid., June 5, 1958.

<sup>60</sup>See, for example, Maxwell Cohen, "Some Legal and Policy Aspects of the Columbia River Dispute," v. 36, pp. 35-41; Robert Day Scott, "The Canadian-American Boundaries Later Treaty: Why Article II," v. 36, pp. 511-47; Jacob Austin, "Canadian United States Practice and Theory Respecting International Law of International Rivers: A Study of the History and Influence of the Harmon Doctrine," v. 37, pp. 393-443, and C.B. Bourne, "The Columbia River Controversy," v. 37, pp. 444-72.

<sup>61</sup>The Neuberger hearings. Moore, pp. 129-45. The Financial Post told its readers on May 17, 1958, that as a result of the hearings, "Canada seems to have the U.S. over a barrel on the Columbia River." Readers of the Southam press were informed that "the sum of Sen. Neuberger's ... hearings seems to have been to reveal how weak a position the U.S. is in to negotiate and how much it really wants to make a favourable deal with Canada." "U.S. Urged Not To 'Rock Boat' In River Talks," Hamilton Spectator, May 8, 1958.

<sup>62</sup>Sherman, pp. 214-15, 220-21.

<sup>63</sup>private research source.

<sup>64</sup>Sherman, p. 222.

<sup>65</sup>Upper Columbia River Development (1959), p. 269.

<sup>66</sup>On October 4, 1957. Ibid., p. 268. See also Minutes, December 12, 1957, p. 249.

<sup>67</sup>Sherman, p. 223.

<sup>68</sup>General Principles:

1. Projects should be constructed in the order of their economic merit without regard to the international boundary.
2. Projects chosen should give benefits to each nation in excess of alternatives available to each nation.
3. Each country is entitled to participate in a trans-boundary project and to share in both at-site and



downstream power benefits resulting from the storage.

The power and flood control principles enunciated in the report provided a basis for determining the calculation and division of flood control and power benefits. The IJC asserted that all benefits from the international power system should be shared equally. "Report of the International Joint Commission on Principles for Determining and Apportioning Benefits from Co-operative Use of Storage of Waters and Electrical Interconnection Within the Columbia River System, 29 December 1959." Published in The Columbia River Treaty Protocol and Related Documents issued by the Departments of External Affairs and Northern Affairs and National Resources, February 1964, (Ottawa: Queen's Printer, 1964), p. 39-55.

69 A 600-foot high earth-fill dam in the Peace Canyon as proposed which would create a reservoir six times the size of that behind Grand Coulee on the Columbia in the state of Washington. The eventual power production was estimated at more than five million horsepower and the estimated cost was \$600 million up to the stage of 4.7 million horsepower. Sherman, p. 224.

70 Clark Davey, "Negotiations to Open on Columbia Treaty Early in 1960," Globe and Mail, December 31, 1959.

71 Warren Baldwin, "Canada Gets Repayment For a Lost River," Hamilton Spectator, January 2, 1960.

72 Charles King, Southam News Services, "Charges Peace River Power Men Trying to Delay Columbia Project," bid., January 20, 1960.

73 Evidence given by Davie Fulton to the Committee on External Affairs in 1964. Minutes, May 11, 1964, p. 1110.

74 Private research source.

75 Minutes, May 11, 1964, pp. 1109-11.

76 The date and the circumstances of the announcement by British Columbia of its refusal to tolerate the diversion scheme in the east Kootenay has been ascertained by Larratt Higgins, of Toronto. See "Canadian Water Policy a draft prepared for delivery to the University League for Social Reform by Larratt Higgins" (mimeo), delivered November, 1968.

p. 3, 20 (Higgins papers).

One account of British Columbia's announcement was particularly dramatic:

Behind a door covered with sound-dampening green felt, an assorted group of engineers, economists and politicians met to discuss the fate of the Columbia River basin. The place was Ottawa. The time, early spring of this year. One of the British Columbia representatives suddenly blurted out: "B.C. has no intention of constructing or allowing the construction of dams in the East Kootenay Valley." A hush fell over the room. Justice Minister Davie Fulton, Canada's senior negotiator, immediately called a recess. The senior U.S. negotiator, Elmer Bennett, wore a puzzled look, while elation shone on the face of Gen. Itchener (sic), chief of the U.S. Army Corps of Engineers. That one sentence almost killed the development of the Columbia River. And it directly led to a Columbia River agreement between Canada and the U.S. that is good, but not necessarily good enough.

Tom Gould, "Ottawa: Kootenay Veto," Victoria Daily Times, October 21, 1960.

-- Davie Fulton denied the veracity of that account of the provincial statement although the effect of the provincial stand on the negotiations was confirmed by several federal Ministers. Fulton told the Committee on External Affairs in 1964: "I would say there was an occasion when there was some awkwardness because the British Columbia representative felt he could not press the negotiation on the Dorr-Bull River-Luxor as firmly as I wanted, but there was not at any time an open or outward appearance of disagreement." Minutes, May 12, 1964, pp. 1145-46.

<sup>77</sup> Sherman, p. 223.

<sup>78</sup> Canadian Press news agency, "B.C. Towns Protest Columbia River Plans," Globe and Mail, January 30, 1960.

<sup>79</sup> Private research source.

<sup>80</sup> Private research source.

<sup>81</sup> Walter Gray, "Canada, U.S. Reach Historic Agreement. Start Expected Next Year," Globe and Mail, October 20, 1960,

and, Felix Belair, Jr., "President Backs Canadian Pact For Developing Columbia Basin," New York Times, October 20, 1960.

<sup>82</sup> The Columbia River Treaty and Protocol A Presentation Issued by the Departments of External Affairs and Northern Affairs and National Resources April 1964 (Ottawa: Queen's Printer, 1964), pp. 28, 30. The treaty is published in The Columbia River Treaty Protocol and Related Documents, pp. 58-81.

<sup>83</sup> Sherman, p. 238.

<sup>84</sup> Ibid., p. 228.

<sup>85</sup> Bennett to Fleming, October 27, 1960. This letter was not published in Hansard, although it was the subject of questions which led Fleming to publish his reply of December 6, 1960. Debates, December 8, 1960, pp. 608-09. Bennett's letter was apparently delivered personally to Fleming in Ottawa when Bennett was attending a federal-provincial fiscal conference. The men met publicly "after a ludicrous series of impromptu press conferences in which the two sides never got within 10 feet of each other." Charles King, Southam News Services, "B.C. Asks For Details of Columbia Assistance," Hamilton Spectator, October 28, 1960.

<sup>86</sup> Private research source.

<sup>87</sup> Private research source.

<sup>88</sup> Fleming to Bennett, December 6, 1960. Published in Debates, December 8, 1960, pp. 608-09. See Bennett's brief reply in Ibid., December 19, 1960, p. 917.

<sup>89</sup> Quoted in Sherman, pp. 239-40.

<sup>90</sup> Fulton's public comments that weekend did little to create an atmosphere for rapprochement. See Canadian Press news agency, "B.C. Leader's Attitude Called 'Rude', 'Stupid'," Hamilton Spectator, December 12, 1960.

<sup>91</sup> Debates, February 2, 1961, p. 1652.

<sup>92</sup> Fleming to Bennett, January 31, 1961. Ibid.,

93 Debates, May 24, 1961, p. 5331.

94 "Minding Your Business: A long Last Mile to Columbia Pact," February 9, 1961.

95 Private research sources.

96 Felix Belair, Jr., "President Backs Canadian Pact for Developing Columbia Basin," New York Times, October 20, 1960.

97 Debates, January 16, 1961, pp. 1057-58.

98 Ibid., pp. 1057-59.

99 The report of the Energy Board recommended that the Treaty be held up until (1) analysis of power demand and consumption over the past five years was complete, (2) power export possibilities were examined, (3) financing details were settled and (4) the amount of clearing for reservoirs was known. The provincial Government then directed the Board to examine the possibility of pooling power from both the Peace and Columbia Rivers. "Columbia: Who Pays What? Bennett, Fleming Meeting May Decide," Financial Post, March 18, 1961.

100 Tim Creery, Southam News Services, "U.S. Senators Applaud Signing of River Treaty," Hamilton Spectator, March 17, 1961. The lone opposing vote was cast by Senator Wallace F. Bennett, of Utah, "in response to the expression of opposition of the coal-producing area of my state."

## OPPOSITION FROM THE GOVERNMENT OF BRITISH COLUMBIA

1. Introduction

By March, 1961, the Columbia River Treaty had been signed by the President of the United States and ratified by Congress. Before its ratification in Congress, the treaty had been the subject of scrutiny by the Senate's Committee on Foreign Relations.<sup>1</sup> In Canada, the role of the legislature in this process is much weaker. Treaty-making, historically a concern of the Crown, is regarded as an executive responsibility; however, a practice has been established of Government presentation of some treaties to Parliament for study.<sup>2</sup> In such cases, the Government usually maintains firm control in Parliament to obtain a formal seal of approval. The area of real political dispute in treaty matters results from the federal nature of Canada's political system which, in effect, contains eleven executives. Norman Ward has observed in his revision of Dawson's Government of Canada:

The enlargement of the Dominion powers in the international field and the steady growth of provincial powers in the domestic field thus pull in opposite directions in the area of treaty performance. It is now quite possible for the Dominion to negotiate and ratify

a treaty and yet be left in default by provincial refusal to carry out the terms of the agreement.<sup>3</sup>

This was how the political situation was evolving over the Columbia River Treaty by March, 1961. This situation was fully recognized by both Government and Opposition spokesmen in the House of Commons following a Ministerial statement on the treaty and the interim report of British Columbia's Energy Board. In his statement on March 3, the Minister of Justice, Davie Fulton, emphasized:

[The] British Columbia government were directly represented and participated fully at every stage of discussions and accepted every word of the treaty. (...) The British Columbia government accepted the conclusions reflected in the treaty on every one of the points now raised by the British Columbia energy board's report.

The Minister said that if the development of the Columbia were to go ahead, ratification must take place "without any unnecessary delay."<sup>4</sup>

The Leader of the Opposition, Lester Pearson, raised the problem of treaty implementation "in so far as that implementation deals with matters under provincial jurisdiction":

If we proceed in this house with consideration of this treaty before those matters had been concluded with the provincial government which are essential to the implementation of the treaty, we might find ourselves in very grave difficulties indeed.<sup>5</sup>

Fulton agreed that it was "important to know exactly what the position of British Columbia is and that, of course, will

have to be determined before a final decision is made by the government of Canada." His statement, he said, represented the position of the Canadian Government, "a position about which there should be no doubt. We stand ready to ratify this treaty at the earliest moment."<sup>6</sup>

The Canadian Government, however, did not bring the treaty to Parliament for its approval until 1964; then the Government was formed by the Liberal party under Lester Pearson. This delay was caused ostensibly by a lack of agreement between the federal and provincial Governments on how to implement the terms of the treaty; more specifically, the two Governments disagreed on the role of the development of the Columbia River in relation to other hydro resources in British Columbia, and on the disposition of the downstream power benefits on the Columbia which the province would receive from increased generation in the United States.

Both of these questions were directly related to Canada's national water resource development and hydro power policies and the struggle to resolve them led to protracted national debate in and outside the House of Commons. When the treaty was finally presented to Parliament in 1964, the issue was finally fought out before the Committee on External Affairs of the House of Commons. Between 1961 and 1964, however, the treaty and national policy on water use were discussed widely in the mass media and were the subjects of talks and debates in professional groups and

public forums as well as in political parties and Parliament.

Since the debate on the Columbia River Treaty became a debate on national policy, so then this examination of the debate becomes, in part, a study of that policy. The primary concern, however, remains an examination of patterns of opposition and representation in the Canadian political system. The Government of British Columbia provided the main opposition, delaying ratification of the treaty by Canada for three years. Other forms of opposition and representation must be seen against this backdrop.

## 2. British Columbia's Two River Policy and Canada's National Power Policy

Within a few months following the signing of the treaty, the power plans of the Government of British Columbia were dramatically advanced. Rumours were current from February, 1961, that Premier Bennett intended to take over the B.C. Electric Company and the Peace River Power Development Company.<sup>7</sup> With hydro-electric power under public ownership, Bennett could conceivably proceed with the power development of the Peace River and hold out on the Columbia project until the federal Government made an offer which he would accept.

Now that international negotiations were completed, Davie Fulton's primary role became that of a federal Cabinet Minister from British Columbia; he remained, however, an interpreter within the Cabinet of the treaty and British



Columbia's power development, and an authoritative voice in Alvin Hamilton's Cabinet committee on the treaty.<sup>8</sup> Negotiations between the province and the federal Government now became a matter for the two Ministers of Finance, W. A. Bennett and Donald Fleming.

Bennett made two offers to the federal Minister of Finance in Victoria in March, 1961: either the federal Government could build the storage dams and transmission lines on the Columbia, if they took over all the costs to date and transferred to the province the flood control payments as well as the dams after they were paid for, or British Columbia would build the project if Ottawa would guarantee their price figure for power delivered in Vancouver at 4.25 mills per kwh and sell any surplus in the United States at or above that price.<sup>9</sup> Fleming's report to the Commons was perfunctory; he reported only that Bennett's two proposals were made in a "very cordial atmosphere" and in a very candid way.<sup>10</sup>

Observers felt that the development of the Columbia had reached an impasse at this point and that the "squeeze was now on between the two Governments."<sup>11</sup> Federal spokesmen privately dismissed Bennett's proposals in conversation with newsmen, saying that unless the Premier changed his mind, there would be no development on the Columbia.<sup>12</sup> Indeed, Howard Green, Secretary of State for External Affairs and another member of the Cabinet from British Columbia, addressed

the Commons in April as though the development plan had collapsed, firmly and finally. "When I was last on the coast," he said,

[I] heard that the federal government was now on the spot. (...) The people who will suffer if this great co-operative scheme does not go through will not be the federal government. The people who will pay the piper will be those citizens of British Columbia who will not get the cheap power. (...) All I wish to do is to make it perfectly clear that the fault for the failure of the project to materialize will not rest here at Ottawa, but ... in Victoria.<sup>13</sup>

According to Paddy Sherman, it was at this time that the Premier of British Columbia was putting his two-river policy to the test. In British Columbia's policy, the development of the Peace River was essential. If the Peace River project collapsed, the United States, it was held, would be free once again to drive a hard bargain on the development of the Columbia River. On the other hand, if the Peace River project went ahead, British Columbia would retain the advantage. Power from the Peace would be used in British Columbia while power from the Columbia, generated downstream in the United States, would be sold there and not returned to the province as designated under the treaty. This profit could then be used to pay for the power development and help cut costs to British Columbia's taxpayers and consumers.<sup>14</sup>

According to this reasoning, the federal Government owed a debt to Premier Bennett for a strong bargaining

position against the United States, but Ottawa did not recognize it. According to one Conservative, although "nothing was given away" because of British Columbia's emphasis on the Peace, the province's attitude was "a constant embarrassment in negotiations with Washington which weakened Canada's position": the Canadian team had to avoid "an embarrassing U.S. question on the intent of British Columbia." During the negotiations, the Canadian team had been

constantly worried that Bennett would pull the rug out from under us by insisting on the Peace project. In fact, U.S. negotiators would always ask us: "Are you going with the Columbia or the Peace?"<sup>15</sup>

In May, according to Sherman's timetable of events, the ailing president of the B.C. Electric Company was informed by a former vice-president, William Mainwaring, then president of Wenner-Gren's Peace River Power Development Company, that the Premier intended to expropriate B.C. Electric. In late June, Bennett had apparently decided to call a special session of the legislature for August 1 to introduce appropriate legislation. In Sherman's words, all this was too much for Davie Fulton to contemplate. Fulton's "dream of a quick and painless treaty had gone, destroyed by a bold, imaginative and autocratic man who had once been his friend."<sup>16</sup> Fulton, though, remains unimpressed with Sherman's reportorial prose. According to one source, the intended take-over was, for Fulton, "just another example of

Bennett at work." Fulton recognized that the expropriation was within the Premier's jurisdiction, although he felt it was unnecessary because "no private utility company would, in the end, have gone against the wishes of the head of a provincial government." 17

Although Paddy Sherman had interpreted the take-over as a decisive blow to the federal Government, it was felt in Ottawa that "the mere fact of the take-over did not change the situation fundamentally." If, in fact, members of the federal Government had felt that they were "in Bennett's hands, they would not have continued the negotiations." The take-over did, however, have some effect on the federal Government. A Conservative informant has said:

It was obvious now that this battle would be fought in the arena of public opinion. Bennett was there on his home ground and he could not be allowed to distort the facts without some reply. We had to win the argument in the public mind and to have the matter reverted to one of reasonableness. 18

In a press conference in Vancouver on July 25, only one week before the special session of the provincial legislature, the Minister of Justice reaffirmed the federal position forcefully. The only point of discussion between the two Governments, Fulton said, was the question of financing the three treaty dams in Canada. Neither the sale of downstream power benefits to the United States, nor the elimination of Mica Dam, the only at-site power producing dam in the project, was a negotiable item. Bennett's power

plan was described as the greatest betrayal of Canadian interests that it would be possible to contemplate.<sup>19</sup>

The rebuttal came the following day from Attorney-General Robert Bonner who described the tone of Fulton's remarks as detrimental to the negotiations of Premier Bennett and Minister of Finance Fleming. Upholding the policy of selling power to the United States, the Attorney-General suggested that a consistent federal policy would be one which forbade the export of oil and gas as well as electricity.<sup>20</sup> The demand by British Columbia to sell the downstream power benefits from the Columbia had been formally presented to the federal Government in May when Premier Bennett met Fleming at Montebello, Quebec. Bennett suggested it as an alternative to the earlier, unacceptable alternatives of a federal guarantee of low-cost power delivered to Vancouver from the Columbia or a federal undertaking of the entire project.<sup>21</sup>

According to both Canadian and American reports, the federal Government had also experienced some pressure from the United States to ratify the treaty. The Secretary of the Interior, Stewart L. Udall, visited Fulton in Ottawa in mid-May to express American impatience at the delay. Udall was said to be primarily concerned with the size of Canadian oil exports to the United States; the Columbia River Treaty was only "incidentally discussed."<sup>22</sup> The Secretary, however, created the public impression that the United States

might go ahead to work out an alternative project to provide power needed in the Pacific Northwest.<sup>23</sup>

On August 1, the expected move was made in Victoria. Premier Bennett introduced a bill to make the B.C. Electric Company a Crown corporation and to take over the assets of the Peace River Power Development Company. At the same time, he tabled the Energy Board's report which found that if the Peace River project were publicly operated it would produce power at a cost virtually indistinguishable from the cost of power from the Columbia. The report also justified Bennett's desire to sell the Columbia downstream power benefits in the United States.<sup>24</sup>

Four days earlier, the Conservative Toronto Globe and Mail had expressed disbelief that Bennett's proposals represented his "real intention" and had concluded that it was "probable that the proposals are in the nature of bargaining manoeuvres."<sup>25</sup> With the take-over now confirmed, and with the Energy Board's report serving as a bulwark, the Bennett proposals represented something more than mere bargaining manoeuvres. Despite an uproar over the conditions of the purchase of B.C. Electric and some doubtful aspects of the Energy Board's report,<sup>26</sup> the provincial Government now appeared to have a reasonable and convincing alternative to the Federal Government's Columbia River development scheme. It now appeared that if the project on the Columbia were to be realized, Ottawa would finally have to jettison

Canada's long-standing ban on long term hydro-electric exports<sup>27</sup> and come to some agreement with the provincial Premier on the sale of Canada's downstream power benefits in the United States.

Four years earlier, the newly elected Conservative Government of John Diefenbaker had established a Royal Commission headed by Henry Borden to study and make recommendations on a federal energy policy.<sup>28</sup> In 1959, on the basis of the Borden Commission's recommendations, the Government introduced a bill to establish a National Energy Board. Speaking in the resolution stage, Gordon Churchill, Minister of Trade and Commerce, explained that the bill would replace the International River Improvements Act of 1955 and a more recent Pipelines Act. He said that the proposed Energy Board would hold public hearings and, subject to the approval of the governor in council, grant or deny licences to export electric power or gas. The Minister told the

Commons:

As regards the exportation of electric power and gas, the key principle will be that quantities proposed to be exported must be surplus to present and reasonably foreseeable Canadian requirements. In the case of electricity, it has been the policy in the past to grant only annual licences for export, so as to prevent permanent alienation of power. This remains our general policy, although some exceptions may be made in very special circumstances where the national interest would not be prejudiced by a longer term of export.<sup>29</sup>

During the second reading of the bill, the Liberal party moved an amendment to forbid specifically the export

of electric power beyond a period of one year. The Government was challenged to state "any real case ... for the change in the practice" of limiting electric power exports to periods of one year.<sup>30</sup> Churchill replied that six per cent of the total amount of hydro-electric power produced in Canada was exported, but that two developments "might change that picture." One was the development of thermal power plants in British Columbia and Alberta; the other was the development of the Columbia River which was then being negotiated. "There might be arrangements between the two countries," Churchill said, "where in exchange for some advantage to Canada electrical power produced on that great river system might be exported to the United States on a licence basis longer than one year."<sup>31</sup>

The Official Opposition, however, persisted. "Hydro electric power from the Columbia River is not sufficiently developed to warrant us granting the permission now," George McIlraith replied. "If the need arises there for a long term permit the government can come back to parliament and ask that the subject be dealt with specially."<sup>32</sup> Howard Green, then Minister of Public Works, replied to the amendment which he thought would be "disastrous" to British Columbia. He told the Commons that "after many years of wrangling and of [the] impossibility of getting within any distance at all of agreement with the United States concerning the development of the power on the Columbia river, we have now been able to make



great strides." Fundamental to the question, the Minister said, was that Canada would receive power produced downstream as a result of Canadian storage. Green explained:

This is where the cheapest power will come from. I would say that power cannot be produced in any other way on the North American continent that will compete with it as to price. What position are we going to be in if we write into our statute that Canada can give an export permit only for one year and yet we are expecting to get power back from the United States by way of downstream benefits? They will write into their law just as tight a restriction as we write into our law and this very provision ... might ... be taken by the United States authorities as being an attempt to hamper negotiations or to cut down on the terms of any agreement.33

J. W. Pickersgill, a former Liberal Minister, said that any change should be made in the presence of a concrete problem so as not to weaken a bargaining advantage. The former Minister recalled the designs of the Government of British Columbia on the Columbia River in 1955 and suggested that unless long term power exports be prohibited by statute, there might easily be aroused in the minds of some of us a suspicion that some of the valuable power in other parts of the country was going to be exported by a government some day without coming to parliament in order to facilitate something being done in British Columbia.

The Liberal amendment did not receive support from the CCF

group. H. W. Herridge told the Commons:

All of us are very anxious that nothing is done to disturb the excellent progress on this question that has been made between Canada and the United States and the excellent relationship that has been developed ... between the government of Canada and the government of British Columbia. 34



With its top-heavy majority, the Government was bound to defeat the amendment with ease. The Minister of Trade and Commerce had the final word before the amendment was handily negated:

We are leaving it to the national energy board to weigh the facts, to size up the situation, and to make its decision; but we are not restricting them to a one-year matter in so far as electric power is concerned. We are expecting that they will be just as careful as Canadians have been in the last fifty years with the export of our power resources and that they will be just as careful as any member of this chamber would be. 35

The Columbia River Treaty which the Diefenbaker Government approved two years later was said to represent an enhancement of the national power protection policy established in 1959. Canada was to receive fifty per cent of the power produced downstream in the United States as a result of Canadian storage and the low cost power would be distributed in British Columbia.

In 1961, while Premier Bennett's two-river policy was being advanced, the Liberal party in Ottawa still expressed caution over allowing power exports on a long term basis. Although contracts had been let recently in New Brunswick on the understanding that the power would be recaptured, the leader of the Liberal party observed again that "experience ... has shown that when the time comes when you wish to get that power back from the United States, obstacles are created which make such a course almost impossible." Although applications from British Columbia to export

power would have to be considered, Pearson hoped that the Government would not deviate from the long standing policy which had been accepted by Liberal and Conservative Governments,

that the national interest with regard to power must be protected for a good many years ahead, and that no steps should be taken without every kind of assurance that the national interest is completely safeguarded.<sup>36</sup>

It was this long standing power policy perceived by Pearson that Premier Bennett of British Columbia was, presumably, now attacking. In 1955, the Liberal Government in Ottawa had rejected British Columbia's and the federal Social Credit party's contention that to create upstream storage on the Columbia River was not to export power, but only to provide a service. In 1961, Premier Bennett was advocating a 30-year sale of Canada's downstream power benefits accruing from the Columbia River Treaty. Using the six-year old Liberal definition, this would constitute a long term export of power. Indeed, some would argue that the concept of "power export" was to become obsolete as, under Bennett's proposals, British Columbia's hydro-electric resources on the Columbia became an integral part of a large western continental grid system.

### 3. The Columbia Negotiations, 1961-June 1962

The political battle between Ottawa and Victoria over the question of hydro-power export was quickly personified by Fulton and Bennett in what Paddy Sherman described as

"a fight to the political death."<sup>37</sup> Referring to the federal Minister of Justice, Premier Bennett told a meeting of businessmen in Prince George in September, 1961, that "no federal minister has any right to challenge the decision of this province."<sup>38</sup> Reports from Ottawa now indicated that the federal Government was preparing to stand firm and present the federal case in the next general election. Charles King told readers of the Southam press:

The voters will be told that no more generous proposal was ever made to a province than the Columbia financing offer. They will also be told that Mr. Bennett is shackling them to high-cost power, and stubbornly proceeding on his pet scheme of the north without regard to the fact that no comfortable export market will be available.<sup>39</sup>

Although the federal Cabinet would concede that this was "a fight to the political death" in the sense that the differences between the two Governments now constituted a public controversy and "the Government either had to accept Bennett's position or fight him," it held that the Premier's advantage was only minimal.<sup>40</sup> British Columbia, the federal Government felt, was committed to Columbia development as outlined in the treaty; but now that it was clear that the provincial Government wanted to sell the downstream benefits, the federal position was weakened vis-a-vis the United States.

In mid-1961, the United States offered British Columbia a "considerable advance entitlement of power" which, in Ottawa's view, could have satisfied British Columbia's power grid needs without the immediate development

of the Peace. The offer, which was never put into writing, would have involved the supplying of Vancouver with power from the United States. Federal authorities envisaged the power that was then being consumed in Vancouver as sufficient to service the northern Peace region which would be developed later in an orderly way. Bennett, however, insisted on proceeding with the development of the Peace River which would produce more power than required at the time and on selling the relatively lower-cost Columbia downstream benefits.<sup>41</sup> Events in the next few months would lead to one of the high marks of animosity in the lengthy dispute over the Columbia River Treaty.

Late in September, the first public signs appeared of what Fulton later charged was a United States pressure play with British Columbia against the federal Government. The Canadian Press news agency quoted informants and "U.S. experts" in Washington as expressing impatience over the "Canadian federal-provincial squabble" and favouring the desire of British Columbia to sell the downstream benefits. While British Columbia's asking price of five mills was said to be "a little high," it would serve as a basis for negotiation. "Some attempt to persuade the Canadian government to revise its approach to the power export issue will be made," the report continued, "when James Carr, interior undersecretary, meets Canadian Justice Minister E. D. Fulton at Spokane, Washington, in October."<sup>42</sup>

While informants in Washington were expressing their views to newsmen, Fulton was advancing the federal case before an audience in Vancouver. The Minister asked:

Shall we use this cheap [Columbia] power as a cornerstone on which to build a great industrial complex, or shall we float it down the river like so many logs so that our American neighbors can further enlarge their rich and thriving economy in the Pacific Northwest?<sup>43</sup>

In his address in Spokane in October to the Inland Empire Waterways Association, Fulton maintained his Government's opposition to the proposals of British Columbia. "We do not," he said, "want to be bound by long term agreements that could be detrimental to Canada's economic development."<sup>44</sup>

Fulton had accepted the invitation to Spokane knowing that the Undersecretary of the Department of the Interior would be there, too. According to an informant in Ottawa, the federal Government knew that the United States was negotiating with Bennett through the Bonneville Power Administration,

discussing the terms of a sale of power, making a price that would have cut the ground out from our feet. It was an embarrassing situation. There was a treaty in existence. We wanted to maintain close relations with the U.S., to explain the difficulties we had encountered with Bennett and the steps which we had taken, and which we alone should take to remedy the situation.<sup>45</sup>

(A few days after his return to Ottawa from his meeting with Carr, Davie Fulton was busy denying reports that he would become the leader of the Progressive Conservative party in British Columbia "as part of a wholesale shuffle in the

federal cabinet."<sup>46</sup>)

On November 1, the Southam press reported that officials of the Department of the Interior felt the United States "might take the position that it was justified in severely cutting Canadian crude oil and natural gas liquid imports because Canada was preventing the U.S. from realizing benefits under the Columbia Treaty." The New York Herald Tribune News Service had reported earlier that the United States had set March, 1962, as a deadline for Canadian ratification of the treaty after which the United States would proceed with alternative schemes. Upon investigating the report, Tim Creery informed Southam readers that a spokesman in the Department of State said no formal representations had been made to Ottawa and no deadline set:

The U.S. had made Ottawa "aware" of American views, however, and perhaps March had been mentioned in a rough sort of way as a desirable time by which to reach a decision.<sup>47</sup>

Undersecretary Carr disclaimed Creery's description of his Department's attitude. He was reported as saying, "To the best of my knowledge there has been no such statement nor would such a vindictive plan receive any consideration in this department." Creery, however, took Carr's statement as a correction of what had been said earlier by a public relations officer of the Department of the Interior on oil policy rather than as a correction of his own report.<sup>48</sup>

One week later, George Bain reported to the Globe

and Mail that the delay on the treaty in Ottawa was beginning to get publicity in Washington "of a sort to feed exasperation. There is no talk of scrapping the treaty . . . . However, responsible officials say they would be surprised if there were not a demand that the treaty be reopened, and some benefits accruing to Canada scaled down."<sup>49</sup> The Columbia River Treaty, for example, had been a subject of discussion at one of President Kennedy's periodic luncheons with newspaper editors.<sup>50</sup>

On November 16, when President Kennedy was in Seattle, he met Premier Bennett. According to Paddy Sherman, American officials sympathetic to Bennett's viewpoint on the Columbia had helped to stage a brief and informal meeting between the two men.<sup>51</sup> The possibility of Kennedy's connivance with the Premier of British Columbia was a lively one when, considered with the later report of Arthur Schlesinger Jr. that Kennedy thought Prime Minister Diefenbaker "insincere and did not like or trust him."<sup>52</sup> The President of the United States had been in Ottawa in May to return the Prime Minister's visit to Washington in February. "The earlier meeting had not proved a success," according to Schlesinger, then a presidential aide. "Diefenbaker, who felt at home with Eisenhower, had been uneasy with the new President." At the meeting in Ottawa in May, a confidential presidential memorandum setting forth the objectives of the United States at the meeting, apparently including Canadian ratification of the



Columbia River Treaty and allegedly containing a derogatory marginal reference to the Prime Minister in the President's writing, fell into Canadian hands.<sup>53</sup>

The Kennedy-Bennett encounter in Seattle in November was a temporary cause célèbre with Ottawa insisting that the two men had only exchanged greetings at a banquet to honour Senator Warren Magnuson, of Washington.<sup>54</sup> In December, a report in the New York Times quoting a "close associate" of Premier Bennett seemed to confirm the view in Ottawa, but was not designed to lessen the heat of the controversy:

Kennedy and Bennett did not have a meeting, but Bennett conferred with people who came on the trip with the president. They were interested to find out whether there was some kind of monster they had to deal with out here in British Columbia. Kennedy's people left with the feeling it would take about fifteen minutes to reach an agreement on power sales once the Columbia River Treaty was ratified.<sup>55</sup>

The federal Government, satisfied after official diplomatic inquiries that ordinary civilities only had been observed between Kennedy and Bennett, concluded that reports of the meeting emanating from Victoria were deliberately designed to create the impression that the dispute would be easily resolved if Ottawa would not insist on its position.<sup>56</sup> A strict "no comment" reply to questions about the Kennedy-Bennett meeting was soon enforced and observed by provincial Cabinet Ministers and administrative officials. Information on the meeting is still unavailable from provincial officials up to the present.<sup>57</sup>

Five days after the meeting between Kennedy and Bennett, Stewart Udall was reported as describing as "stuff and nonsense" Ottawa's fears that power sold in the United States could not be recovered.<sup>58</sup> Official inquiries once again satisfied the federal Cabinet that the Secretary had not been quoted correctly. Davie Fulton then accused Premier Bennett of making "a propaganda play."<sup>59</sup> On November 24, Udall made another statement intended to clarify his earlier remarks; the second statement, however, only involved himself more deeply in the Canadian dispute. Udall said:

It would, as I said in Seattle earlier this week, be nonsense for anyone to take a position that the United States would not honor any commitment to return the power to Canada if the Canadians so desired at the expiration of the agreed-to contract. (...) It is our position that the United States is willing to work out any reasonable arrangement for the disposition of the Canadian share of power in the United States.<sup>60</sup>

By emphasizing his Government's willingness to arrange for disposition of Canada's share of power, Udall seemed to ignore or failed to recognize that the basis of the disagreement between Victoria and Ottawa was whether there should be any disposition of the power outside of Canada at all.

Officially, there was silence from Ottawa; unofficially, the Secretary's views were taken by the federal Government as an affront. Fulton said Canada's position was unaltered and Diefenbaker told newsmen that the Cabinet was united on the issue.<sup>61</sup> There were, nevertheless, newspaper

reports from Vancouver and Victoria that a majority of the federal Cabinet was in agreement with Premier Bennett's plan to dispose of Canada's share of downstream power in the United States on a long term basis. Besides the Prime Minister, though, the Ministers of Justice, External Affairs, Northern Affairs and National Resources, and the Postmaster-General rejected the reports as false.<sup>62</sup> It can be said, however, that the newspaper reports of a split in the Cabinet in Ottawa were partially accurate. An informant recalls that there was diminishing enthusiasm for the official position because of the protracted nature of the debate and because other matters, currency exchange difficulties in particular, were pressing:

There was anxiety among some members [of the Cabinet] at this time and suggestions that the Government explore the possibilities of coming to agreement along B.C.'s terms. The possibility of Canada receiving a large payment of American money was naturally attractive to some people. But there was a firm "no" to the sale of downstream benefits although we were in favour of an interchange of power on a short term basis.<sup>63</sup>

An address by Davie Fulton to the Chamber of Commerce in Prince George on November 28 was expected to be a re-statement of his Government's position in reply to Bennett's address to the same group in September. Tom Gould, a reporter whose work Fulton later told the Committee on External Affairs, was responsible, but occasionally speculative,<sup>64</sup> wrote that the Cabinet was so uninterested in the treaty by now that Fulton saw that his task was "to get out

gracefully." According to Gould,

A week before the speech, [Fulton] hadn't made up his mind what to say. There had been some attempt made to call the cabinet committee on the Columbia into session, but so few ministers were interested that the meeting collapsed. 65

With stories now spreading about President Kennedy's personal interest in the treaty and Udall's remarks, Fulton was put in a politically difficult position. His speech in Prince George was not one of his usually cautious statements.

"Fulton Assails Power 'Sellout'."

"'Blunder', Says B.C. Minister."

"Washington Surprised."

These headlines on Southam and Canadian Press reports appeared in one newspaper as a result of Fulton's address. 66

The objects of his "blistering attack" had been Bennett and Udall. Charles King wrote:

Never in the long and tortured history of the international Columbia negotiations had such hot words been aimed by a federal spokesman at the Americans -- or for that matter at the provincial government of B.C. 67.

Fulton charged that "The Americans haven't been offered such a windfall since the purchase of Manhattan Island" until Bennett proposed the long term sale of the downstream power benefits. Fulton continued:

The hard fact is that British Columbians are now being asked to sell abroad our best and cheapest power resource -- like it or not you have to face it that this would leave us with more expensive power to use at home. (...) We have been in the economic backwoods long enough. We exist by shipping our natural

resources out to the great population centres to the south -- and this well suits those who have grown rich in the process -- but it's not good enough for the great majority who haven't. We must expand our economy and our population. By selling out one of our most valuable economic assets on a 30 to 60 year basis we raise another obstacle. We have enough obstacles to overcome now -- let's not build more.

Fulton made repeated reference to a United States-British Columbia "squeeze play":

It is suggested that other American officials are lending the Bennett plan their support. And why not! What they failed to get at the negotiating table is now being offered them by Mr. Bennett on a platter. [The sale of power] would be sheer madness. It would be an act of such reckless and improvident philanthropy that would make this country the laughing stock of the world.<sup>68</sup>

Attorney-General Robert Bonner described the speech as "a fantastic blunder," "an incredible gaffe."<sup>69</sup> The Premier's response was to call tenders for the tunnels to divert the Peace River in order to construct the power dam. According to Southam's Tim Greery, the first reaction of American officials in Washington was one of "near incredulity."<sup>70</sup> A spokesman for the Department of the Interior insisted the United States was not pressing Canada to sell the power; Udall intended only to give assurance that if Canada's share of power were disposed of in the United States, Canada could recover it when the contract terminated. Meanwhile, an official in the Department of State described Fulton's charges as "most unfortunate."<sup>71</sup>

Despite the assurances from the United States, it

was the firm knowledge in Ottawa that the British Columbia Hydro and Power Authority had been negotiating with the Bonneville Power Administration for a price on the Columbia downstream benefits that had led to Fulton's speech in Prince George.<sup>72</sup> For his readers in the Southam newspapers, Charles Lynch commented from Vancouver on the aftermath:

Dave Fulton is fighting what may be the political battle of his life out here in his home province, on an issue that the great mass of the people here and elsewhere in Canada cannot grasp.

Lynch also thought it peculiar that "one of the best justice ministers the country has ever had ... is staking his all on an issue that has almost nothing to do with the justice department." On the other hand, Lynch observed, Premier Bennett was trying to end the political career of both Fulton and Howard Green, who was also from the province. The Premier's refusal to see Fulton earlier in the year and his apparent willingness to deal with the Minister of Finance or the Prime Minister was seen by Southam's bureau chief in Ottawa as an attempt to split the federal Cabinet and have it repudiate Fulton's position as it had earlier on another matter.<sup>73</sup> It was Lynch's "distinct impression," originally, that Bennett was winning the battle of the Columbia. Ottawa's reasons for saying no [to the sale of downstream benefits] are very complicated," he wrote, "and smack of nationalism; a sentiment that is little comprehended in this highly Americanized segment of Canada."<sup>74</sup>

The prevailing view in Ottawa also was that the provincial Premier still had the advantage. According to a Conservative informant, the Cabinet recognized that the basic flaw in its position was "the lack of public understanding of the issue being fought."<sup>75</sup> The United States Embassy issued a statement that "the United States would be satisfied to see any, all, or none of the Canadian share of the power sold in the United States as Canada may freely decide."<sup>76</sup> Officials at the embassy suggested that the United States had been used by Bennett to gain a political advantage. The development of the Columbia River, it appeared, was becoming a major issue in the expected general election -- something the United States had hoped would not happen. Walter Gray reported in the Globe and Mail that the cry of nationalism which had been used effectively by the Conservatives in previous elections was echoing loudly in the national capital:

Ottawa's strategy now seems to be to move out of the corner into which Premier Bennett had boxed the Federal Government.... Ottawa has apparently put on brass knuckles.<sup>77</sup>

The last personal intervention in 1961 by Secretary Udall came on November 30 when he told a press conference in Washington that alternative power plans for meeting the load growth needs of the Pacific Northwest were already under study. Though "obviously miffed" at Fulton's charges of a Washington-Victoria axis, he refused to comment on them. When talking later on oil imports, however, Udall said he had

"a sort of wry feeling about the idea that it is unpatriotic to sell Canadian [hydro] power here when there is an excess of another energy resource coming in."<sup>78</sup>

The war of words between Bennett and Fulton, meanwhile, continued through December. In Saint John, New Brunswick, Fulton said the sale of power to the United States would jeopardize British Columbia's attempt "to progress from ... a fish and wood economy. It would simply hand over an enormous industrial advantage to B.C.'s chief competitor, the north-western United States. (...) I am sure [the power sale plan] is a temporary lapse from reason on the part of the provincial government."<sup>79</sup> In Ottawa for a television appearance, the Premier described Fulton as having gone berserk and doubted if he were the real spokesman in the Cabinet on the development of the Columbia. He gave observers the impression of being tired of fighting Fulton and wanting to settle the matter with the Prime Minister. To this end, he proposed a 20-year contract with the United States for the sale of Canada's share of the downstream benefits at five mills, with only Canada holding a right of cancellation to be exercised after 10 years, with 10 years' notice.<sup>80</sup>

In a year-end report in the New York Times, Charles Luce, head of the Bonneville Power Administration, the public wholesale power distributing agency in the Pacific Northwest, said a recent market survey had shown "a tremendously ex-



panding market equal to the British Columbia downstream benefits." Under the right power load conditions and the right length of contract, Luce said, Bennett's asking price of five mills was "not out of the ball park."<sup>81</sup> In the same report for the Times, Gordon Shrum, Chairman of British Columbia's Energy Board, attacked the federal Government's policy of no exports:

We are exporting two-and-one-half times as much natural gas, in terms of thermal units, to the United States as the amount of the total downstream benefits we want to sell. And natural gas is an irreplaceable resource. Most non-political people in Canada say the day the ban was lifted on natural gas the ban should have been lifted on the export of power.

At this time, another civil servant in British Columbia was speaking out publicly and criticizing the federal Government. Hugh Keenleyside, Chairman of the British Columbia Power Commission, told a service club meeting in Nanaimo, British Columbia, that refusal to allow the sale of the downstream benefits for 15 to 25 years at five mills "would do direct, gross, and permanent injury to the economy" of the province.<sup>82</sup>

Shortly after Keenleyside's remarks were published in the press, Fulton reiterated the federal case in Vancouver -- that power sales for terms longer than five years "would jeopardize our economic position in B.C. for many years to come."<sup>83</sup> The following day, the Canadian Press news agency reported that the Kennedy Administration in the United States was ready to consider plans for a long distance, high voltage

power transmission network on the west coast. The network, as conceived, would run power from the Canadian border to southern California "if Canada should agree to export a major part of the Columbia River power benefits to the United States." The administration's announcement came at the conclusion of a nine month study by a committee of the Department of the Interior. Udall said Congress would be asked in January to provide funds to prepare specific construction plans. The report emphasized that the United States was not trying to "usurp Canada's basic decisions."<sup>84</sup>

The year ended in Ottawa with a federal reply to Premier Bennett's letter of November 27 to the Minister of Finance asking for a resumption of talks on the financing of the treaty projects. Fleming asked Bennett to set dates in January for a meeting and attached to the letter a copy of an appraisal of the federal position on finances by a Montreal engineering firm. The report confirmed that power from the Columbia would be delivered to major centres in southern British Columbia at 3.6 mills per kwh and that power from the Peace would cost 25 per cent more than power from the Columbia, but that the Peace would produce 60 per cent more power. Fleming included an appeal in his letter that Bennett might "return to the real purpose of the treaty and agree that the bulk of Canada's downstream benefit power should be brought back for use in British Columbia, with only the temporary surpluses being sold to the United States."<sup>85</sup>

In Victoria, the year ended with the awarding of contracts for the Peace River project. The Financial Post reported that 37 companies made bids on the one million dollar pilot tunnels and more than 40 companies were expected to sign papers for the \$20-30 million construction of diversion tunnels.<sup>86</sup> To the editors of Canada's major financial weekly, it was clear that Victoria held the advantage over Ottawa in their dispute about the Columbia at the end of 1961. It appears, however, that the advantage which the Financial Post perceived was based on a mistaken impression which federal Government members now concede was widely held at the time that Ottawa absolutely opposed long term contracts. The Financial Post commented:

To get the Columbia going ... Ottawa now has to rethink its no export policy. There have been many vital changes in the power picture since Ottawa adopted its no export rules over four decades ago and the swift advance of power technology implies many more soon to come. By permitting the export of oil and gas Ottawa has long since demolished its own argument on this matter.<sup>87</sup>

In the matter of political advantage, in the words of one Conservative spokesman, "Bennett was on the top," and the prospects for resolving the dispute as 1962 began were "continually diminishing."<sup>88</sup>

On January 12, 1962, Fulton and Udall met in Ottawa and, it was understood, they discussed the state of the Columbia River Treaty and the development project. Udall was in Ottawa with other Secretaries of the United States to discuss trade and economic relations with Canadian Ministers.

Though Fulton was not present during the talks, he received an invitation from the American ambassador to attend a luncheon for the delegates. Fulton and Udall "talked again" at a Canada-sponsored dinner and "U.S. informants" told newsmen of increased hopes for a solution to the Columbia problem.<sup>89</sup>

Further talks on the delayed project to be held after mid-February were suggested by Premier Bennett in a letter to the federal Minister of Finance on January 29.<sup>90</sup> One week later, another warning was sounded from the United States that a delay beyond three or four months would result in alternative plans for the United States. The speaker on this occasion was Teno Rocalio, Chairman of the United States section of the IJC. A few hours after Rocalio made his remarks in Seattle, British Columbia's Minister of Lands and Forests, Ray Williston, responded with agreement from Victoria.<sup>91</sup>

Electoral considerations were having an effect on the Columbia impasse at this time. It was reported early in February that with these considerations in mind, Ottawa would commit more money to the project and allow a "medium term" sale of downstream benefits in the United States.<sup>92</sup> Conservative members of Parliament concerned with the electoral implications of the deadlock met with Fulton, Green, and Walter Dinsdale, Minister of Northern Affairs and National Resources, early in February, to underline the need for a

fresh approach to get the project going before a federal election was called.<sup>93</sup> The front bench was advised to make an offer to the Premier that "was really attractive, but not uneconomic": the backbenchers were promised that everything would be done to get an understanding with the province. The new financial offer was a direct result of this meeting between Conservative members and Cabinet Ministers.<sup>94</sup>

British Columbia's pressure on Ottawa, meanwhile, was sustained in public through February. On February 19, Hugh Keenleyside, in a speech written for the Toronto Canadian Club (and read for him by an aide), said:

I know of no other country in which power exports are officially prohibited on principle. (...) It is ... quite obvious that the historical arguments against the export of electrical energy are not pertinent in the context of today's conditions. (...) How can any rational observer accept the logic of a national energy policy that permits the sale abroad of our non-renewable resources of oil, gas, coal and wood, but will not permit the temporary sale of the product of our perpetual resource of water power?<sup>95</sup>

One week afterwards, a startled provincial legislature heard Premier Bennett announce that the Columbia deadlock had been overcome and that he would meet soon with the Prime Minister after a visit with power authorities in the United States. Bennett reiterated the province's position that the Peace project was the basic development in the provincial Government's power policy and that the downstream benefits on the Columbia River would be sold in the United States.<sup>96</sup>

The Prime Minister was obliged to explain to the

House of Commons the following day that the situation on the Columbia River Treaty had not really changed at all. Premier Bennett had received a letter from him as had all other provincial Premiers, Diefenbaker explained, "not in connection with the Columbia River, but generally in connection with power transmission." The Premiers had been invited to Ottawa in mid-March for a conference to consider the advantages and ways of establishing a national power grid system.<sup>97</sup> Premier Bennett's statement the previous day had a dampening effect on the Prime Minister's announcement of the conference. One week before the conference, the Minister of Public Works informed the Commons that the province had applied for permission to construct the treaty projects.<sup>98</sup>

Before Bennett arrived for the conference in Ottawa, a meeting was announced between him and Minister of Finance Fleming. When he did arrive, Bennett expressed enthusiasm for a national power grid. He told reporters that British Columbia would supply power to the grid and give it priority over any export. Bennett's demonstration of keen interest was no dangerous, precipitate act; as the Prime Minister acknowledged during the conference, a nation-wide power grid could not "suddenly leap into being."<sup>99</sup>

Bennett and Fleming met twice during the conference for working sessions. Fulton entered Fleming's office during one meeting and left a few minutes later, offering no comment

on the progress of the discussions. When asked a question recalling Fulton's charge that Bennett's plan of development represented a "sell-out" of Canadian interests, Fleming replied: "We are seeking to arrive at understanding and agreement."<sup>100</sup> No details of the meetings were disclosed either by Bennett or Fleming. Later, however, it was reported that Bennett had asked Ottawa to relinquish its authority on the Columbia project and let British Columbia proceed with what it considered to be strictly a provincial matter.<sup>101</sup> In Paddy Sherman's opinion, Bennett returned to his province from the meetings satisfied that he had succeeded in convincing Fleming that the downstream benefits should be sold and that Davie Fulton and Howard Green had not carried the cabinet with them."<sup>102</sup> Bennett's conviction, however, is said by one Conservative to have had no basis in fact, but to have been another attempt to drive wedges between the federal Ministers whose enthusiasm for the prolonged controversy was never high. According to this informant, "Fleming never attempted to persuade the Government to another point of view on the disposition of downstream power."<sup>103</sup>

The proceedings of the conference on the national power grid were not concluded without discussion of the Columbia River Treaty. The brief presented by the Government of Saskatchewan urged that the treaty not be ratified unless the right was reserved to divert water into prairie-bound

rivers. The CCF-NDP Government urged the federal Government to take a strong hand in "nationalizing" power:

If power development in Canada were to be left entirely to the individual and separate actions of the provinces, much of the national power program we have envisaged could not be carried out and the benefits that would accrue both to the provinces and to the nation as a whole would not be forthcoming.

In response, Premier Bennett reportedly made it clear that "nobody but British Columbia would determine the use to be made of that province's water."<sup>104</sup>

Bennett returned to British Columbia to conclude some unfinished business: to change the terms of the expropriation of B.C. Electric and eliminate the basis of court action proceeding against the province. The original bill making the utility a public entity did not allow court action on the Government established financial terms. Action did proceed by B.C. Electric's former owners, the B.C. Power Corporation, on the claim that the Government's legislation was unconstitutional as it was an attempt by the Province to expropriate assets of a federally incorporated company not subject to provincial expropriation. A Government amendment to the original legislation was passed on March 23, forbidding any court action, past, present, or future, against B.C. Electric or the Attorney-General, without the Government's consent. The legislation rescinded an offer by the Government to purchase B.C. Power Corporation's remaining assets for \$69 million, and increased by \$60



million the amount to be paid to B.C. Power Corporation for the B.C. Electric Company, thereby reducing the total amount offered by approximately eight million dollars while altering the appearances of expropriating a federally incorporated company. Another bill was passed establishing the British Columbia Hydro and Power Authority under which the B.C. Electric Company and the B.C. Power Commission were amalgamated. The interests of the two organizations became the property of the new entity which was also protected against court action concerning B.C. Electric.<sup>105</sup> Gordon Shrum, Chairman of the B.C. Energy Board, and Hugh Keenleyside, Chairman of the Power Commission, later became co-chairmen of the B.C. Hydro and Power Authority.

To assuage hostile public reaction, Bennett promised British Columbians major cuts in their light bills as a result of the legislation. On April 1, rates on the lower mainland were cut by an average of 11 per cent and rural rates were lowered an average of 25 per cent.<sup>106</sup> As Minister of Justice, Davie Fulton considered the disallowance of the provincial legislation which, it was argued, damaged Canada's reputation in the money markets abroad because of the denial of appeal to the courts on price. This, in Fulton's opinion, might have amounted to confiscation. The Prime Minister, however, was said to have "wanted no part of it, especially with an election likely."<sup>107</sup>

Reports began to indicate that relations between

Victoria and Ottawa were improving due to a degree of compromise on the part of the federal Government.<sup>108</sup> During Bennett-Fleming talks in Vancouver late in March, the federal Government had assured the Premier that Ottawa would not block the development of the Peace River and would approve export of surplus Peace power to the United States.<sup>109</sup>

The Conservative Government did not consider the Peace and Columbia development projects as two separate and mutually exclusive power blocks and did not oppose the sale of surplus power. Ottawa wanted the Peace developed as part of the national grid and the "more economic" downstream benefits from the Columbia River distributed in British Columbia.

The federal Government felt that the United States would not pay a price for the Columbia power which in the long run would make the power from the Peace economic in British Columbia.<sup>110</sup>

Charles King observed that relations between Donald Fleming and Premier Bennett were more amicable than those between Fulton and Bennett. King understood, however, that the federal Cabinet had given Fleming more room in which to manoeuvre than Fulton enjoyed. An agreement now, the Southam reporter noted, would "remove the explosive power issue from the realm of partisan politics in a federal general election campaign."<sup>111</sup>

This being an objective of the federal Government in the spring of 1962, the Cabinet seriously underestimated the reaction of General A.G.L. McNaughton to its decision to retire him as Chairman of the Canadian section of the IJC

on April 15.<sup>112</sup> The general attended his last meeting of the IJC on April 6, in Washington, and afterwards denounced the Columbia River Treaty as "servitude in perpetuity" of Canada's "vital rights and interests." General McNaughton described the Canadian negotiating team, to which he was an adviser, as "a house divided against itself, unskilled and uninformed." "The Americans," he said, "saw we were a house divided against itself. They moved in on these people and skinned them alive."<sup>113</sup>

Until April 6, the federal Government had assumed that McNaughton would have given the treaty general support, or at least grudging acquiescence. A few hours after the general's remarks in Washington, Fulton issued a statement describing McNaughton's views as "second thoughts," claiming the general had not opposed recommending the treaty to the federal Cabinet. Fulton also denied that McNaughton was being removed in a vindictive spirit; the Government had been renewing his appointment on a year-to-year basis and now had decided to retire the 75-year old Chairman under the recently enacted Judges Act. There had been no internal fight prompting the decision, Fulton said. He added that as Canada's chief negotiator of the treaty, he had held a meeting with all federal advisers before submitting the final draft of the treaty to the Cabinet. "None of them, General McNaughton included, advised against acceptance," Fulton said. He conceded that McNaughton had expressed "grave

reservations ... that physical aspects were present which he found very difficult to accept." When the final decision was to be made, however, the general told him that "he could not oppose recommending the treaty. General McNaughton said his public statement had been in preparation for more than one year. He had been waiting since the signing of the Treaty "for the regular constitutional processes to be followed," that is, for the treaty to be referred to a committee of the House of Commons for examination."<sup>115</sup>

American officials concerned with the treaty discounted McNaughton's claim that the United States had exploited a split among Canadian negotiators. An official "who was in close touch with the treaty negotiations" said Washington did not know of a divided Canadian house until after the treaty had been ratified by the United States. Another Government spokesman observed that General McNaughton "has never been for the treaty at any time. He is making public a view he has pressed for a long time."<sup>116</sup>

In the House of Commons, immediate criticism of the Government came from the New Democrats on April 6. It was not until April 13, however, that both opposition parties received an opportunity to debate General McNaughton's statements in full.<sup>117</sup> A focus of that debate was a statement reportedly made in Alberta by Davie Fulton that Canada would have been better off with a treaty drawn according to General McNaughton's wishes. But Fulton had added that to have

obtained such a treaty would have involved "treading on British Columbia's toes."<sup>118</sup> The opposition in the Commons felt that Fulton's remarks were sufficient justification for a committee study of General McNaughton's charges, which were reiterated following Fulton's reported statement.<sup>119</sup> The charges, however, were not destined to be studied by the twenty-fourth Parliament of Canada, which was soon to come to an end.

While the Commons was debating General McNaughton's views, Premier Bennett revealed he had sent a telegram to Ottawa asking for ratification of the Columbia River Treaty before the dissolution of Parliament. On April 16, Howard Green refused to comment in the Commons on the revelation by Fulton that British Columbia had made new proposals. On April 18, Fleming said he had received a telephoned message from Premier Bennett urging, once again, ratification of the treaty before dissolution.<sup>120</sup> Privately, the federal Cabinet considered the several advances by Bennett as "just talk."<sup>121</sup> The Governor-General dissolved the twenty-fourth Parliament on April 19. Elections for the twenty-fifth Parliament were called for on June 18.

#### 4. Some Movement on the Columbia, June 1962-April 1963

Even before it was called, the election had become noteworthy on account of several prospective constituency contests. In British Columbia, a former member of Parliament, and, until recently, leader of the provincial Liberal

party, Arthur Laing, was standing for the Liberals. Another liberal candidate in the province was John Nicholson, a wartime federal civil servant, former general manager and executive vice-president of the publicly owned Polymer Corporation, and former chief executive of Brazilian Light and Power Company. In the west coast constituency of Coast-Capilano, the liberal candidate was Jack Davis, a former federal civil servant and, more recently, director of research for the B.C. Electric Company.

News of the impending Canadian election was greeted in Washington with a sense of relief. According to Tim Creery, the reason for feeling relief was that for months Canadian-American relations had been "in a state of suspended animation." Officials felt that if a Canadian election risked a short term worsening of the diplomatic climate, it offered a long term improvement for the settlement of such issues as the development of the Columbia River.<sup>122</sup> The New York Times informed its readers the day Parliament was dissolved that

unemployment and Canada's attitude to Britain's efforts to join the European Common Market are certain to be high on the list of issues [as well as] the widespread feeling that Canada has been losing stature in the world. The question of joint U.S.-Canadian control of nuclear weapons and the Columbia River water-power and irrigation treaty are also of deep concern.<sup>123</sup>

On April 26, Secretary Udall held a press conference in Washington. He was reluctant to discuss the treaty, but he said, "if the Canadian Parliament ratified the treaty any

time this year, none of us will be knocked off stride in planning for the Columbia."<sup>124</sup> The United States had warned Canada that the present basis of the agreement would have to be altered if the United States proceeded with some alternative plan. The Americans wanted to avoid re-negotiating the treaty because of the present example of the Victoria-Ottawa dispute. The administration in Washington had assumed that the Liberal party supported re-negotiation of the treaty in a manner favoured by General McNaughton, who had been a Liberal Minister in 1944-45.<sup>125</sup>

The United States, then, would have been relieved when, during a press conference in Washington, the leader of the federal Liberal party defined re-negotiation of the treaty supported by the party in a way that would not remove General McNaughton's complaint against the treaty. In Washington to attend a Presidential dinner for Nobel Prize winners in the western hemisphere, Lester Pearson said the purpose of re-negotiation would be to add protocols or annexes to the treaty as it stood. The annexes would provide a stated price to be paid for power which might be exported to the United States and would set a timetable for works to be undertaken in Canada. The option allowing the United States to proceed with the Libby Dam in Montana would not be affected by the proposed annexes. Consequently, the Liberal party would not support General McNaughton's plan to divert the Kootenay in Canada into the Columbia River at this time.<sup>126</sup>

In Prince George, Prime Minister Diefenbaker spoke enthusiastically about the power development of the Peace River. According to Charles King, reporters were impressed by the similarity of Diefenbaker's statements to those of Premier Bennett.<sup>127</sup> The tone of the Prime Minister's words were in sharp contrast to those of his Minister of Justice in the same city six months earlier. Rarely have provincial Premiers campaigned outside their province in a federal election campaign: with talks on the Columbia recessed during the campaign, Premier Bennett's foray across the country to support the Social Credit movement in Quebec was one of the exceptions.<sup>128</sup> Bennett's departure from British Columbia with a retinue of colleagues from the Cabinet left commentators puzzling over the lack of verbal support given Social Credit candidates in the province.<sup>129</sup>

Reports arose that the Conservatives had been accorded a lethargic Social Credit campaign in British Columbia in return for concessions on the Columbia River Treaty.<sup>130</sup>

Officials from British Columbia have denied that any agreement or understanding existed and a federal Conservative has described any such understanding as "a foolish expectation." In fact, the Conservatives received neither Social Credit support nor co-operation. For their separate reasons, all profess to know that Bennett "does not deal that way." At the time of the election campaign, Fulton, it is said, appreciated that for political reasons, a slight gesture to



Hennett's position would be in order; an elaborate bow, however, would inevitably weaken Canada's position relative to both British Columbia and the United States. In two months, it would be public knowledge that if the Prime Minister was receiving any advice from British Columbia at this time, it was not coming from Fulton.<sup>131</sup>

The results of the election amounted to a debacle for the Government: the largest majority in the Commons in the country's history had been obliterated. The minority Conservative Government, however, would continue in office with 116 seats. The Social Credit party, which had lost all of its contests in the election of 1958, returned to the House of Commons with 30 seats -- 26 members from Quebec, two from Alberta, and two from British Columbia. Conservative representation from British Columbia was cut by more than one-half from 18 to six seats. New Democratic representation from the province rose from four to 10 and Liberal representation, from zero to four. Liberal strength in the House of Commons increased from 49 to 100 members and the number of New Democratic seats increased from eight to 19. Cabinet Ministers Fulton, Fleming, and Green were returned to the Commons. Herridge was re-elected in Kootenay West and, in the neighbouring constituency of Kootenay East, Liberal James Byrne returned to the Commons after his defeat in 1958. In British Columbia, the other Liberals elected were Laing, Nicholson, and Davis.

From Washington, Creery observed that officials were disappointed at the lack of a clear majority Government in Canada. Nevertheless, on the Columbia River Treaty specifically, the United States felt that the Prime Minister's statements in British Columbia during the campaign offered "great hope of a compromise between Ottawa and Victoria and Canadian ratification of the treaty."<sup>132</sup> In Victoria, Premier Bennett was elated by the Conservative misfortune in his province and in Canada generally, and at the good fortune of the Social Credit candidates in Quebec led by his political friend, René Caouette. The Government would be left in office, Bennett said, if it met British Columbia's demands on the Columbia.<sup>133</sup>

Both during and after the campaign, however, the federal Government was forced to deal with a more immediate problem -- the flow of funds from the country. In May, the dollar was devalued and \$104 million were taken from the reserves to stem the flow and, from June 1 to 23, \$400 million were taken from the exchange stabilization fund. On June 24, the Prime Minister announced the implementation of an austerity program, the acceptance of loans from the International Monetary Fund and central banks, and the imposition of tariff surcharges. When the house of minorities met in September with its crippled Conservative Government, the make-up of the Cabinet had been altered. The monetary difficulties facing the Government had been a motive for the

changes in the Cabinet and were also a motive for the assertion in the Speech from the Throne of the Government's interest in the export of surplus hydro power on a long term basis.

In the Speech from the Throne on September 27, the

Governor-General told the assembled senators and MP's:

My ministers have come to the conclusion that large scale, long term contracts for the export of power surplus to Canada's needs, present and potential, should now be encouraged.

The purpose of resurrecting the policy of long term exports of power foreseen under the National Energy Board Act of 1959 was to expedite the development of major power projects in Canada which were too large to be supported by the domestic market. "Such exports," it was explained, "can also strengthen off balance of payments."<sup>13a</sup>

When the members of Parliament returned to the Commons, the Prime Minister formally announced the changes in the Cabinet which had been effective since August 9. Some of the changes were required after the defeat of five Ministers in the election in June; others can be related to the references in the Speech from the Throne to the balance of payments difficulties and the export of power. Most observers considered the key change to be the appointment of George Nowlan as Minister of Finance. Donald Fleming was made Minister of Justice and, to accommodate Fleming, Davie Fulton was demoted to Minister of Public Works. An important change was the appointment of Wallace McCutcheon, managing director and one of four men effectively controlling the

giant Argus Corporation and a director of more than 20 Canadian firms, to the Senate and to the Cabinet as a Minister without portfolio. The appointments of Nowlan and McCutcheon were understood to be recognition by the Government that it had lost the support of the business community because of its economic fiscal policies and of the voters for the lack of sound leadership.<sup>135</sup> The demotion of Davie Fulton received little comment in the press; it appears to have been readily assumed that a senior portfolio would have to be vacated for Fleming. Michael Barkway, a writer on financial affairs, felt that Fulton had reaped the final bitter reward of the controversy in the winter of 1958-1959 over the strike of woodworkers in Newfoundland which had caused the commissioner of the Royal Canadian Mounted Police to resign. "The decline of [Fulton's] influence has been obvious ever since," Barkway wrote, "and it has been confirmed by his demotion to public works at a time when the Government is paring to the bone."<sup>136</sup>

In retrospect, the downfall of Davie Fulton had been presaged in the Prime Minister's election address in Prince George on May 27. As mentioned above, Diefenbaker had sounded like Premier Bennett as he praised the Peace River project in the city where, six months earlier, Fulton had criticized Bennett's advocacy of the sale of downstream benefits on the Columbia and his "pressure play" with the United States against the federal Government. For their

efforts to satisfy the province's Premier, the Conservatives had received no co-operation in the election and had lost more than one-half of their provincial representation in the Commons. Meanwhile, the United States had drawn what a Conservative in Ottawa has described as the "fair implication" that Ottawa was ready to concede to British Columbia.<sup>137</sup> Concession to the province was also implied in the assertion of the Government's interest in long term power exports and in the political demotion of Canada's chief negotiator of the Columbia River Treaty who was the Cabinet's prime advocate of maintaining a strong position against the province.

On August 27, one month before the opening of Parliament, Bennett and Fleming had conferred in Ottawa. Both men refused to discuss their meeting publicly or disclose the points of agreement which they professed to be reaching. After his talks with Government officials, the Premier had a meeting with the Leader of the Opposition.<sup>138</sup> According to a report published in the Financial Post before the meetings in Ottawa, there seemed to be no question that the Premier had obtained the Conservatives' agreement to a long term sale of Columbia downstream benefits and that Bennett wanted to give Pearson a briefing on the province's position. The financial newspaper reported that Bennett had had both chairmen of the B.C. Hydro and Power Authority "writing friendly letters" to Pearson to arrange the meeting.

The newspaper reported that Gordon Shrum was pleased with the appointment of an old university friend, Wallace McCutcheon, to the federal Cabinet. Shrum said he had written to McCutcheon about the development plans on the Columbia and he told the Financial Post: "This is one of the projects McCutcheon will advise Diefenbaker to get ahead with." Shrum was also quoted as saying that Bennett would "put terrific political pressure" on Reel Caouette not to defeat the Conservative Government.<sup>139</sup> Shrum was apparently using the press to make the federal Government's position more difficult publicly and, as a consequence, privately in negotiations. An informant close to Premier Bennett has denied that Senator McCutcheon made overtures on behalf of the provincial Government. McCutcheon, it was said, was no friend of the provincial Government as a result of his part in the trial in 1958 in which the provincial Minister of Lands and Forests, Robert Sommers, was convicted of conspiring and accepting bribes.<sup>140</sup>

Though silent after his talks in Ottawa, Premier Bennett, after his return to British Columbia, gave voice to a view that the treaty would be ratified if the minority Government lasted two or three more months. In a provincial by-election campaign speech at Revelstoke, he created the impression that he had the support of both Fleming and Pearson, though he declined to say if any agreement had been struck with either man. "Both men have risen above party

politics," the Premier said, after clearly reiterating his plan to sell the downstream power benefits for five mills per kwh.<sup>141</sup>

In the same issue as the report on the strategy of British Columbia before the Ottawa conference, the Financial Post informed its readers that the United States had begun its "go it alone" approach on the Columbia with legislation now in the Committee on Public Works of the House of Representatives. The legislation would authorize construction of dams and power projects in the Columbia basin, but money would not be appropriated until summer, 1963.<sup>142</sup>

It was two weeks after the Bennett-Fleming meeting in Ottawa and still before the Speech from the Throne announced the encouragement of power exports on a long term basis that the first talks on the sale of the downstream benefits were held in Washington. At the talks, British Columbia proposed a 20-year contract between the B.C. Hydro and Power Authority and the Bonneville Power Administration for power at five mills returnable on 10 years' notice. The response from the American side was that the province could only get three mills per kwh in the Pacific Northwest and four mills in California.<sup>143</sup>

The announcement in the Speech from the Throne on power export merely confirmed, then, what officials in British Columbia had been expecting. In the Commons, however, Fulton said there was no necessary connection between the

reference to the long term export of electrical power and Canadian ratification of the Columbia River Treaty. He implied further that he was still opposed to the sale of Canada's downstream benefits acquired under the treaty.<sup>144</sup>

The Governor-General's declaration was, however, generally understood to be a change in Government policy on the export of hydro power, and a later reference to "the ultimate establishment of a national power grid"<sup>145</sup> as an attempt to assuage those who held Fulton's view. Walter Gray, for example, explained in the Globe and Mail:

Authority for the export of surplus power is already contained in the National Energy Board Act, but the Government had never delivered a policy statement on the subject. It came today ... [and] appeared to pave the way for the long-delayed ratification of the Columbia River Treaty and, with this move, the accession to the demands of B.C. Premier W.A.C. Bennett for the right to sell the power surplus over a 20-year period. (...) Today's policy statement gives fresh impetus to Mr. Bennett's much touted Peace River project.<sup>146</sup>

In the debate in the Commons on the address in reply to the Speech from the Throne, neither the Leader of the Opposition nor the Prime Minister mentioned the statement on the export of power or the Columbia River Treaty. The New Democratic party, however, criticized the Government for "the tragic desertion of principle and capitulation to the premier of British Columbia in the matter of the ... treaty."<sup>147</sup>

During the autumn, meetings were held with American officials to determine a sale price for the downstream power benefits. The federal Government, however, appeared reluctant



to admit even their existence. Fulton, as we have seen, declared there was no necessary connection between the reference in the Speech from the Throne to long term sale of power and the ratification of the Columbia River Treaty by Canada. When asked in the Commons on October 9 if the Canadian Government was represented at negotiations between officials of the Governments of British Columbia and the United States concerning the sale of downstream benefits, Howard Green replied: "There are no such negotiations under way at the moment. There have been informal negotiations, at which this government was represented."<sup>148</sup> When asked on November 15 if federal negotiators had been participating in meetings in the United States dealing with proposals related to the treaty, Donald Fleming would only concede that "there have been certain exchanges."<sup>149</sup>

By mid-November, the negotiations did not appear to be progressing well for British Columbia. In October, Bennett had charged that the federal Government was trying to weaken his hand in the negotiations, but failed to go into details.<sup>150</sup> On November 27, the Premier accused Howard Green, specifically, of undermining the negotiations, but once again declined to elaborate on his indictment.<sup>151</sup> In the Commons, Green was more expansive on the negotiations and the basis of the federal Government's sponsorship and participation. He said:

During the summer, Premier Bennett requested that we arrange for informal discussions at a high official level between Canada, the United States and the province of British Columbia concerning the proposals for the development of the Columbia river. It was understood that these talks would be without commitment by any one of the three parties. Two such talks have been held and there is another scheduled for mid-December. (...) there can be no suggestion whatsoever that we have been undermining British Columbia. If the reports [of B.C.'s difficulties, mentioned above] are accurate then ... the charges ... have all the earmarks of being an alibi. 152

On December 7th Leader of the Opposition moved unsuccessfully for adjournment of regular business in the House of Commons to discuss a matter of public importance and urgency -- the deadlock over the Columbia River Treaty. This national problem had taken on added urgency, Pearson noted, "since the minister of public works will be leaving us so shortly." 153 The decision of Davie Fulton to retire from federal politics was made public on November 30; his immediate plan was to contest the leadership of the Progressive Conservative party in British Columbia. 154

Relationship between Fulton and Diefenbaker had grown progressively cooler during the years of government. Fulton had contested the party's leadership against Diefenbaker in 1956 and, reportedly, had at first been offered only the position of Speaker of the House of Commons after the Conservative victory in 1957. The Prime Minister's refusal to support Fulton during the strike of woodworkers in Newfoundland a year later, however, had a catalytic effect on



their relationship. The lack of firm support in the Cabinet on the treaty negotiations since 1961 with British Columbia strengthened Fulton's antipathy towards the party's leadership. His demotion to the public works portfolio was accepted as final proof that his work for the party and his political aspirations at the federal level would have no reward and satisfaction while John Diefenbaker was in charge. 155

If political life in Ottawa was considered a futile experience by Fulton, surely the climate on the west coast could not have been less favourable for political achievement. The Conservatives, apart from the period of coalition, had not formed a Government in British Columbia since 1928 and had not elected a member of the legislature since 1953. In the provincial election of 1960, the party polled 6.7 per cent of the total vote. For these statistical reasons, the New Democratic party, which formed the Official Opposition in the provincial legislature, welcomed Fulton's entry into provincial politics. Since Fulton was a highly competent politician, the NDP expected that he would wean sufficient votes away from the Social Credit party to allow them to win an election. 156

Following his resignation statement, Fulton was the object of Opposition attacks in the Commons on the Government's position on the Columbia River Treaty. Despite opposition thrusts, there were no parries from the Government

side of the chamber. Speaking in December at the end of a debate which included discussion of the treaty, a frustrated leader of the New Democratic party expressed amazement that in that debate no Minister from the Government "had stood up in order to clarify the government's position on the sale of Columbia downstream benefits and the treaty in general."<sup>157</sup>

The last official word from the federal Government in 1962 came the next day in response to a question from H. W. Herring who asked if arrangements had been made for a meeting in the near future of the three Governments concerning the sale of the downstream benefits. The Prime Minister would only report that a meeting was being held at that time in Vancouver "on the expert level."<sup>158</sup>

Premier Bennett fared well at the Columbia power sales talks in Vancouver where, according to Paddy Sherman, the United States had moved a long way toward the Premier's view.<sup>159</sup> In Vancouver, the Premier announced that the United States had agreed to pay four mills which was considered by his Government to be encouraging since negotiations were still open.<sup>160</sup>

When Parliament reconvened on January 21, the Prime Minister sat comfortably in his seat, having temporarily overcome discontent in his Cabinet in December and having received a vote of confidence at the party's annual convention earlier in January.<sup>161</sup> The state of business in the House of Commons, however, must have detracted from that comfort.

No budget had been tabled in the autumn and since no estimates had been voted on, government operations would still be financed on interim supply. A vote was now required for February's bills which, if taken, would constitute the eleventh consecutive monthly supply motion. The Government's 1962-63 budget would then pass in effect without parliamentary examination and no interim supply could be sought after that time.

The major concern of the reconvened first session of the twenty-fifth Parliament became Canada's defence and foreign policies while behind the scene of parliamentary debate the Cabinet was in the process of breaking apart.<sup>162</sup> Following closely upon the Prime Minister's speech of January 25 in the Commons, defining and defending the Government's defence policy, came a blunt 450-word press release from the Department of State of the United States challenging the basis of the Prime Minister's speech.<sup>163</sup> On February 3, the Minister of National Defence resigned over the question of acquiring nuclear warheads for missiles already in Canada. On February 4, the Leader of the Opposition introduced a motion of no confidence. While debate proceeded in public on the motion, attempts were made in private to save the Government through the removal of the Prime Minister.<sup>164</sup> John Diefenbaker was still leader of the party and Prime Minister, however, when the vote was taken and the Government was defeated on February 5. The

twenty-fifth Parliament was dissolved the following day.

During what came to be the last days of the Parliament, the United States was expected to begin pressing for resumption of the sales meetings. At the end of the talks in December, it was arranged that Canada would suggest the time for the next series of talks after British Columbia had considered the proposal of the United States.<sup>165</sup> On

the last sitting day of Parliament, Howard Green told the Commons that no date had been set for the next meeting.<sup>166</sup>

In Washington, the Secretary of the Interior extended his elastic deadline for Canadian ratification of the Columbia River Treaty for "another six-months or so." He felt that the United States could adhere to the terms of the treaty if power sales negotiations were completed within that time limit. Udall did not want the time reference to be construed as an ultimatum, but indicated that as the United States proceeded with its own plans, it held that the value of Canadian storage would lessen.<sup>167</sup>

Negotiations were now delayed until after the general election of April 8 which the Prime Minister contested while lacking six Cabinet Ministers. Following the example of the Minister of National Defence, Douglas Harkness, his Associate Minister, Pierre Sevigny, and the Minister of Trade and Commerce, George Hees, resigned on February 8. Donald Fleming resigned on February 18 for personal reasons, while considerations of health caused the departure of Ernest

Halpenny, the Secretary of State. While the political storm had been breaking over the federal Conservative party in Ottawa, Davie Fulton accepted the leadership of the British Columbia Progressive Conservative party.

### 5. The Impasse Resolved, 1963-1964

There was practically no national and little provincial interest in the Columbia River Treaty during the election campaign which rose from the ashes of the twenty-fifth Parliament. Local interest was manifest in an unsuccessful attempt by the Kootenay West Liberals to draft General McNaughton as their candidate against the NDP incumbent, H. W. Herridge.<sup>168</sup> Jack Davis travelled south to explain to an audience in the United States why he favoured re-negotiation of the treaty "in the matter of principles only." Davis, whose views were reported during the campaign in a series of articles published in the Vancouver Sun, was reportedly speaking on behalf of the Liberal party.<sup>169</sup>

In British Columbia, as well as the rest of Canada, while certain issues were well-defined -- defence policy, unemployment, foreign ownership of industry, Quebec and Confederation -- there was a pronounced tendency in the press to express opposition to the Government in an appeal calculated to encourage support for the Liberal party, an appeal for "stable government." Several commentators suggested that defence policy and the acquisition of nuclear weapons attracted the most public attention throughout

Canada and in British Columbia, in particular.<sup>170</sup> As in the campaign in 1962, Premier Bennett left British Columbia to the federal politicians and headed east to participate in the campaign in Quebec.<sup>171</sup>

Before the general election, the New York Times had expressed a "non-partisan" interest in majority government for Canada.<sup>172</sup> Although the newspaper's hope for a majority government was not realized in the election, a previously unexpressed wish was fulfilled, as revealed in a post-election editorial, "Canada Misses Again." The Times said:

Americans can take satisfaction in the big gains made by friendly "Mike" Pearson and the losses sustained by John Diefenbaker, who waged such a stridently anti-American campaign. (...) It is in order to congratulate Lester Pearson on doing so well. A pity he didn't do just a little better.<sup>173</sup>

The Liberal party won 129 seats in the House of Commons, the Conservative party 95, the Social Credit party 24, and the New Democratic party 17. The Conservatives lost two of their six seats in British Columbia including Vancouver-Quadra, which had been held by Howard Green. The New Democratic party lost one (Tom Berger's Vancouver-Burrard) and the Liberals gained three seats in British Columbia. The Social Credit party retained the two seats it had held from that province in the earlier Parliament. After some hesitation, the Diefenbaker Government resigned and Lester Pearson, who had been Cabinet-building



since the election, presented his Government to the Governor-General on April 22. Representation in the new Cabinet from British Columbia included Arthur Leing, who, as Minister of Northern Affairs and National Resources, would be the federal Minister responsible for the development on the Columbia River, and John Nicholson, Minister of Forestry. A few days after the appointment of the Government, Jack Davis was named parliamentary secretary to Pearson and James Byrne, parliamentary secretary to the Minister of Labour.

Some gloom was reported from Washington over the prospects for the Columbia River Treaty under the new Liberal Government in Ottawa. The gloom generally stemmed from the lack of convincing intelligence about the Liberal party's attitude toward its old political warhorse, General McNaugton. It was reported, in this context, that if Canada tried to eliminate Montana's Libby Dam from the treaty, in accordance with the McNaughton Plan, then the United States would prefer to have the treaty scrapped.<sup>174</sup> Within thirteen months, however, the dispute between British Columbia and Ottawa was resolved, a protocol and power sale agreement was negotiated with the United States and the Columbia River Treaty and protocol had received parliamentary approval in Canada.

During the general election campaign of 1962, Pearson had said in Washington that the Liberal party was not opposed to the export of power or the sale of downstream

benefits on the Columbia in principle, but that strict conditions on specific cases were necessary to safeguard Canada's interests. In 1962, the Liberal party proposed re-negotiation of the treaty with added protocols or annexes containing a price for the downstream power and a timetable for the construction of the dams in British Columbia.

American uncertainty may have been caused by the public criticism of the treaty by such Liberals as James Byrne and, in particular, Jack Davis. In any event, the President of the United States was preparing to hear the new Canadian Government's views on the treaty and other matters during a meeting with the Prime Minister at Hyannisport, May 10 and 11.

While the Canadians were preparing to leave for the meeting, reporters in Ottawa were occupied consulting recent copies of debates in the Commons for the comments of Pearson's new parliamentary secretary on the Columbia River Treaty. It was recalled that during his brief experience in the Commons and during the recent election campaign, Davis had complained about the size of Canadian investment on the treaty projects relative to United States investment and benefits, the reduction in power benefits to Canada during the 60-year life of the treaty, the small lump-sum payment for flood control in the United States, and an apparent requirement that Canada maintain water levels specified by the United States even after the 60-year period. 175

The international talks took place over lunches and dinner at the President's seaside home and ranged through items of mutual concern from defence policy to fishing zones and air traffic routes. On the Columbia River Treaty, the Prime Minister suggested that provided "clarifications and adjustments" could be included in a protocol to the treaty, the federal Government would consult with British Columbia and open the way for Canadian ratification.<sup>176</sup>

In the Speech from the Throne, delivered May 16, the Government proposed to undertake discussions with British Columbia and the United States "aimed at securing action on the development of the Columbia River."<sup>177</sup> The next day, Pearson sent Bennett a copy of the proposals that he had left with President Kennedy, suggesting that all of them be incorporated in a protocol that would "extend, clarify, and in a number of ways, modify the treaty."<sup>178</sup>

On May 22, Premier Bennett announced that he would meet with the Prime Minister in Ottawa in June and would be accompanied by Keenleyside, and Shrum, Ray Williston, Minister of Lands and Forests, Robert Bonner, and additional technical advisers. Bennett disclosed at the same time that since 1962 he had had the free services of Robert B. Anderson, former Secretary of the Treasury of the United States under President Eisenhower, in negotiations with American officials. Bennett said that Anderson, as a personal friend, would continue to act on British Columbia's

behalf with no formal position on the negotiating team. The Premier implied that the proposed alterations to the treaty were minor and predicted once again that the Columbia project would soon be a reality. 179

If Pearson held during their meeting that the treaty had to be basically re-negotiated, he would probably be attacked by Bennett for holding up provincial development. If, on the other hand, Pearson was going to say the treaty was not as bad as the Liberals had once thought it was, the federal Government was open to attack from the Conservative Opposition. Authorities in Ottawa were quoted in May as saying that the proposed protocol would make "substantial modifications" to the treaty to include a power sale contract, to provide that flood control benefits would be negotiated periodically, and to permit occasional Kootenay diversion to the Columbia. The federal Government was said to be "fairly confident" that the protocol and power contract would be completed by October. 180

The talks began June 3 in Pearson's office and were moved to a conference room forty minutes later, without the Prime Minister. The federal negotiators, led by Paul Martin, Secretary of State for External Affairs, included Arthur Laing (Vancouver South), John Nicholson (Vancouver Centre), Jack Davis, and John Stewart, Martin's parliamentary secretary. At the end of the talks, legal experts began drafting a federal-provincial agreement which was considered

by technical experts and then by the negotiators on June 4. The discussions were held in camera, but a British Columbia official said the final federal position amounted to a choice of "whether we wanted cherry pie or apple pie for dessert."<sup>181</sup>

On June 5, Paul Martin reported to the House of Commons on the negotiations for the "modifications and clarifications in the treaty" which Pearson had suggested to Kennedy. A federal-provincial agreement was now drafted to set out clearly the responsibilities of the two levels of government. Quoting the official communique, Martin said that the two delegations agreed that the price and other terms of the sale of Canada's downstream benefits would be further negotiated before ratification of the treaty. When pressed by the New Democratic party to make no final decision until interested parties had been heard before a committee of the Commons, the Minister replied:

There will be no ratification by Canada of the treaty until this matter has been discussed in this house and referred to the external affairs committee. That does not remove responsibility from the government for taking a decision as a government. This government believes it has a responsibility and it will take decisions in accordance with that responsibility.

The Conservative and Social Credit groups in the Commons welcomed the announcement of the agreement. Only the New Democratic party voiced displeasure. The party's leader, J. C. Douglas (Burnaby-Coquitlam), said the whole question of power had obscured the more important question of the best

use of Canada's water resources and alluded to concern about water flow on the prairies where "irrigation and water conservation are matters of growing urgency."<sup>182</sup>

Despite attempts by members of Parliament to persuade the Government to disclose the terms of the proposed agreement which were being openly discussed in the press, the terms were not announced until after the agreement was signed on July 8. Two days later, Martin informed the Commons that the agreement had been signed providing for the rights and obligations of the two governments in the execution of the development of the Columbia and that it contemplated a sale of Canada's share of downstream power benefits in the United States. In accord with the province's constitutional position, British Columbia would have title to the benefits of the development. In turn, the province would be responsible for the construction and operation of the treaty projects and would assume full responsibility for their financing through the sale of the downstream benefits, the flood control payments, and other sources as required. British Columbia also assumed full liability in relation to the United States unless responsibility were directly attributable to the federal Government. The agreement ensured that Canadian labour and material would be used in the construction and operation of dams as procurable and consistent with proper economy. A liaison committee of senior officials was to be established to implement the

agreement and the Exchequer Court of Canada was established as final judge over rights and liabilities. Under the agreement, and subject to its own requirements, British Columbia was to make available to other provinces, on a first call basis, electric power from the Columbia at prices not higher than those the province would be obtaining from the United States for comparable power exported.<sup>103</sup>

Outside the Commons, Martin told reporters that negotiations would soon begin with the United States and although he declined to say what modifications the Government sought it was understood that Canada wanted more clearly expressed the future life of the water resource of the Columbia after the expiration of the 60-year treaty. The operative clause in the treaty had said only that for 60 years the Columbia system was to produce optimum power generation. In the long run, critics argued, this provision would favour the United States with its much larger investment in the basin.<sup>104</sup>

While the spokesman for the Social Credit party had unbounded praise for the agreement and the role played by the Premier of British Columbia, the Conservatives refrained from taking a stand before the terms of the power sale were announced. The NDP, on the contrary, had unbounded criticism for the agreement and the role of both Governments. Once again the party urged the Government to submit the treaty to the Committee on External Affairs before a final

agreement was reached with the United States. The Government's reply to the request was similar to Martin's earlier

reply:

After the Government has had an opportunity of viewing the results of the negotiations between its representatives and the government of the United States, and has arrived at a decision as to the treaty, before ratification takes place the treaty and agreement will be submitted to the house for consideration by

It. 185

General McNaughton heard the Minister's statement on the agreement from a gallery in the Commons and afterwards reiterated his charges against the treaty and indicated that the federal-provincial agreement was a "reversal of what we had been led to expect." He anticipated that, following upon the agreement, "the United States will make available cheap interest rates to British Columbia in return for the stranglehold they've got on us." 186

With the Canada-British Columbia agreement signed, the federal Government allowing the sale of the power benefits and Bennett preparing to lead the price negotiations with the assistance of his Pacific Northwest field worker, Robert Anderson, the Premier now faced his first electoral test since the loss of a by-election in Point Grey (Vancouver) to the Liberals in December, 1962. Shortly after his reaction in Ottawa in June, Bennett called a by-election for the constituency of Columbia which was required after the death of the Social Credit member. More than 4,000 people



were eligible to vote in the sprawling 7,500-square mile constituency which was crossed by both the Columbia and the Kootenay Rivers in the southeast corner of the province. Since Davie Fulton had become the provincial Conservative party's leader, it had been assumed that many Conservative votes that had gone to the Social Credit party would return to the Conservative fold. The vote in Columbia on July 15 caused second thoughts about such speculation. The Conservative vote tripled to give Fulton's party the second position, but the Social Credit candidate was elected. The Conservative strength apparently came from former supporters of the New Democratic party who left the NDP candidate fourth and last. 187

Premier Bennett heard bleak news two weeks later when the Chief Justice of the province's Supreme Court ruled that the Government's expropriation of B.C. Electric in 1961 was illegal and that, had it been legal, a just price would have been \$21 million higher than the \$171 million paid. The ruling, in effect, nullified the existence of the B.C. Hydro and Power Authority which owned the Peace River power project and had been named in the Canada-British Columbia agreement as the Canadian entity responsible in the international development of the Columbia River. After the decision was announced, the Government sought and was granted a stay of proceedings. Although the Government had said it would not settle out of court, the court

was told on August 6 that the province would negotiate. The judicial hearing was adjourned indefinitely.<sup>188</sup>

With the international negotiations about to commence, the Premier felt he could deal from a stronger position than he now held. The present legislature was almost four years old. On August 22 he announced an election for September 30. The issue, he declared, was national unity! Both the expropriation of B.C. Electric and the drive to sell the Columbia power benefits were prime talking points in the election campaign which was expected to result in a revived Conservative party. On August 26, Bennett rejected the offer by the United States of the previous December, and listed his demands: a single United States buying agency, a schedule of payments to meet construction costs, and a price of five mills or its equivalent.<sup>189</sup> Opening his campaign at the end of August, Isaac Fulton promised to "build the Columbia on the basis of British Columbia's best interest and put it in a first priority position in a provincial power system." Fulton said the Conservatives would reschedule the Peace project "in accord with a sensible and economic power development plan."<sup>190</sup>

A few days after Fulton's announcement, the Canadian embassy in Washington disclosed a two-day itinerary for a trip by Paul Martin to Washington.<sup>191</sup> The Southam press reported after the visit that a plan had been produced to allow construction of the treaty dams to begin and that a

consortium of American power companies would be formed to buy Canada's share of the power benefits. The consortium would pre-pay British Columbia with a low-cost public utility loan from the federal Government of the United States, allowing the consortium to come near Premier Bennett's demand of five mills. The report said another meeting would be held October 4 and that nothing would be stated officially until after the election in the province.<sup>192</sup>

Three days before the election, the dispute over B.C. Electric was settled out of court. The Government bought the utility for \$25 million more than the sum previously fixed by the Government in 1961 and four million dollars more than the value set by the Supreme Court in July when the expropriation was ruled invalid.<sup>193</sup>

Both the settlement of the dispute over B.C. Electric and the unofficial newspaper report of American willingness to meet Bennett's public demands on the Columbia came at an ideal time for the Social Credit Government. The Bennett Government was re-elected on September 30 with increased representation in the legislature. The Social Credit party gained two more seats than in the election of 1960, the New Democrats lost three, and the Liberal party gained one seat. The Conservative party failed again to win a single seat. The party's leader, Davie Fulton, was defeated in his home constituency of Kamloops by the incumbent Minister of Highways. Fulton, who was described as "surprisingly

buoyant" after his party's defeat, expressed satisfaction with an increase in the party's share of the popular vote from six to eleven per cent, and an intention to remain in provincial politics. In Ottawa, the possibility of his return to contest the federal leadership was firmly discounted by press pundits.<sup>194</sup>

When Parliament reconvened in Ottawa on September 30, following a summer recess, the Prime Minister reported to the Commons that "important changes" had been agreed upon by Canada and the United States regarding the treaty and that only one outstanding matter between the province and the United States remained. The last outstanding matter was a power sale contract. Throughout the autumn months of October and November, working groups established at the talks in September travelled to the west coast of the United States to examine the factors involved in setting a price.<sup>195</sup> On November 4, the Prime Minister informed the Commons that although the negotiations were "very well advanced" it did not seem likely that the Columbia River Treaty would be brought before Parliament in 1963.<sup>196</sup>

During this unusually quiet time in the controversy over the development of the Columbia River when attempts were being made to establish a price for Canada's power benefits, the six-month old Liberal Government announced its national power policy. On October 8, Mitchell Sharp, Minister of Trade and Commerce, told the Commons that Govern-

ment policy would embrace two essential concepts: to encourage development of large, low-cost power sources and the distribution of benefits through power system interconnections within Canada, and to encourage power exports and interconnections between power systems in Canada and the United States which would induce early development of Canadian resources. The Government recognized that provision would have to be made for the recapture of exported power over a period of years in stages commensurate with Canada's need and upon adequate notice to enable the importing utility to arrange for replacements. Sharp recalled the period prior to the National Energy Board Act of 1979 when power export licences were granted for only one year. Such contracts were made, he said, with specific American industries and without provision for repatriation of the power. He continued:

It is now unusual for the capacity of a large, modern electric plant to be dedicated to a single industry, or for a large utility to be dependent on one source of power supply. We are entering the era of large private and public electrical utilities, interlinked with high voltage lines and operated pursuant to interconnection agreements designed to take advantage of the new technological improvements and the economies of scale.

The leader of the Opposition replied briefly that his Government had made that announcement several years earlier. Both the Social Credit and New Democratic spokesmen saw a relationship between the announcement and the development of the C.C.E.P.s. The Social Credit party welcomed the announcement:



the NDP expressed opposition to the export of power which could be used to advantage in Canada and appealed again for a parliamentary study of the Columbia River Treaty prior to a commitment by the Government. <sup>197</sup>

Premier Bennett appeared briefly in Ottawa in late November and Paul Martin visited Washington on December 4 before negotiations between Canada and the United States began in Ottawa on December 9. <sup>198</sup> The negotiating team for the United States consisted of Ivan White, minister at the embassy in Ottawa, Major-General W.W. Lapsley, United States Army Corps of Engineers, and Charles Luce, head of the Bonneville Power Administration. The Canadian side was led by Paul Martin and included Arthur Laing, Robert Bonner, Ray Milliston, and Hugh Keenleyside. <sup>199</sup> After the three-day meeting, Martin told the Commons that substantial progress had been made and that the negotiators were in general agreement on a report to be submitted to the governments. <sup>200</sup>

One week later, newspapers were quoting "reliable reports" that the sale price was more than \$400 million, but that, as Arthur Laing had revealed, the United States had demanded that the payment to British Columbia be placed under federal trusteeship. This last American demand threatened to raise another prolonged disagreement for Premier Bennett objected to a situation in which Ottawa could decide unilaterally when Victoria was in default. The acceptable compromise was that money could be withheld from

the province if the Exchequer Court of Canada held the province to be in default and British Columbia had not made good the default within 90 days of the court's judgment.<sup>201</sup>

Following a meeting on December 20 of the negotiators, Martin told reporters he expected a new agreement on the development of the Columbia River to be signed before the proposed meeting of Pearson with President Lyndon Johnson on January 22, 1964. Martin said the new protocol and price and financial agreements would be drafted for a meeting of negotiators on January 9. None of the negotiators would confirm the price figures given in the press reports which continued to be published.<sup>202</sup> On the last sitting day of Parliament in 1963, the Commons was informed officially of the results of the negotiations which had already been publicized in the press.

While negotiations had proceeded in Ottawa, concern was raised in Canada over the matter of operational control of the Columbia scheme and whether Canada could divert water for "multi-purpose" uses. In an address in Moose Jaw, Saskatchewan, November 1, Arthur Laing had recognized the suggestion of David Cass-Beggs, general manager of the publicly-owned Saskatchewan Power Corporation, to bring water to the prairies from the western side of the continental divide.<sup>203</sup> The concern of the Saskatchewan Government, in particular, to ensure an adequate water supply for the prairies, resulted in a meeting of Ministers from Alberta,

Manitoba, and Saskatchewan, and Arthur Laing, in Regina, December 20, to discuss prairie water requirements.<sup>204</sup> Throughout the autumn session of Parliament, H. W. Herridge had asked for assurance that the consumptive requirements of the prairie provinces were protected under the Columbia River Treaty. Because the transportation of water from the Columbia into prairie-bound rivers would require pumping and, therefore, the production of electrical energy to recover the power lost in the pumping, there was doubt that Article XIII, which allowed for diversion for consumptive requirements only and excluded power generation in the definition of consumptive requirements, was adequate to protect Canada's interests.<sup>205</sup>

Concern was also expressed over Canada's diversion rights under the treaty which could set as a precedent and weaken Canada's rights under the Boundary Waters Treaty of 1909. The precedent established by the Columbia River Treaty could be used to Canada's disadvantage on the Yukon River.<sup>206</sup> In mid-January, the Globe and Mail published two lengthy critiques of the treaty by Larratt Higgins, an economist for the Ontario Hydro, who had privately associated himself with the opposition to the terms of the treaty. Higgins felt the treaty represented an abandonment of "sovereign right to control and develop ... the Columbia system" and a precedent for the United States to gain control over "unborn projects on other rivers



flowing from Canada into the United States." 207 This anxiety over Canada's rights to develop "its" water resources, which included another public appeal from General McNaughton, 208 was a prelude to the parliamentary tempest which finally broke over the treaty after a Canada-United States agreement was signed in January and which lasted until the ratification of the treaty was approved by Parliament in June.

On January 9, 1964, full agreement was reached between Ottawa and British Columbia after two days of talks in preparation for the final set of negotiations with the United States. At the end of a meeting in Ottawa on January 13, an international agreement was concluded. On January 22, the treaty protocol and power sale agreement was signed in Washington by Paul Martin and Dean Rusk, Secretary of State, and witnessed by Pearson and Johnson. Under the revised arrangements, British Columbia would sell its share of the downstream power benefits to the United States for 30 years for \$274,800,000 to be paid in advance October 1. After the 30-year contract expired, another power sale might be negotiated or the power reclaimed for consumption in Canada. Although the figure 4.4 mills per kWh was given as the cost of the power, no unit figure is actually meaningful for, as the federal Government reported in 1964, complicated features in the problem of arriving at the value to the United States of the power benefit.

purchases included the facts that the actual amount of benefits purchased was unknown and that the benefits purchased would diminish with time and would therefore be of less value to the United States than a continuing amount of power from a domestic source. Hugh Keenleyside admitted that elaborate tables produced by the federal Government showing Canada's half share of the declining benefits were not used in determining the cash payment to Canada. He wrote in 1965:

Perhaps the most important single change in the Canadian negotiating position was the decision to abandon the original idea of demanding a certain number of mills per kilowatt-hour of British Columbia's share of the downstream electrical benefits. The essence of the idea that was now developed was the sale ... and the purchase ... not of a certain number of kilowatt-hours, but of a service - the controlled flow of Columbia River water across the boundary.... British Columbia contended that the payment by the United States for this service should cover at least the cost of the three storage dams [in Canada].... Such an arrangement was made the more acceptable because of a vigorous disagreement between the two sides on the actual number of kilowatt-hours to which Canada would become entitled during the period of 30 years for which the sale was being contemplated. (...) In the end a compromise was established and accepted by both parties which was used in all subsequent computations of mills per kilowatt-hour; however, the sale was not based on this computation but on the value to the United States of the regulatory service. 209

What Canada had sought, then, was to recover costs as then estimated for the construction of the three treaty dams in Canada, assuming the costs did not exceed the value

to the United States of the regulatory service. Along with the flood control benefits of \$69,600,000, which would be paid by April 1, 1973, the funds received by British Columbia were expected to pay for the three dams and one-half the cost of the generators at Mica Dam. Because all payments by the United States would not be required at once, federal authorities in Canada estimated that a substantial portion of them could be invested to bring a return amounting to \$501 million by 1973. It was expected that Premier Bennett would use some or all of the excess funds to finance the \$800 million development on the Peace River. One critic later argued that the estimated cost of the treaty projects in Canada were low and represented only a small fraction of the value of the service to the United States which that country was free to determine. The figure of \$501 million was described as the product of "actuarial trickery" which left out such relevant expenses as operating costs and the effect of inflation.<sup>210</sup>

The construction program was expected to begin shortly before October 1, the target date set for the exchange of the instruments of ratification. In British Columbia, Premier Bennett was enjoying "the happiest day since I've been premier." Davie Fulton repeated his opposition to the sale of cheap energy from the Columbia to the United States, while the federal Conservative leader said simply the revisions "will necessitate a thorough

examination." The NDP position was that the treaty's protocol represented "an attempt to sugar-coat a bitter pill." General McNaughton said he was still opposed to the treaty which allowed for the Libby and High Arrow Dams that he felt were improvident from Canada's point of view.<sup>211</sup>

In Ottawa, the Government termed the treaty and protocol priority items for the second session of the twenty-sixth Parliament convening on February 18.<sup>212</sup> The Government buttressed its position by replacing seven of its regular members on the Committee on External Affairs of the House of Commons for the duration of the Committee's hearings on the treaty and protocol. The seven new members, including Jack Davis, would be knowledgeable in legal, engineering, and power matters.<sup>213</sup> The minority Liberal Government chose this time to disclose the results of the study of the diversion from the Columbia to the Fraser River of 1965 which had been an effective weapon with which to win the downstream power benefits from the United States before 1961. "Shortly put," Arthur Laing told the Commons, "the report is not optimistic with regard to the cost at which power could be produced on the Thompson and Lower Fraser Rivers, either with or without a diversion from the Columbia."<sup>214</sup>

On March 2, Paul Martin tabled a white paper in the House of Commons containing the texts of the Columbia River treaty and protocol. A Government resolution was moved the

following day to refer the documents, which Martin said represented "a high point in the combination of legal, technical, and economic sciences for the advantage of both Canada and the United States," to the Committee on External Affairs. Martin said the more he had studied the treaty, the more impressed he had become by the achievement it represented and that what the Government had had to do was "to make a basically good treaty better still." He referred to a speech by Lester Pearson delivered in Vancouver in October, 1961, in which the Prime Minister had criticized the lack of a firm federal-provincial agreement, suggested renunciation, denigrated a "dog-in-the-manger" attitude on the export of power, and recommended the establishment of an export price of energy in advance of ratification if it was decided to allow the sale of power outside the country. These objectives, Martin said, had been achieved. Although not mentioning General McNaughton by name, (except to praise him for his "wisdom ... foresight and ... determination to achieve agreement on a body of principles that were the basis to participation by Canada in a co-operative system of development"), Martin made specific objections to the McNaughton Plan or Sequence IXa of the report of the ICREB. Finally, the Minister outlined in some detail the treaty's provisions regarding permitted diversities, the designation of operating entities, the establishment of a joint permanent engineering board, procedures

for settling differences, provisions for restoring the pre-treaty legal position after the treaty had terminated, and limitations on liability for damages. <sup>215</sup>

Before the resolution to send the treaty and protocol to the Committee on External Affairs was approved, 24 more members addressed the Commons in a debate extending over five sitting days. The Columbia River Treaty and protocol were examined by the Committee through April and May. "Parliament seldom has seen as exhaustive a series of public hearings," Bernard Dufresne wrote in the Globe and Mail. <sup>216</sup>

On May 28, the Committee reported to the House of Commons that it had approved the treaty and protocol with two opposing votes after seven amendments had been defeated in the final closed meeting of the Committee. <sup>217</sup>

On June 3, Martin moved parliamentary approval of the treaty and protocol. He said that, as a result of the Committee's hearings, it was clear that the results to Canada would have been infinitely less beneficial if Canada tried to develop the Columbia alone and that the arrangement worked out was not second best. The Conservative party had also been satisfied with the testimony of Government witnesses: "We are able to support the ratification of this treaty," Stuart Fleming (Okanagan-Revelstoke) told the Commons. Only the New Democrats intended "to oppose this resolution with all the vigour and determination" they could muster. <sup>218</sup>

Debate on the motion lasted until June 5, when

less than one-half of the Commons' membership voted, 108-16, to approve ratification of the treaty and protocol.<sup>219</sup>

The Government's motion to approve ratification was introduced in the Senate on June 2. Debate did not begin, however, until after the resolution had been dealt with in the House of Commons. The debate took up less than one day of the upper chamber's business; no committee of the Senate examined the documents. The Government spokesman observed that the Commons had made an intensive and exhaustive study in committee. No division was recorded in the Senate. The chamber's record of debate reads simply: "Resolution adopted."<sup>220</sup>

A meeting between the President of the United States, the Prime Minister of Canada, and the Premier of British Columbia was set for September 16 at Blaine, Washington, to complete the ratification formalities. During a trip through the northwest in the autumn of 1963, President Kennedy had discovered that "crowd reaction to the tired old hydro-electric power issue was nothing in comparison with crowd reaction to his peace theme."<sup>221</sup> However, Kennedy had been assassinated in November, 1963, and it was now election time for his successor, Lyndon Johnson, who, along with his advisers, proposed the international meeting. The meeting at Blaine would be the second time that successive administrations in both countries had used the treaty for state ceremonies. Bruce Phillips, of Southam News Services, re-

called that the first occasion, in 1961, had been at Prime Minister Diefenbaker's suggestion, staged presumably "on the principle that a meeting with the president is always good politics at home." The idea now emanating from the White House in 1964 for the second meeting was timed with a presidential election tour in the Pacific Northwest, and if the President could go "in the mantle of a great hemispheric statesman whose genius is bringing forth blessings for the people of the region, to much the better." Ten days after the Columbia ceremony, Lyndon Johnson was to meet the president of Mexico in Texas. Phillips recalled President Kennedy's invitation to liberal leader Pearson to a dinner in Washington for Nobel prize holders during the Canadian election campaign of 1962 and the Department of State's press release that was instrumental in the break-up of the Canadian federal Cabinet and Prime Minister Diefenbaker's electoral defeat in 1963. The Southern correspondent

President Lopez Mateos and Mr. Pearson are really nothing more than bit players in Lyndon Johnson's grand scenario for being elected to a full four-year term in November. Presumably, all three men are well aware of the fact; and while the Mexican president may not be in hock to the President, Mr. Pearson can hardly complain if the Democrats ask for a favor.???

The three heads of government spoke at Blaine on September 16. Lester Pearson was the second Prime Minister to deal with the development of the Columbia River



since the IJC's recommendations were presented to the national governments in 1960. Lyndon Johnson was the third President to have been concerned with the project since that time. W.A.C. Bennett, Premier of British Columbia since 1952, was the only head of government to have been continually involved with the negotiations on the development and, on this final state occasion, he acknowledged:

We would perhaps be less than human if we did not take real satisfaction in the knowledge that the financing formula put forward by the B.C. government was accepted by both national governments as the means of implementing the treaty's terms. 223

Footnotes

<sup>1</sup> United States Congress, Senate, Columbia River Treaty, Hearings before the Committee on Foreign Relations, 87th Congress, 1st Session (Washington: United States Government Printing Office, 1961). Also, Report of the Committee on Foreign Relations, 87th Congress, 1st Session (Washington: United States Government Printing Office, 1961).

<sup>2</sup> R. MacGregor Dawson, Government of Canada (4th edition revised by Norman Ward, 1964; Toronto: University of Toronto Press, 1947), pp. 180, 222.

<sup>3</sup> Ibid., p. 103.

<sup>4</sup> Debates, March 3, 1961, p. 2622.

<sup>5</sup> Ibid., p. 2623.

<sup>6</sup> Ibid.

<sup>7</sup> Sherman, p. 243.

<sup>8</sup> Private research source.

<sup>9</sup> Sherman, p. 244.

<sup>10</sup> Debates, March 27, 1961, p. 3351.

<sup>11</sup> Sherman, loc. cit.

<sup>12</sup> Charles King, Southam News Services, "Columbia River Project Hangs in Balance," Hamilton Spectator, May 2, 1961.

<sup>13</sup> Debates, April 26, 1961, p. 4026.

<sup>14</sup> Sherman, pp. 245-246.

<sup>15</sup> Private research source.

<sup>16</sup> Sherman, pp. 246-247.

<sup>17</sup> private research source.

<sup>18</sup> Private research source.

<sup>19</sup> Edwin Bolwell, "Fulton Charges B.C. Could Kill Treaty for Columbia Power," Globe and Mail, July 26, 1961.

<sup>20</sup> "Fulton Attacked for Comments on B.C. Project," Ibid., July 27, 1961.

<sup>21</sup> Charles King, Southam News Services, "Bennett would Export all Columbia Power," Hamilton Spectator, May 26, 1961.

<sup>22</sup> Private research source.

<sup>23</sup> Tania Long, "Dispute in Canada Snags Power Plan," New York Times, May 14, 1961, and, "Ottawa Ready to Switch Line on Power Export?" Financial Post, May 27, 1961.

<sup>24</sup> Sherman, pp. 249-250.

<sup>25</sup> "The Columbia River Treaty," an editorial, July 28, 1961.

<sup>26</sup> On the expropriation of B.C. Electric, no right of appeal was established regarding the price set by the Government. Owners of preferred shares would have to accept Government bonds instead of having a choice between cash and bonds. Eventually, the expropriation would come to the province's Supreme Court; in the meantime, editorial writers expressed indignation. (See, for example, "Confiscation in B.C." Globe and Mail, August 25, 1961.)

On the report of the Energy Board, the value attributed to power from the Columbia in relation to the value of power from the Peace River did not include the flood control payments which the United States would make as a result of storage on the Columbia or make provision for possible federal assistance in financing the projects on the Columbia. Also, the Board did not conduct a detailed study of potential markets for surplus power in the United States. (Sherman, pp. 249-250.)

<sup>27</sup> In Canada's traditional national policy, power was

considered a capital asset as the basis of future Canadian industry and, up to the mid-1950's, that policy had strictly prohibited long term export of power. During the nineteenth century, when power exports began, the assumption prevailed that Canada's water power resources exceeded any possible demands. In 1907, however, the Laurier Government recognized some need for regulation and enacted the Electricity and Fluid Exportation Act. This Act, which authorized yearly power export licences that could be revoked at any time, signified acceptance of the theory of power as a "recapturable" export and was accepted by the later Borden Government.

It was during World War One that the theory came to grief. Due to the demands of war-time production, the Borden Government wanted to cancel export licences. The Government of the United States made it clear at the time that failure to renew the licences would be considered an unfriendly act. We have the testimony of Arthur Meighen, who was then Solicitor-General, eight years later:

We were face to face with the fact that we could not withdraw power when industries in Ontario and Quebec were starving for power. We remember the days towards the end of the war, the corner we were in then and the pressures upon us. (...) There may be American capitalists who will sign agreements that the power is withdrawable; but if they do, they know it is withdrawable on paper, but that never in actual fact can it be withdrawn. (Debates, May 19, 1925, p. 3384.)

It was Meighen's view that power was an unusual type of export. He told the Commons in 1925: "Power is something which, once exported, becomes the foundation of a great vested right and the withdrawal of it -- however narrowly and carefully it may have been provided for -- becomes a practical impossibility." (Debates, June 15, 1925, p. 4282.)

The King Government's view then was that export of power would be prohibited except when the provinces in which the development was to take place wished it. (Debates, June 15, 1925, pp. 4276-80.) In 1928, however, the Government's view appeared to be definitely against all export of power. (Debates, February 14, 1928, pp. 452-453.)

In 1933, Prime Minister Bennett recognized that attempts to recapture power would "practically be considered an unfriendly act" by the United States. (Debates, May 17, 1933, p. 5131.) In 1938, Prime Minister King refused to sanction exports of power from Ontario and Quebec and introduced legislation to amend the Act of 1907 which would have established a general prohibition of exports subject to parliamentary exceptions. (Debates, March 10, 1938, pp.

1191-1216.) (The legislation was not reported from the Senate.)

The International River Improvements Act of 1955 which blocked the Kaiser-British Columbia dam project on the Columbia River replaced the Act of 1907 and tightened the protection of Canadian hydro power. The Act of 1907 applied to electricity and water transmitted through a pipe; the Act of 1955 now covered water flowing to the United States in a river bed.

<sup>28</sup> Debates, October 15, 1957, pp. 12-13.

<sup>29</sup> Ibid., May 18, 1959, pp. 3767-68.

<sup>30</sup> Ibid., June 2, 1959, p. 4249. Despite their opposition to the innovation, the Liberal party was quick to point out that the Royal Commission on Canada's Economic Prospects, created by a Liberal Government in 1955, had recommended the establishment of a national energy authority. (Ibid., May 18, 1959, pp. 3770-71.)

<sup>31</sup> Ibid., June 2, 1959, p. 4249.

<sup>32</sup> Ibid., p. 4250.

<sup>33</sup> Ibid., pp. 4250-51.

<sup>34</sup> Ibid., pp. 4252-53.

<sup>35</sup> Ibid., p. 4253.

<sup>36</sup> Ibid., May 11, 1961, p. 4653.

<sup>37</sup> Sherman, p. 254.

<sup>38</sup> Canadian Press news agency, "Bennett is Sure of Green Light to Export Power," Hamilton Spectator, September 18, 1961.

<sup>39</sup> Charles King, Southam News Services, "Rebel Foils Ottawa Plans," Ibid., September 13, 1961.

40 Private research source.

41 private research source.

42 Harold Morrison, "May Act Alone: Columbia Squabble Irks U.S." Hamilton Spectator, September 26, 1961.

43 Canadian Press news agency, "B.C.-Ottawa Squabble Goes On: Won't Sell Columbia 'Down River': Fulton," Ibid.

44 Associated Press news agency, "Political Fight on Power Pact Feared in U.S." Globe and Mail, October 24, 1961.

45 private research source.

46 United Press International news agency, "Fulton Denies B.C. 'Pressure'." Hamilton Spectator, November 1, 1961.

47 Tim Creery, Southam News Services, "Canada's Oil Export Policy Starts Irking Washington," Ibid.

48 Tim Creery, Southam News Services, "Washington Spokesman Refutes Oil-Water Yarn," Ibid., November 4, 1961.

49 George Bain, "Canada's Failure to Ratify Columbia River Treaty Irks U.S." Globe and Mail, November 17, 1961.

50 Ibid.

51 Sherman, p. 257.

52 A Thousand Days: John F. Kennedy in the White House (Boston: Houghton Mifflin Company, 1965), p. 343.

53 Ibid. Greater consideration is given the two meetings and the memorandum and the role the latter acquired in Canada-United States relations by Peter C. Newman in Reneade in Power: The Diefenbaker Years. (Toronto: McClelland and Stewart, 1963), pp. 264-67.

54 Sherman, pp. 256-57.



55 Lawrence E. Davies, "Canada Expects Work to Start in '62 on Columbia River Project," New York Times, December 17, 1961.

56 Private research source.

57 Private research source.

58 Walter Gray, "Udall Statement About Columbia Affront to Ottawa, Unofficially," Globe and Mail, November 25, 1961.

59 "Reports on Columbia Propaganda: Ottawa," Globe and Mail; November 24, 1961.

60 George Bain, "Supports B.C. Position," Ibid., November 25, 1961. Also quoted by Tim Creery, Southam News Services, "U/S. Official Ducks Columbia River Row," Hamilton Spectator, November 25, 1961.

61 The report of Walter Gray, November 25, 1961 cited above.

According to Kennedy's aide, Theodore Sorenson, Stewart Udall was well known for his independent ventures and statements in the interest of his Department and party that were not always consistent with White House policy. Sorenson attributes this to Udall's experience in Congress as a never-defeated representative from Arizona. Udall was valued within the Administration "as an additional channel to the Congress and as an effective campaigner." (Theodore Sorenson, Kennedy [New York: Harper and Row, Publishers, 1965], pp. 158, 276-77.)

After the denial of his report that oil imports might be cut because of the delay in ratification, Tim Creery wrote:

Interior's tough talk on behalf of domestic oil protectionists normally gets softened or eliminated altogether when the White House and state department make the final decisions.

(Southam News Services, "Washington Spokesman Refutes Oil-Water Yarn," Hamilton Spectator, November 4, 1961.)

62 Charles King, Southam News Services, "No Sign of

Cabinet Split on Columbia River Policy," Hamilton Spectator, November 24, 1961. And; Walter Gray, "The Columbia Manoeuvres," Globe and Mail, November 24, 1961.

63 Private research source.

64 Minutes, May 12, 1964, p. 1145.

65 "Ottawa: Political Grudges," Victoria Daily Times, December 4, 1961.

66 Hamilton Spectator, November 29, 1961.

67 Charles King, Southam News Services, "Fulton Assails Power 'Sellout'," Ibid.

68 Higgins papers, "Notes For an Address by the Honourable E. D. Fulton, P.C., Q.C., M.P., Minister of Justice and Attorney General of Canada, to the Prince George Chamber of Commerce, Prince George, B.C., Tuesday, November 28, 1961" (mimeo), pp. 4-5, 7-8.

69 "'Blunder', Says B.C. Minister," Hamilton Spectator, November 29, 1961.

70 Tim Creery, Southam News Services, "Washington Surprised," Ibid.

71 The report of Tim Creery of November 29, 1961, cited above. Also, George Bain, "Canada's View Bewilders Washington," Globe and Mail, November 29, 1961.

72 Private research source.

73 The repudiation was over the question of RCMP reinforcements to Newfoundland during a strike of woodworkers in the winter of 1958-1959. For an account, see Newman, pp. 112-18. In Newman's view, the Prime Minister's "humiliation" of Fulton reached its peak during the dispute over the Columbia River Treaty.



74 Charles Lynch, Southam News Services, "Three 'Cats' Fight About B.C. Power Sale," Hamilton Spectator, November 29, 1961.

75 Private research source.

76 Quoted by Walter Gray in "Bennett, Udall Both Blamed for Stormy Columbia Issue," Globe and Mail, November 30, 1961.

77 Ibid.

78 Tim Creery, Southam News Services, "We Can't Wait Forever On Columbia, Udall Says," Hamilton Spectator, December 1, 1961.

79 Charles King, Southam News Services, "The Power Sales Argument: Key Ministers Missing As Bennett Airs Demands," Ibid., December 12, 1961.

80 Walter Gray, "B.C. Favors Conditional Power Pact," Globe and Mail, December 13, 1961; Charles King, Southam News Services, "Bennett Says Peace River Cheapest Source," Hamilton Spectator, December 13, 1961, and, Lawrence E. Davies, "Canadian Expects Work to Start in '62 on Columbia River Project," New York Times, December 17, 1961.

81 Lawrence E. Davies, op. cit.

82 Canadian Press news agency, "Two-River Man: Keenleyside Backs Bennett Power Plan," Globe and Mail, December 16, 1961.

83 Canadian Press news agency, "Fulton Maintains Ottawa is Against Hydro Sale," Hamilton Spectator, December 19, 1961.

84 "U.S. Prepares For Power From B.C. Hydro Project," Ibid., December 20, 1961. The Congress of the United States actually was not asked to appropriate funds until 1964, two weeks after the Canadian Parliament had approved ratification of the Columbia River Treaty.

85 Letter dated December 23, 1961, and published in Debates, January 26, 1962, p. 283. In his letter of November 27, Bennett had written:

The most important question remaining ... involves the contemplated disposition of Canadian downstream benefit electricity in the United States. I refer especially to this matter, among the various factors affecting finance, because ... [it] is the key to Canadian financial well-being. (Ibid.)

In reply, Fleming took issue directly with Bennett's contention:

This stand is quite contrary to the fundamental purpose of the treaty which is to secure for the people of British Columbia directly and immediately the cheapest and most abundant electric power available. (Ibid., p. 281.)

To support his position, Fleming enclosed a copy of a report for the federal Government by the Montreal Engineering Company. Fleming's position in the letter confirmed the Government's position stated by the Prime Minister three days earlier, on December 20. Diefenbaker was described as "solidly" backing Fulton. (See, Charles King, Southam News Services, "Diefenbaker Slams Door On Power Sale, By B.C.," Hamilton Spectator, December 21, 1961.)

86 "\$120 Million on Contracts in Bennett's Peace Scheme," Financial Post, December 23, 1961. The figure in the headline included the \$94 million dam in the project on which tenders were scheduled to be called in the autumn of 1962.

87 "Can the Columbia Be Revived?" an editorial, January 6, 1962.

88 Private research source.

89 Canadian Press news agency, "Fulton, Udall Discuss B.C. River Stalemate," Globe and Mail, January 13, 1962.

90 "Bennett Asks Fleming Talk On Columbia," Ibid., January 30, 1962.

91 Canadian Press news agency, "May Act Alone On

Columbia, Official Warns." Hamilton Spectator, February 7, 1962.

Rocalio was a member of what Theodore Sorenson has called "a corps of new Kennedy Democrats" that was built up in preparation for the presidential contest. Sorenson has written that Kennedy did not confine his search for help to the possessors of high office. Teno Rocalio, later Congressman at large from Wyoming; was one of the Kennedy Democrats to whom "it was made clear that if Kennedy were elected, he would be looking for talented people whom he knew, trusted and could work with." (Sorenson, pp. 115-16.)

92 Charles King, Southam News Services, "Ottawa Woos B.C. Voters, May Bow To Bennett," Hamilton Spectator, February 5, 1962, and "Will Bennett Take Ottawa's Offer?" Financial Post, February 10, 1962.

93 Charles King's report and the report in the Financial Post cited above.

94 Private research source.

95 "Ottawa Assailed By B.C. Group For Power Policy," Globe and Mail, February 20, 1962.

96 Canadian Press news agency, "Power Solution Near Bennett Tells House," Hamilton Spectator, February 28, 1962.

97 Debates, February 28, 1962, pp. 1343-44.

98 The application was made, as required, under the Navigable Waters Protection Act. Ibid., March 13, 1962, p. 1235.

99 Charles King, Southam News Services, "Hints B.C. Hydro For National Grid," Hamilton Spectator, March 19, 1962.

100 Charles King, Southam News Services, "Early Columbia Agreement May Follow Private Talks," Ibid., March 20, 1962.

101 This had always been British Columbia's essential position -- that the Columbia River development was a

provincial matter and involved the federal Government only in a formal way as the treaty-making authority if it were to be involved at all. (Private research source.) See Herridge's question to Fleming, Debates, March 22, 1962, p. 2052.

102 Sherman, p. 260.

103 Private research source.

104 Quoted by Donald McGillivray of the Southam News Services in "Saskatchewan Seeks Future Diversion Rights," Hamilton Spectator, March 20, 1962.

105 Canadian Press news agency, "Bennett Cuts Offer For B.C. Electric Co., Seeks to Halt Suits," Globe and Mail, March 17, 1962, and, "B.C. Assembly Echoes To Cries of Seig Heil: Bennett Pushes Bills," Ibid., March 24, 1962.

106 Sherman, p. 259.

107 Ibid.

108 Charles King, Southam News Services, "Hint Ottawa Compromise Offered To Preserve Peace (sic) River Treaty," Hamilton Spectator, April 4, 1962.

109 Debates, March 16, 1962, p. 1867, and, Ibid., March 22, 1962, p. 2051.

110 Private research source.

111 Charles King's report of April 4, 1962, cited above.

112 The retirement was announced in a press release issued April 3 without any accompanying or explanatory statement in the House of Commons.

113 "Columbia Pact -- McNaughton Says Canada Sold Out," Ottawa Citizen, April 6, 1962.

114 Bruce Phillips, Southam News Services,

"McNaughton Claims Power Pact Sellout," Hamilton Spectator,  
April 7, 1962.

115 Ibid.

116 "American Discounts Allegation," Ibid.

117 Debates, April 13, 1962, pp. 2958f.

118 Canadian Press news agency's report in the  
Montreal Gazette, April 13, 1962. Quoted in Debates, loc.  
cit.

119 "Treaty Disastrous, General Reiterates," Globe  
and Mail, April 14, 1962.

120 Canadian Press news agency, "Ratification Urged,"  
Ibid., "River Proposals Revised By B.C. Fulton Reveals,"  
Ibid., April 16, 1962, and, Debates, April 13, 1962, p.  
2934, and pp. 3100-01.

121 Private research source.

122 Tim Creery, Southam News Services, "This Election  
likely To Arouse U.S. Interest," Hamilton Spectator, April  
18, 1962, and, Knowlton Nash, "Why Our Election Campaign  
Worries Washington," Financial Post, May 26, 1962.

123 "The Canadian Election," an editorial, April 19,  
1962.

124 Tim Creery, Southam News Services, "Year-end  
Deadline Set For Treaty Ratification," Hamilton Spectator,  
April 26, 1962.

125 George Bain, "Liberal Ideas on River Treaty Not  
McNaughton's, Pearson Says," Globe and Mail, April 30, 1962.

126 Ibid.

127 Charles King, Southam News Services, Diefenbaker Hints Ottawa Won't Block Power Project," Hamilton Spectator, May 29, 1962.

128 Two years earlier, Bennett had supported the de facto leader of the supporters of Social Credit from Quebec, Rejean Coutu, for the national leadership of the party against the eventual winner, Robert Thompson, who had the support of Alberta's Social Credit Premier, E.C. Manning. On Bennett's campaign in the east, see Charles Lynch, Southam News Services, "B.C.'s Bennett Heading East For Campaign," Ibid., June 2, 1962, and Langevin Cote, "Social Credit to win More Seats Than Any Other Party," Globe and Mail, June 4, 1962.

129 Charles Lynch, Southam News Services, "On The Hastings: West Coast Fog Poses Peril for 42 Seats," Hamilton Spectator, June 2, 1962.

130 Canadian Annual Review for 1962, p. 74.

131 Information in this paragraph is from private research source.

132 Tim Creery, Southam News Services, "Lack of Clear Canadian Majority Causes Misgivings in Washington," Hamilton Spectator, June 19, 1962.

133 Sherman, p. 260.

134 Debates, September 27, 1962, p. 9.

135 Bruce Macdonald, "The Two Key Moves in the Cabinet Shuffle," Globe and Mail, August 10, 1962.

136 Michael Barkway, Southam News Services, "New Cabinet Appointments Significant for Business," Hamilton Spectator, August 13, 1962.

137 Private research source.

138 Don McGillivray, Southam News Services, "Progress Made In Talks About Columbia Project," Hamilton Spectator.

August 28, 1962.

139 Bennett Metcalfe, "Can Bennett Corral Caouette on Columbia?" Financial Post, August 18, 1962.

140 "It's news to me," a member of the provincial Government replied to the suggestion of the senator's special interest in pressing the federal Cabinet to accept the province's position. "You should read what he said about us in the Sommers trial," an official from the province said. (Private research sources.)

In 1958, Robert Sommers, Minister of Lands and Forests, was convicted of conspiring and accepting bribes. The Crown alleged that the British Columbia Forest Products Ltd., a company owned by the Argus Corporation in which McCutcheon was one of four controlling interests, had advanced \$30,000 to obtain the Government's favourable consideration in the issuance of a forest management licence on Vancouver Island. At the trial Sommers said that at a luncheon he attended with E. P. Taylor, of Argus, and Bennett, Bennett had been receptive to the issuance of a licence. Later, Sommers said that McCutcheon was also at the luncheon and that Bennett had actually agreed to issue the licence. (H. Wilson Gray, president of Pacific Coast Services Ltd., was also convicted of conspiracy. He had been defended by Vancouver lawyer and later Liberal MP and Minister, John Nicholson.) (Sherman, pp. 147-172.)

Senator McCutcheon later came to British Columbia to assist Davie Fulton in the provincial election campaign of September, 1963. After McCutcheon's visit, Bennett accused Fulton of being a "kept man." (Ibid., p. 274.) Finally, in July, 1964, Senator McCutcheon ruffled the feathers of Premier Bennett once again when the Senator opposed the incorporation of the Bank of British Columbia. McCutcheon's opposition was directly expressed to the Premier during Bennett's appearance before the Committee on Banking and Commerce of the Senate. (Canada, Senate, Committee on Banking and Commerce, Minutes of Proceedings and Evidence, July 22, 1964, pp. 59-62.)

141 Edwin Bolwell, "Bennett Sure of Treaty If House Lasts 3 Months," Globe and Mail, September 2, 1962. In the by-election in Revelstoke, the first to be held since the provincial election of 1960, the New Democratic party retained the seat with a reduced margin of less than 100 votes. (Edwin Bolwell, "No One Elated By B.C. Vote," Ibid., September 8, 1962.)

142 "Columbia Proposals Reach U.S. Congress,"

Financial Post, August 18, 1962.

143 Sherman, p. 262.

144 Debates, October 4, 1962, p. 175, and, October 10, 1962, p. 360.

145 Ibid., September 27, 1962, p. 9.

146 Walter Gray, "Long-Term Columbia Power Treaty," Globe and Mail, September 28, 1962.

147 Debates, October 2, 1962, p. 121.

148 Ibid., October 9, 1962, p. 285.

149 Ibid., November 15, 1962, p. 1648.

150 Canadian Press news agency, "Bennett Claims U.S. Will Pay For Hydro Power," Hamilton Spectator, October 22, 1962.

151 Edwin Bolwell, "Green Undermining Columbia Treaty Deal, B.C. Premier Charges," Globe and Mail, November 28, 1962.

152 Debates, November 7, 1962, p. 2045. The Canadian team at the two series of "non-committal, informal" talks consisted of Gordon Robertson, Deputy Minister of Northern Affairs and National Resources, Gordon MacNabb, Water Resources Branch of the Department, A. E. Ritchie, Assistant Under-Secretary of State, Department of External Affairs, and J.F. Parkinson, economic adviser, Department of Finance. (Green's reply to Question No. 1,011, Ibid., December 5, 1962, p. 2337.)

153 Ibid., December 7, 1962, p. 2420.

154 Bruce Phillips, Southam News Services, "Fulton Announces Decision to Seek Leadership in B.C.," Hamilton Spectator, November 30, 1962.  
Reporters in Ottawa took the opportunity to exercise



their talents at melodrama. Phillips detected "the faintest suggestion of a tear" in one of Fulton's eyes and "a clenched fist for the battles to come" when the announcement was made. (Ibid.) Charles Lynch discussed Fulton's resignation against the background of rumours, "most of them started by Tories with various axes to grind, about the currents and cross-currents that are flowing" within the Conservative party. Lynch saw "several power plays ... gathering force ... against this murky background." (Southam News Services, "Tory Talking Point: PM and Party," Ibid., December 1, 1962.) For an extended account of this murky situation and its outcome, see Newman, pp. 355-82.

155

See the reports by Phillips and Lynch cited above.

156

Edwin Bolwell, "NDP Cheered by Fulton Decision, Sees Victory Through Split Vote," Globe and Mail, December 1, 1962.

157

Debates, December 13, 1962, p. 2771.

158

Ibid., December 14, 1962, p. 2820.

159

Sherman, pp. 263-64, and, Tim Creery, Southam News Services, "U.S. To Start Pressing For Columbia Decision," Hamilton Spectator, January 25, 1963.

160

Bennett Metcalfe, "More Political Mists Cloud Columbia," Financial Post, January 19, 1963.

161

For an account of the abortive coup see Newman, pp. 355-59.

162

On January 3, the retiring Supreme Allied Commander of NATO, General Lauris Norstad, had arrived in Ottawa on his round of official farewells. Although his visit to Ottawa was brief, it was sufficient to be the first in a chain of events that would lead to the Government's downfall. In a press conference, Norstad held that if Canada did not accept nuclear warheads for missiles already in Canada, the country would not be fulfilling its commitments to NATO. For an account of the final days of the twenty-fifth Parliament see The Canadian Annual Review for 1963, pp. 282-301.

163 January 30, 1963. Ibid., p. 294.

164 Ibid., pp. 282-301. For a "boudoir" account of the Ministry's internal dissension see Newman, pp. 360-82.

165 Tim Creery, Southam News Services, "U.S. To Start Pressing For Columbia Decision," Hamilton Spectator, January 25, 1963.

166 Debates, February 5, 1963, p. 3433.

167 Tim Creery, Southam News Services, "Columbia River Treaty Extended For 6 Months," Hamilton Spectator, February 7, 1963, and, Canadian Press news agency, "Power Pact Doubtful, Udall Tells Canadians," Globe and Mail, February 7, 1963.

168 Canadian Press news agency, "McNaughton Declines Candidacy," Hamilton Spectator, February 8, 1963.

169 Canadian Press news agency, "Liberals Reject Columbia Pact, Candidate Says," Ibid., March 19, 1963. See "The Problems of Power: No. 1, 'The Present Columbia River Treaty Ties Canada's Hands' By Dr. Jack Davis," Vancouver Sun, February 28, 1963.

170 Bruce Phillips, Southam News Service, "Defence 'Hottest Issue' In Vote-woeing Drive," Hamilton Spectator, March 21, 1963, and, Peter Regenstrief, "Nuclear Arms Issue Major B.C. Concern," Ibid.

171 Walter Gray, "Premier Manning Joins Thompson For Sacred's Alberta Campaign," Globe and Mail, April 2, 1963. On Bennett in Quebec, see Canadian Press news agency, "French in B.C. Well Treated, Bennett Claims," Ibid., April 6, 1963.

172 "Canada in the Homestretch," an editorial, April 5, 1963.

173 "Canada Misses Again," an editorial, April 10, 1963.

- 174 C. Knowlton Nash, "Columbia Treaty An Ailing Cause," Financial Post, April 27, 1963.
- 175 Debates, December 13, 1962, pp. 2590-94. See Bruce Macdonald, "Canada Stand Heralds Tough Renegotiation of Columbia Treaty," Globe and Mail, May 11, 1963.
- 176 The Columbia River Treaty Protocol and Related Documents, p. 99.
- 177 Debates, May 16, 1963, p. 8.
- 178 Sherman, p. 264.
- 179 Canadian Press news agency, "Accord on Columbia Hoped For by Bennett In Ottawa on June 3," Globe and Mail, May 23, 1963, and, Canadian Press news agency, "Former U.S. Official Helps B.C. On Columbia," Hamilton Spectator, May 23, 1963.
- 180 Tim Creery, Southam News Services, "Columbia Timetable," Hamilton Spectator, May 25, 1963.
- 181 Paddy Sherman, "Initial Talks Favor Columbia Power Export," Ibid., June 4, 1963.
- 182 Debates, June 5, 1963, pp. 671-76.
- 183 Ibid., July 10, 1963, pp. 2059-61. The agreement is published in The Columbia River Treaty Protocol and Related Documents, pp. 100-09.
- 184 Walter Gray, "U.S.-Ottawa Parley Set Next Week," Globe and Mail, July 11, 1963.
- 185 Debates, July 10, 1963, pp. 2019-22, 2039-40.
- 186 Walter Gray's report of July 11, 1963, cited above.
- 187 Canadian Press news agency, "First Political Test For B.C. Government," Hamilton Spectator, July 15, 1963.

and, Canadian Press news agency, "Crucial Byelection Won By B.C. Social Credit," Ibid., July 16, 1963. For an account of the campaign see Sherman, pp. 265-67.

188 The grounds for finding the Acts void were: (1) They were selective Acts which had the effect of interfering with the activities of a Dominion Company -- B.C. Power Corporation, (2) they related to an undertaking that extended beyond the provincial boundaries, and (3) they interfered with the Columbia River Treaty. Canadian Annual Review for 1963, p. 137.

189 Sherman, p. 271. On Bennett's activities prior to calling the election see Sherman, pp. 267-71.

190 Edwin Bolwell, "Push Columbia Power Project Shelf Peace, B.C. Tories Vow," Globe and Mail, August 31, 1963.

The provincial Liberal party adopted a two-river policy although the leader, Ray Perrault, refused to compare his platform with Bennett's. The Liberals would have altered the size of the High Arrow Dam and retarded the development on the Peace. (Canadian Press news agency, "B.C. Liberal Has Power Project Also," Hamilton Spectator, September 10, 1963.)

The Opposition New Democratic party favoured the immediate development of the Columbia River for consumption of power in the province. The development of the Peace River would be part of a national power grid. (Canadian Press news agency, "Peace River Project Said Started Too Soon," Ibid., September 23, 1963.)

191 Canadian Press news agency, "Early Accord Foreseen: Canada, U.S. Closer On Columbia Treaty," Globe and Mail, September 5, 1963.

192 Southam News Services, "Sees American Financing For Columbia Power Plan," Hamilton Spectator, September 9, 1963.

193 Edwin Bolwell, "Province Purchases Utility Firm," Globe and Mail, September 28, 1963.

194 The number of seats won in the two provincial elections were:

	1960	1963
Social Credit	32	34
New Democrats	16	13
Liberal	4	5
Conservative	0	0



On Fulton, Edwin Bolwell, "The Unsinkable Mr. Bennett -- Will He Ever Lose?" Ibid., October 2, 1963, and, John R. Walker, Southam News Services, "Flowers, But Few PC Tears Flow In Ottawa For Defeated Davie," Hamilton Spectator, October 2, 1963.

195 Debates, September 30, 1963, p. 3036, and, October 4, 1963, p. 3204.

196 Ibid., November 4, 1963, pp. 4344-45.

197 Ibid., October 8, 1963, pp. 3300-03.

198 Ibid., November 29, 1963, p. 5252, and, December 4, 1963, pp. 5425-26.

199 For an account of the negotiations see Sherman, pp. 278-81.

200 Debates, December 12, 1963, p. 5739.

201 British Columbia Bureau, "U.S. Offers \$420 Million On Columbia," Globe and Mail, December 19, 1963. For an account of negotiations on this matter by telephone between Martin in Ottawa and Bennett in Hawaii, see Sherman, pp. 280-81.

202 Tim Creery, Southam News Services, "Rush B.C. Power Agreement Before Pearson-IBJ Meeting," Hamilton Spectator, December 21, 1963, and, Canadian Press news agency, "Columbia Talks Are Successful, Martin Reports," Globe and Mail, December 21, 1963.

203 Quoted in Debates, December 16, 1963, p. 6308.

204 Referred to in Ibid., December 16, 1963, p. 5975.

205 Ibid., November 12, 1963, p. 4611, November 27, 1963, p. 5159, November 29, 1963, p. 5252 (Herridge and Diefenbaker), and December 21, 1963, p. 6305.

206 See, for example, "Will Our Power Dreams For the Mighty Yukon Turn Into Nightmares?" an editorial, Financial

Post, December 28, 1963, and, "Big Grab at Canada's Resources?" an editorial, Ibid., January 4, 1964.

207 "Is the Columbia River Treaty A Sellout?", Globe and Mail, January 14, 1964, and, "A Second Deal On Columbia," Ibid., January 15, 1964.

208 Canadian Press news agency, "McNaughton Would Delay Signing of River Treaty," Hamilton Spectator, January 17, 1964.

209 "Canadian Aspects of the Columbia Treaty," IEEE Spectrum, September, 1965, p. 97. The magazine is published by the Institute of Electric and Electronic Engineers.

210 Larratt Higgins, "Address to the Woodsworth Foundation Conference on Continentalism versus Nationalism by Larratt Higgins Resource Development: Integration or Co-operation Education Centre, Toronto November 12, 1966," (mimeo), p. 5. Hereafter cited "Address to the Woodsworth Foundation Conference."

The federal Government's statement that the benefits purchased by the United States were unknown is found in The Columbia River Treaty and Protocol: A Presentation, p. 93. The financial hopes on investment of the American payment is found in The Columbia River Treaty Protocol and Related Documents, pp. 116-37. For newspaper accounts, see Canadian Press news agency, "Ottawa, B.C. Reach Accord On Columbia," Globe and Mail, January 10, 1964, John R. Walker, Southam News Services, "Agree On Columbia Project," Hamilton Spectator, and Bruce Macdonald, "Start On Columbia Dam Is Possible Before Oct. 1," Globe and Mail, January 23, 1964.

211 Ruth Worth, "Pact Happiest Event In His Career: Bennett," Globe and Mail, January 23, 1964, Canadian Press news agency, "Bitter Pill: Douglas," Ibid., Canadian Press news agency, "Requires Study, P.C. Chief Says of Revised Pact," Ibid., and Ottawa Bureau, "Changes Insufficient, McNaughton Declares," Ibid.

212 Canadian Press news agency, "Put River Pact On Priority List of House Session," Hamilton Spectator, January 24, 1964.

213

John R. Walker, Southam News Services, "Change 7 Members To 'Treaty Squad'," Ibid., February 19, 1964.

214

Debates, February 26, 1964, p. 249.

215

Ibid., March 3, 1964, pp. 467-73.

216

"Ratification Inevitable: Columbia Debate Waste of Time?" Globe and Mail, May 19, 1964.

217

The amendments, all but one moved by NDP members of the Committee, concerned prairie diversion rights, the elimination of the Libby and High Arrow Dams, British Columbia's attitude to national resource development, and Parliament's role in treaty-making. Canada, Journals of the House of Commons of Canada, Session 1964-65, 26th Parliament, Second Session, V. CXI, pp. 369-72. For press accounts see Ottawa Bureau, "Commons Committee Votes Columbia Pact," Globe and Mail, May 29, 1964, and John R. Walker, Southam News Services, "River Treaty, Protocol Approved, 7 Changes Dumped," Hamilton Spectator, May 29, 1964.

218

Debates, June 3, 1964, pp. 3900-05.

219

Ibid., June 5, 1964, p. 4010.

220

Can. Senate Debates, June 10, 1964, p. 711.

Twenty-five minutes after the Senate approved the ratification of the treaty, the British Columbia Hydro and Power Authority awarded the first contract for the projects on the Columbia River. (Canadian Press news agency, "First Contract Given: River Treaty Approved," Montreal Star, June 11, 1964.) Two weeks later, on June 24, the Congress of the United States was requested by the Administration to approve a \$697 million extra-high voltage electrical transmission system for the west coast. The system would be used to transmit surplus power in the Pacific Northwest, including Canadian downstream benefits, to California. (Canadian Press news agency, "Udall Urges \$697 Million Power Line," Globe and Mail, June 25, 1964.) On Charles Luce's and Stewart Udall's appearances before a sub-committee of the Senate's Committee on Appropriations on this matter, see Canadian Press news agency, "Udall Urges Speed On Intertie To Fulfill Columbia Obligation," Ibid., July 2, 1964.)

221 Philip Geyelin, Lyndon B. Johnson and the World  
(New York: Frederick A. Praeger, Inc., 1966), p. 44.

222 Bruce Phillips, Southam News Services, "The  
Columbia Post: New Tool For Talks," Hamilton Spectator,  
September 1, 1964. Also on the decision in the White House  
and the ceremony at Blaine, see John R. Wakker, Southam  
News Services, "LBJ Shines At Peace Arch As Bennett Awaits  
Cash," Ibid., September 17, 1964.

223 Quoted by Sherman, p. 282.



### III

## OPPOSITION AMONG THE PEOPLE OF BRITISH COLUMBIA

### 1. Introduction

The Government of British Columbia had been closely associated with the international negotiations which led to the signing of the Columbia River Treaty in January, 1961. The provincial Government's refusal in the spring of 1960 to permit the flooding of the East Kootenay region, in fact, had a decisive effect on the course of the negotiations and the sequence of dam construction that subsequently became the treaty projects. The provincial Government's desire to preserve the domestic market for power from the "old-British Columbia" development of the Peace River, and to sell the province's share of the downstream power benefits from the development of the Columbia to the United States, conflicted with the federal Conservative Government's desire to obtain cheap power from the development of the Columbia for immediate domestic consumption. Having had a decisive influence in selecting the treaty projects, British Columbia's opposition to the treaty really extended only to the questions of financing the treaty obligations and disposing of the downstream power benefits. The intensity and length of the federal-provincial dispute, however, threatened

to put an end to the treaty which had been quickly ratified by the United States in March, 1961. Finally, with the approval of a federal Liberal Government, the provincial Government came to an agreement with a consortium of power purchasers in the United States and Canada ratified the four-year old treaty in September, 1964.

While the federal and provincial Governments debated their differences, with more or less indifferent attempts on both sides to resolve them, dissenters objecting to basic provisions of the treaty -- the sequence of treaty projects and the manner of calculating the downstream benefits -- campaigned strenuously against the treaty. Lacking the lustre of a public inter-Governmental political squabble, these opponents' campaigns attracted less attention from reporters and commentators than the federal-provincial dispute until they, too, acquired a public personality and some political party support. For these opponents of the treaty, most of whom lived in the Arrow Lakes district of southeastern British Columbia and in the Victoria-Vancouver metropolitan area of the province, the battle would be lost, but not, perhaps, the war over the development of Canada's water resources which continues to the present time. For the several trade union organizations which campaigned and supported the Columbia River for Canada Committee, the campaign against the treaty was a protest against the denial of potential industrial development in the province and an

"export of jobs." For those people of the Arrow Lakes district who were in opposition to the treaty, their efforts were not so much a demand for a national water policy to protect the country's interests as an attempt to protect their homes, their farms, their businesses, and their valley.

## 2. Origin of Opposition in the Arrow Lakes District

The international negotiations on the Columbia River Treaty were under way when the CCF member of Parliament, H. W. Herridge, reminded his colleagues on the Committee on External Affairs in March, 1960,

I have lived on the banks of the Columbia nearly all my life, and my constituents are particularly concerned with various aspects of this development. As a result, for the last six weeks I have received hundreds of letters from individuals, chambers of commerce, farmers' institutes, women's institutes, rod and gun clubs, associations, various companies, people interested in the tourist business, and a good number of other organizations, from the international border to Revelstoke and over as far east as Creston.

His communications were not confined to his constituency of Kootenay West, Herridge added, "for the people of the whole of southeastern British Columbia and British Columbia itself are very concerned and interested in these proposals." In Kootenay West, though,

The people ... are particularly anxious to know about and set facts on every aspect of the development, including the value of the various proposals, their value to Canada and the district and the impact on the local economy, on the people and their daily lives.

By the terms of the sequences studied by the ICRCB for the IJC, the Upper and Lower Arrow Lakes through which the Columbia River flows south to the United States could be affected by either a High Arrow Dam or a Murphy Creek (Low Arrow) Dam built at the southern outlet of the Lower Arrow Lake, 77 miles from the international border. Either of the structures, if effected, would serve as a storage reservoir and raise the water level in the Arrow Lakes valley. The Low Arrow Dam would raise the water level to the manageable flood level of 1948; the High Arrow Dam, however, would cause far greater flooding. Randolph Harding, the CCF member of the provincial legislature for Kaslo-Slocan, had informed a resident of the Arrow Lakes on March 1, 1960:

Several members of the Government at this stage are opposed to the High Arrow Dam, but there's absolutely no doubt if this is the plan that the Government favours, they will certainly push ahead with it.<sup>2</sup>

After a meeting with the Minister of Lands and Forests, Ray Williston, Harding wrote on March 17 that he had been unable to get any definite plan of Government action confirmed; however, he added, "I am convinced that the High Arrow Dam is the set policy of this Government."<sup>3</sup>

The following day, General McNaughton, Chairman of the Canadian section of the IJC, began his annual testimony before the Committee on External Affairs of the House of Commons in Ottawa. He explained to members that the

determination and nomination of storage sites was a matter for the two Governments in Canada. General McNaughton provided the Committee with information that the Commission had obtained and which could give little comfort to some residents of the Arrow Lakes district. On the basis of studies by the Commission, the High Arrow storage dam would increase unit costs of the incremental power output in Canada and decrease the costs in the United States; however, McNaughton testified on March 25, while construction of the Low Arrow Dam would bring water elevation to the normal flood level -- "something people have learned to expect and to live with" -- building the High Arrow Dam "was pretty closely tantamount to extinguishment of civilization in that area."<sup>4</sup>

Residents of the Arrow Lakes district had received a warning from Herridge as early as January of 1948 of considerable changes that could be expected as a result of the reference to the IJC in 1944 by the United States and Canada of a study of the possibility of co-operative development of the Columbia River basin in Canada. Interest in the project was small at the time, according to Donald C. Waterfield, an Arrow Lakes farmer, and a Conservative, who later became Chairman of the Water Resources Committee of the Kootenai Chamber of Commerce, the most vocal anti-treaty organization in the district. The surveyors working for the IJC were unobtrusive, no one seemed in a hurry, and the construction of the projects, consequently seemed far-distant

in time.<sup>5</sup>

After the report of the ICREB was published in March, 1959, the Associated Boards of Trade and Chambers of Commerce of South Eastern British Columbia<sup>6</sup> established a committee to study the report. Douglas McMynn, an engineer employed by the local Consolidated Mining and Smelting Company, was extended leave to consult members of the Associated Boards and Chambers, discover their interests, and report to their annual meeting to advise them on a course of action. As had been anticipated by the members, neither residents of the east nor residents of the west Kootenays were anxious to have their region flooded. The majority of the membership subsequently recommended a compromise whereby neither the western Arrow Lakes nor the eastern valley of the Kootenay and Upper Columbia would be entirely wiped out. The Chamber from the Arrow Lakes town of Nakusp suggested that if the East Kootenay members could tolerate dams on the north-flowing section of the Columbia River, the members in the Arrow Lakes district could tolerate the Low Arrow Dam on the south-flowing section of the river. There was no dispute over the Duncan Dam on Kootenay Lake or the proposed Mica storage, and later power-producing, dam at the top of the north-to-south curve of the Columbia River.<sup>7</sup>

McMynn was called to a meeting in Victoria on January 18, 1960, with Ray Williston and A. F. Paget, the

provincial Comptroller of Water Rights. Until that meeting, the Trail Daily Times reported, the committee was opposed to the High Arrow Dam which would back up water into the Arrow Lake's valley for 150 miles and flood out 2,000 people and 40,000 acres of arable land, 90 per cent of the habitable and inhabited land within sight of the Columbia River and the Arrow Lakes. The Trail newspaper publicized McMynn's disclosure that his committee would now recommend High Arrow because "it is the thinking of Victoria." "The recommendation for High Arrow," the Trail Daily Times said, "may be taken to reflect official provincial government policy."<sup>8</sup> Besides recommending High Arrow, the report was to recommend opposition to dam construction on both the Columbia and Kootenay Rivers in the east as proposed under Sequence IXa, to be known later as the McNaughton Plan. When McMynn's report duly recommending High Arrow was presented at the meeting of the Associated Boards and Chambers on January 23, it met with "the immense indignation of the assembled delegates" and was "furiously rejected."<sup>9</sup>

When the progress report of the treaty negotiators was presented to the national Governments in September, 1960, the Nakusp Chamber took the initiative with the support of their colleagues in Revelstoke and Castlegar. Waterfield wrote Williston on September 15, asking the Minister whether hearings on applications to construct the High Arrow Dam would be held "before or after your agreement with the

Government of Canada on which dams to build and their sequence [and] before or after signing a treaty with the United States."10

Three days earlier, Premier Bennett's Government had been sustained in a provincial election although its legislative majority was reduced. The Social Credit Government would have 32 supporters instead of 39 in the new legislature, and the CCF, 16 instead of 10. The Liberal party doubled its representation from two to four seats, electing Arthur Laing's successor as leader, Ray Perrault. The Conservative party lost its leader, Deane Finlayson who, like his candidate colleagues, was personally defeated; Finlayson resigned as leader in April, 1961, and the party remained leaderless until January, 1963. In the Kootenays, Social Credit candidates won election in Columbia, Nelson-Creston, and Rossland-Trail, while CCF candidates, George Hobbs and Randolph Harding, won in Revelstoke and Kaslo-Slocan, respectively.

Ray Williston had mentioned hearings on the treaty projects during his election meeting in Castlegar. With the negotiators' progress report now in Government hands, he answered Waterfield's letter of September 15 on October 5 and repeated assurances that public hearings would be held in the areas affected. Williston continued:

If licences are granted the way will be open for the two federal governments to proceed to treaty discussions. I have no way of knowing at this stage whether the senior



governments will accept the progress report as presented as a basis for the treaty. We have agreed to proceed to public hearings in the areas affected as soon as possible after the report has been presented. The results of these hearings must be known before a treaty could be finalized. 11

Two weeks later, announcements accepting the progress report were made in Ottawa, Washington, and, by Williston, in Victoria.

Although Waterfield concedes that he and his colleagues did not understand the "full implications" of the report, they had no difficulty in appreciating the effect of storing seven million acre-feet of water near the outlet of the Arrow Lakes. The Water Resources Committee of the Nakusp Chamber of Commerce was formed then to "dissuade the Government of B.C. and Canada from their destructive course." During the autumn and after the signing of the Columbia River Treaty in January, 1961, the Water Resources Committee wrote to Premier Bennett; Prime Minister Diefenbaker; Howard Green, Secretary of State for External Affairs; Walter Dinsdale, Minister of Northern Affairs and National Resources; private members of Parliament and senators - "anyone of consequence who might be sympathetic." 12 In November, the Prime Minister was asked to "defer final consideration of any treaty terms pending an opportunity of submitting to you a brief concerning the published treaty terms and appearing before you in person." Diefenbaker was assured that "when our evidence is submitted

and explained to you in non-technical language ... then you will appreciate the urgent need to reconsider policies on Columbia development."<sup>13</sup>

In turn, Diefenbaker passed the telegram from Nakusp on to Davie Fulton. Later, the Prime Minister's secretary passed on Diefenbaker's assurance that, under the treaty, "the returns to Canada will be fully commensurate with the obligations which are undertaken." The federal Government had been advised by British Columbia that hearings would be held before specific projects were authorized. The Water Resources Committee was told that before the treaty becomes effective,

it will be submitted to the Parliament of Canada so that the elected representatives of the people will have the fullest opportunity of discussing it with full knowledge of all its implications, and of expressing their approval or disapproval.<sup>14</sup>

A few days later, the Committee received a letter from Fulton expressing the same thoughts in similar fashion. He added, however:

We have subjected every proposal to the most searching economic and engineering analysis, in order to ensure that no undertaking is given on our part for which we do not receive from the United States an enforceable undertaking to give an immediate and equally advantageous return to Canada. In other words the agreement will be designed to develop the Columbia River system in such a way that it is of the maximum benefit to both countries.<sup>15</sup>

The provincial Comptroller of Water Rights had been contacted earlier; Paget said in November that, although he

had no way of knowing what would be attempted in the international agreement; he presumed that such an agreement would be dependent on the regular licencing of any project under the law of British Columbia. Paget assured the Committee that no suggestion had been made to him that the hearings on the applications to build the treaty projects would come after an international agreement.<sup>16</sup>

Boyd Affleck, an engineer who had been in charge of one of the City of Nelson's hydro-electric installations, pored over the report of the ICREB to attempt to prove that the inclusion of High Arrow was not advisable.<sup>17</sup> One section of the report read:

The inclusion of High Arrow in any of the plans provides no net increase in the 20-year output in Canada, but increases the critical-period average output by about 27 megawatts. In the United States, however, High Arrow adds about 164 megawatts to the critical-period average output. The net result of including High Arrow is that units costs of the incremental power outputs are increased in Canada and decreased in the United States.<sup>18</sup>

General McNaughton had explained to the Committee on External Affairs in 1960, however, that the statement was made "on the basis of all projects being added simultaneously." The report, he said, did not take into account

all the variations which the negotiating men make in looking at these things from the ordinary point of view of a schedule of construction and timing ... with only one source of revenue ... the downstream benefits from the United States during the initial period. (...) The starting period is a matter which

the negotiators must look after themselves.<sup>19</sup>

To the dismay of the Water Resources Committee, the High Arrow Dam storage was designated storage "first added" in the schedule by the negotiators. Because High Arrow storage was first-added, the United States valued the seven million acre-feet of water there at 1,129,000 kilowatts. Mica's usable storage of seven million acre-feet was valued at only 563,000 kilowatts as second-added.<sup>20</sup>

Following local protests to Ottawa, Davie Fulton toured the Kootenays to placate the opponents and persuade them that the treaty was as good for them as it was for the rest of Canada. "He did a good job, delivering an excellent and disarming speech in every large town," Waterfield recalls. "The minister hypnotized his audiences with zeros."<sup>21</sup>

The Water Resources Committee had called a meeting on November 7 at Nakusp to appoint and advise a committee on the preparation and presentation of a brief to the hearings of the Comptroller of Water Rights on the expected applications from the B.C. Power Commission for a licence to construct the High Arrow Dam. Delegates were invited from the Chambers and/or municipalities of Revelstoke, Arrowhead, Edgewood, Rulland, Kelowna, Vernon, Lumby, Castlegar, Trail, Nelson, New Denver, and from the local of the Mine, Mill and Smelter Workers (Canada) at Trail. Representatives from Revelstoke, Nakusp, and

Castlegar were appointed to the Committee along with two representatives from the trade union local, and George Hobbs, the CCF member of the provincial legislature for Revelstoke. The two members from Nakusp were Waterfield and H. W. Herridge. The Water Resources Committee concluded that although they had succeeded in rousing public opinion against the High Arrow Dam, the Committee was no match for the Government of Canada and the articulate Davie Fulton. Waterfield admitted:

Our letters to influential people were really pathetic. (...) There was no authority in our amateur arguments and our indignant resolutions. (...) What we needed was professional counsel. Someone who could distinguish between the different values of water, the distinctions between 'available storage', 'average storage', 'effective cyclical storage', and water for flood control which is not the same as an equal quantity of the same fluid for power production.<sup>22</sup>

George Hobbs had been accompanied to the meeting in Nakusp by Francis Bartholomew, an electrical engineering consultant in Vancouver. Bartholomew had been engaged in power plant design and construction engineering in western Canada and had acted in a consultative capacity for most of the municipalities of British Columbia. From 1947 to 1957, he had designed and superintended construction of a hydro-electric power project in Uganda. He had been engaged on studies of the development of the Columbia since the mid-1950's and before the negotiations had started, he had tried to inform both provincial and federal authorities on

the development of the Columbia River in Canada. Since 1958, Bartholomew had unsuccessfully tried to persuade the engineering committee of the Vancouver Board of Trade to propose what had appeared to him to be the best policy on the Columbia for Canada to follow. <sup>23</sup>

Despite their confessed need for professional advice, some members of the Water Resources Committee were reluctant to retain Bartholomew. Waterfield has explained:

It was one thing for [us] to spend half our time on an obviously hopeless endeavour; we had a stake in the game -- the preservation of the amenities of our valley. Bartholomew's interest could only be academic. And another thing: although all of us who met and talked with the engineer were greatly impressed with his obvious familiarity with his esoteric profession, none of us could evaluate his technical ability.

A few months later, Waterfield received a letter from the President of the Peace River Power Development Company who, in an aside, congratulated the Committee on obtaining one of the most experienced and distinguished consultants available. Waterfield's doubts were resolved by this unsolicited recommendation and Bartholomew finally became the Committee's consultant. <sup>24</sup>

Although the Water Resources Committee received unstinting encouragement from the whole organization, the Rotary Chamber of Commerce was not entirely opposed to the High Arrow Dam. The great majority of the Chamber's members were, in fact, in a position to enjoy possibly "very considerable commercial advantage" from the building of the dam.

According to Waterfield, loggers expected low stumpage on the timber which would have to be cleared in the reservoir; local contractors anticipated profitable employment clearing houses and all installations out of the way of the project; merchants looked forward to a sales boom as a result of the influx of labour, and it was expected that many of the dispossessed but adequately compensated persons would relocate in Nakusp which was, for the most part, above the high water level.<sup>25</sup>

In December, 1960, the rumours of an impending treaty-signing ceremony acquired a substantial element of truth. More letters were hastily dispatched to the Prime Minister and Howard Green. Diefenbaker was told that the Committee had "nature advice and analysis" from Bartholomew. In return, the Committee received further assurance that they would have the opportunity to appear before the Committee on External Affairs of the House of Commons.<sup>26</sup> In the meantime, however, Ray Williston's order of things outlined on October 5 and supported by Paget on November 29 were to be reversed; the Columbia River Treaty would be signed before public hearings were held in British Columbia on applications for licences to build the treaty projects.

Despite the possible advantages from the construction of the High Arrow Dam, the Nakusp Chamber of Commerce directed the Water Resources Committee to take the grievances of the dam to Williston. Waterfield and two other members of the Committee accompanied Bartholomew to the

meeting with the Minister on December 28. Also attending the meeting at Williston's invitation were Gordon Kidd, a departmental assistant, interested people from the Okanagan Valley and a newspaper reporter described by Waterfield as a stalwart of the Social Credit party.<sup>27</sup> Bartholomew was apprehensive about the encounter with Williston and his technical adviser. He assumed that the provincial Government had statistical information unknown to himself. He knew that the Government obtained a recent and private analysis from an engineering firm and he remained mystified by an American description of Canada's apparent "less than half" of the downstream power benefits which was contained in the "Analysis by U.S. Negotiators of the Report to the Governments of the United States and Canada."<sup>28</sup> The "Analysis", which outlined benefits accruing to the United States under the terms of the treaty as proposed in October, had been distributed recently to congressmen, but remained unavailable to the public. Waterfield had received a copy from his colleague on the Water Resources Committee, H. W. Herridge, whose source remained anonymous.<sup>29</sup>

The "Analysis" proclaimed that "flood control benefits will continue to be available to the United States at its request for the useful life of the dams [and] to this extent the treaty would not be terminable." Also, the American congressmen were informed that "construction of the Bitty project ... would have the effect of precluding



diversion of the Columbia River flows in Canada into the Fraser basin."<sup>30</sup> Because members of the Water Resources Committee were greatly interested in the "Analysis", Bartholomew decided prior to the meeting with Williston to recall his terms of reference to his clients:

It is the proposed treaty that ... this analysis [is] talking about. (...) My terms of reference from you don't mention a treaty. You are not opposed to the power development of the river. You have retained me to show reason why the Arrow storage should be reduced. You must realize that I am out of court as soon as I start bucking the treaty.<sup>31</sup>

This distinction between opposing the High Arrow Dam and opposing the development treaty as a whole provided difficulties for the Committee later.

"The Minister received us ungraciously," recalls Waterfield, who further describes Williston's attitude toward Bartholomew as "positively rude." When the "politician's boorishness" was contrasted with Bartholomew's "invariably courtly manners," Waterfield writes, Williston reversed his attitude and patiently listened to the Committee's objections to the flooding of the valley and questions on the share of downstream benefits due Canada. The Minister described the "Analysis" as "a lot of Eisenhower propaganda." Of the meeting, Waterfield remembers:

I lost the thread of the dispute in load factors, load growth, millions of kilowatts and various sorts of storages. It was most exhausting even to listen to the technicians.

Bartholomew's view of the meeting at the time was: "It was

a waste of effort. (...) They're committed; already the whole issue has become a matter of prestige." Nevertheless, it was obvious to Bartholomew that:

They don't have any rabbits up their sleeves; we'd have had a glimpse if they had. The I.C. R.E.P. Report is still the bible and the big battle will be fought out in Ottawa. 32

As for the degeneration of Canada's one-half of the downstream power benefits to be derived primarily as a result of storage behind the Arrow Dam, the Water Resources Committee and its consultant were satisfied in December, 1960, that General McNaughton's warning before the Committee on External Affairs 10 months earlier had been well-made, but then ignored. McNaughton, who was credited with winning American acceptance of the concept of sharing downstream power benefits with the upstream state in the I.C., had cautioned the Committee:

These downstream benefits are evanescent; they are going to evaporate some day or other. This was a proposal initiated by the Canadian section in order to get some immediate returns during these long construction periods of these immense projects ... some interim source of power or revenue to help us over that initial financing stage.

McNaughton warned that when thermal power was introduced into a hydro system and became the same order of magnitude as hydro generation, thermal power would provide the base load and hydro, the peaking power. The value of upstream water storage would then lose its "tremendous value" and while Canada might be willing to provide storage from the

point of view of service to the United States, Canada had no certainty of getting an indefinite continuity of demand. He had told the Committee:

That is the question one must ask himself about the High Arrow Dam. I may be looking at this whole business through tinted spectacles, but I cannot reconcile myself to the thought that people would be thrown out of their homes for an advantage which is transient. (...) When we judge these projects we have to judge them against the future, and we have to ask ourselves ... what do we want in Canada, when the time has passed when our service to the United States is no longer valued by them. This will come. 33

### 3. The Campaign in 1961: Paquet's Hearings

The Columbia River Treaty, including the High Arrow Dam and the United States option to construct the Libby Dam in Montana, was signed in Washington on January 17, 1961. In a letter dated four days earlier, Premier Bennett had informed the federal Minister of Finance, Donald Fleming, that the province had referred the development of both the Columbia and Peace Rivers to the provincial Energy Board. No firm written agreement existed between the provincial and federal Governments on how to carry out the obligations imposed on Canada by the treaty.

With the text of the Columbia River Treaty before them, the Water Resources Committee and their consultant began a process of analyzing the treaty's articles and their implications and publicizing their results. Bartholomew provided the Committee with approximately twice monthly

analyses of a portion of the treaty. In turn, when the Committee and Bartholomew together felt the reports were sufficiently clear for laymen's appreciation, they were sent to provincial and federal Ministers, provincial MLA's and members of Parliament, individuals thought to be influential, and newspapers. Copies, for example, of the summarized brief presented to Williston in December were sent to Howard Green, Davie Fulton, Donald Fleming, General McNaughton, the Financial Post and the Globe and Mail.<sup>34</sup> These analyses had positive results, according to Donald Waterfield, for "with a Bartholomew analysis to substantiate our otherwise unauthoritative and pathetic letters we found friends [including] General McNaughton." General McNaughton's letters indicated how bitter he was at what he interpreted as loss to Canada of control of the Kootenay River and the possibility of diversion to the Columbia. He wrote that by allowing the United States the option of building the Libby Dam on the Kootenai in Montana, Canada had allowed control of the river to pass to the United States which valued the river for its industrial and agricultural purposes.<sup>35</sup>

On February 6, a six-man delegation from the Arrow Lake met members of the provincial legislature from the three parties in Victoria to protest inclusion of the High Arrow Dam in the treaty sequence. In a brief to members of the Social Credit, CCF, and Liberal parties, the delegation claimed that construction of the dam, "a monstrous crime,"

would result in a potential loss of \$253 million in agriculture and forestry.<sup>36</sup>

At this time, the Committee from the Arrow Lakes was still encouraging the British Columbia Chamber of Commerce to emulate its policy on the development of the Columbia. In December, 1959, the Nakusp Chamber of Commerce had strongly opposed any High Arrow plan and proposed instead a Low Arrow Dam bringing the high water level to the flood level of 1948; but in May, 1960, the Nakusp Chamber's request for opposition to the High Arrow Dam project was defeated at the provincial Chamber's annual meeting in Vancouver. The prevailing opinion was that the Chamber was not qualified to advise the Government on such a question although, as Waterfield later remarked, delegates had been "cheerfully ... recording our ignorant prejudices" on other matters for three days.<sup>37</sup> By early 1961, the provincial Chamber of Commerce had enlisted a member of the British Columbia Research Council at the University of British Columbia to chair its Committee on Power Resources. The chairman, in correspondence with the Water Resources Committee, recognized that the provincial Government appeared "to give considerable weight to B.C. Chamber policy." But the Government's goodwill could be retained and enhanced, it was said, only if the Chamber continued "to speak essentially for the whole Province [and studied] issues adequately before we reach our conclusions." In March, the Chamber's Committee

on Power Resources acknowledged Bartholomew's submissions; however, in order to develop a strong position, it was thought to be necessary to have more facts to establish the policy at the annual meeting later in the year. 38

This lengthy delay would not be helpful to the Chambers of the Arrow Lakes communities. The dispute between British Columbia and the federal Government over financing the treaty projects was now public knowledge and considered to be to the advantage of the treaty opponents. "Our best hope," Waterfield observed, "was that Mr. Bennett's detestation of the Minister of Justice would preclude an armistice between the two governments."<sup>39</sup> The anti-treaty campaigners did not, however, expect the inter-governmental dispute to last very long. Plans were made at once for two sets of hearings: the as yet unscheduled hearings to be held by the Committee on External Affairs in Ottawa to seek parliamentary approval for the treaty and by the Comptroller of Water Rights of British Columbia to pass judgement on the expected applications of the B.C. Power Commission to construct the treaty projects. Two days after the treaty was signed, H. W. Herridge advised the Committee on its presentations. Writing from Ottawa, the MP suggested the presentations be made on six bases:

1. The engineering and economic aspects.
2. The effect on industry, public facilities, etc.
3. The effect on agriculture and its development.
4. The effect on recreational facilities, beaches, fishing, etc.
5. Summary-economic, social, and moral aspects.

of the question.  
6. Alternative proposals.

The preparations by the Water Resources Committee for the public hearings did not impede their campaign directed at the Governments. Reception of the Bartholomew analyses were acknowledged, in turn, by the provincial Government, but the Committee was never certain that they reached the Premier's attention "and if they did, that he read them or had time to understand their import."<sup>41</sup> Six months after the treaty-signing, Herridge noted in a discussion of strategy with Waterfield, that the opponents of the treaty in the Arrow Lakes district had dealt almost entirely with the High Arrow Dam "as being one aspect of the development which is well understood by the majority, because of its obvious effects." He agreed with Waterfield's suggestion that it was necessary to criticize the treaty on broader grounds.<sup>42</sup>

Broader professional and political support in opposition to the treaty had been developing. Larratt Higgins, of Toronto, an economist with the Ontario Hydro Power Commission, had had several letters critical of the treaty arrangements published in the Globe and Mail and the periodical Family Herald. In 1958, Higgins had been on loan to the federal Department of Transport from his employer at the time, the Imperial Tobacco Company, and was a member of an interdepartmental committee advising the Cabinet committee on the Columbia River development. Higgins had

taken an interest in the treaty as a result of this involvement and, in May, 1961, had sent letters critical of the treaty to each of the federal parties represented in the House of Commons. Militant trade unions and the Communist party of British Columbia also made their opposition to the treaty clear and, consequently, caused some apprehension among the Water Resources Committee.

Waterfield told a colleague in the Committee that he "liked the sound of Herridge's Mr. Higgins" who subsequently became a "dollar-a-year" adviser to the Committee.<sup>43</sup> On the question of opposition to the treaty from Communists, Herridge wrote Waterfield:

I know all about their tactics, but we musn't be bothered because there may be the occasional Communist support for our point of view for an entirely different reason. They also support conservation of natural resources; National Health Insurance; Old Age Security, etc. etc. As a matter of fact, there are very few of them and they have little influence on the great majority of Canadians.<sup>44</sup>

In June, Bartholomew visited Ottawa and met the Minister of Northern Affairs and National Resources, Walter Dinsdale, officials of the Department's water resources branch, Herridge and General McNaughton. "He and General McNaughton got along famously," Herridge reported home.<sup>45</sup> In June and July, the Water Resources Committee tried to persuade General McNaughton to come to British Columbia prior to the hearings of the Comptroller of Water Rights. Herridge explained McNaughton's position to Waterfield:



He has spent a lot of time preparing his statement on the Columbia River Treaty and ... he will consider it more proper for him to first present his statement before the External Affairs Committee, when the Columbia River Treaty is referred to it. 46

In a letter to Waterfield on August 16, General McNaughton, who was still Chairman of the Canadian section of the IJC, did give the Committee permission to read into the record of the Comptroller's hearings a letter sent in January to George Hobbs. "In the letter," McNaughton explained, "I referred to the views respecting High Arrow and other storages in the Columbia Basin in Canada which I have given in evidence before the External Affairs Committee of the House of Commons in sessions over the last several years." 47

Preparations for the Comptroller's hearings proceeded in earnest during the summer in the midst of the expropriation by the provincial Government of B.C. Electric and the Peace River Power Development Company. On July 6, the B.C. Power Commission's application for a licence to construct the High Arrow Dam was advertised in the Arrow Lakes News. The Water Resources Committee made known to Paget at once its intention to oppose the application. 48

Paget's hearings on High Arrow were scheduled for Revelstoke on September 26 and 27, for Nakusp, September 29 and 30, and for Castlegar on October 3 and 4. Earlier hearings were also to be held in Revelstoke on the application to construct Mica Dam and in Kaslo on the application regarding the Duncan Dam. Final hearings would be held in Victoria on

November 21 and 22 on all the applications.

Herridge, who planned to attend the hearings on High Arrow as a member of the Water Resources Committee, wrote from Ottawa in July:

I would like to see several hundred people each take the stand to protest, even if they just read a prepared paragraph in each case, with emphasis on different points.<sup>49</sup>

Bartholomew's impression from his meeting with Williston in December, 1960, that the "big battle" would be fought in Ottawa had been reinforced by his visit to Ottawa in June and had become the accepted view of the opposition in the Arrow Lakes district. Waterfield, however, agreed with Herridge, that a "solid objection" had to be made against the High Arrow Dam at the hearings in Revelstoke, Nakusp, and Castlegar. Regardless of where the "big battle" would finally be fought, Waterfield thought it would be "very bad if the Press could report that there was little opposition."<sup>50</sup>

Waterfield considered the position held by Paget to be equivocal since both Paget and the applicant, the B.C. Power Commission to be represented by its Chairman, Hugh Keenleyside, reported to the same Government. Also, in 1955, Paget had supported Attorney-General Robert Bonner's contention before the Committee on External Affairs of the House of Commons that the province could not afford to flood a large portion of her limited and valuable land in the Arrow Lakes valley.<sup>51</sup>

At the hearings in Revelstoke, September 26, on

the application to construct the High Arrow Dam, Keenleyside stated his intention to avoid discussion or debate on the terms of the Columbia River Treaty. Holding that they were not pertinent to the application to construct the dam, he said reference would be made to the treaty only to provide background against which the dam proposals had been developed. For example, Keenleyside observed:

The Treaty was drafted after many years of discussion and negotiation, and ... it would not be possible to make major alterations in any of the projects agreed upon in the Treaty without re-opening the whole subject and perhaps initiating a prolonged period of re-negotiating, without any assurance of reaching a more satisfactory conclusion.

Such a prolonged period of re-negotiation, moreover, might gravely reduce Canadian benefits and destroy permanently any hope of a major hydro development of the Columbia basin in Canada. He noted that the treaty projects in Canada were preliminary projects in the total future development of the river in Canada and, without them, "under the Treaty terms, it would be impossible to conceive of the river being developed to its full potential." Of the three Canadian projects, furthermore, the High Arrow Dam contributed in a major way to the regulation of water flow and, consequently, was the major source of downstream power benefits and payments for flood control. With the High Arrow storage dam, the Mica Dam, when machined, could be used to generate large quantities of firm power in Canada with much less regard for downstream consequences. "It must be made perfectly clear."

Keenleyside said, "that without the High Arrow Dam, there can be no major project at Mica Creek."

The B.C. Power Commission, Keenleyside said, was consulting with the Department of Lands and Forests and other public and private agencies in order to release waterfront properties for lakeside residents whose shoreline would be flooded and on the desire of some community organizations to be re-located. Keenleyside assured the Comptroller of Water Rights that adequate clearing of the complete reservoir would be carried out to maintain and develop some of the physical attractions of the area. No unnecessary damage would be inflicted upon local fauna and flora, according to the witness, who also evinced concern for any elements of historical and archeological interest which may exist. Finally, Keenleyside outlined the benefits of the High Arrow Dam in terms of employment and tourist attraction.

52

Later that day and part of the following day, Robert Hume, of Revelstoke, presented the first brief which was a product of the work in the Water Resources Committee. Hume criticized the flooding of 40,000 acres of inhabited and potentially productive land which "would smother the spirit and initiative of many of our best people." The treaty represented, he said,

not [only] an export of water and power,  
but an export to the U.S.A. of homes, farms,  
living and recreational space -- all of which

have their special values, aesthetic and real, to each individual.

On wildlife conservation, Hume expressed particular concern about damage to the spawning grounds of trout, the destruction of plankton (fish food) caused by excessive alteration of natural water levels, and damage to winter feeding grounds of deer. To substantiate his claims, Hume quoted from a report of the provincial Government<sup>53</sup> on the effects of the High Arrow Dam on fisheries. He implied that the B.C. Power Commission wanted to suppress other information:

In view of difficulty in obtaining the report, and request to treat the report as confidential, and the lack of any report on the subject of the effect of flooding on game animals in the area, we can only wonder ... how much other pertinent information ... is being kept from public knowledge.<sup>54</sup>

Francis Bartholomew addressed the hearings in Revelstoke on behalf of that city's Board of Trade. He told Paget that the B.C. Power Commission had not demonstrated economic justification for the licence to be granted for the High Arrow Dam. He argued that residents were entitled to have it established that the ensuing benefits outweighed their sacrifices of land, agriculture, forestry and homes. Bartholomew proceeded to demonstrate that the expenditures necessary for High Arrow would, based on current estimates, no more than equal the financial benefits: in addition, he noted that the experience in British Columbia in the last 15 years had been inaccurate estimates of all

major civil engineering works. He charged that the first-  
added benefits had been assigned to High Arrow improperly.  
"The depriving of Mica of its credit and allotting them here  
at High Arrow cannot be justified," he said. On the  
diminution of Canada's downstream power benefits to be  
gained largely from High Arrow, he observed that the United  
States would save hundreds of millions of dollars by having  
to install only peaking units of machines. Thus, as the  
downstream power to be credited to Canada dwindles to a  
negligible value, the United States will have saved in plant  
costs. By the Columbia River Treaty and the High Arrow Dam,  
Bartholomew concluded, "Our loss is their gain. (...) Only  
economic disaster can result if this licence is granted."<sup>55</sup>

The hearings in Nakusp were held on September 29 and  
30. Both Bartholomew and Herridge tried unsuccessfully  
to have the whole treaty and opinions expressed before the  
Committee on External Affairs of the House of Commons  
accepted for discussion at the hearings. Keenleyside had  
just testified at the opening of the hearings at Nakusp, as  
he had in Revelstoke, about the necessity of High Arrow to  
ensure a major project at Mica Creek.<sup>57</sup> Herridge objected  
that the statement was in conflict the report of the ICREB,  
with evidence given in Ottawa by General McNaughton, and  
by statements by federal Ministers in the Commons. Herridge  
addressed Paget:

I want to bring to your attention the fact that no Minister of the Federal Cabinet has ever at any time suggested that the sequence which provides for the inclusion of High Arrow Dam is the best sequence. (...) It is generally indicated by Federal Cabinet Ministers that this is the second best development, which had been accepted because this is a provincial, natural resource. 58

Keenleyside did not yield his position that

It is not the responsibility of the British Columbia Power Commission to argue the case for the Treaty agreed upon by the Governments of Canada and the United States. 59

When Paget refused to entertain statements "made at higher elevations and in forums of other kinds," Herridge objected that if Keenleyside, an administrator, could express the opinion of an engineer, then the opposition should be allowed to quote engineering authorities such as General McNaughton. When it was suggested later that his persistence was unwise, Herridge asserted that there was no chance of the licence for High Arrow being refused. "The matter will be resolved in Ottawa," he said, "and I'm putting my faith in the general and his towering prestige." 60

Other witnesses before the hearings protested the loss of their homes and the destruction of the valley. The Rev. V. B. H. Pellegrin, legal representative of the Anglican bishop, spoke on behalf of the bishop of the diocese and the area's archdeacon against the application for the licence. He argued: -

If we can allow an agency of government, by statute, to move large numbers of people, against their will, from their homes and insist that they relocate under the terms laid down by the government, then we are investing in the government the same arbitrary powers which we associate in either Communist or Fascist regimes. (...) When one admits that it is of small importance to do away with these communities, when progress demands it, even though they are small and relatively unproductive the result is the denying of all the ideas which are the very basis of our corporate existence. (...) To us this valley ... is home. 61

Chris Spicer, whose farm would be flooded by the proposed High Arrow Dam reservoir, spoke for the Arrow Lakes Farmers' Institute. Spicer told Paget:

Of the greatest importance to us in this valley, and to all British Columbians, is the maintenance and improvement of every part of the very small percentage of first class land for agriculture and habitation in British Columbia. (We object) to this water licence which subordinates everything, lands, businesses, individuals, communities, and water rights on a major river to provide cheap hydro power and valuable water storage benefits for a foreign country.

He noted that the Fraser Valley one hundred years earlier and the Okanagan Valley sixty years earlier were as undeveloped as the Arrow Lakes valley in 1961. The Kootenay Bulletin, issued by the Department of Lands and Forests, had reported that the Arrow Lakes valley had much richer soils, a far better climate, and a more suitable elevation for growing a greater variety of crops than the higher, semi-arid, stoney lands of the East Kootenay. "The outlook for settlement in the Arrow Lakes valley," the Government publication had said one year ago, "is very attractive." Such



a conclusion, Spicer suggested, was even more valid in 1961. Spicer then proceeded to describe the advantages of the Arrow lakes valley in terms of climate, elevation, geographical situation, soil and yields, and economics. Noting that agriculture was a long term business based on security of tenure, he affirmed that farming as well as farm maintenance in the area had deteriorated because of two years of conflicting statements about the High Arrow Dam. The most serious matter for Spicer, however, was the fact that "mere money can never return the irreplaceable lands of this valley." Finally, he said:

Conservation of land becomes more and more vital as time passes. The United States have learned this through bitter experience, and now go to extreme lengths to avoid any project involving land destruction. In their analysis of the Columbia Treaty, they point out that the building of Canadian storages, such as High Arrow, will save them much destruction of their own natural resources in fish, wildlife and recreational facilities.<sup>62</sup>

On the second day of hearings at Nakusp, J. W. Southin, a local engineer, who was present as a result of curiosity, decided to support the Water Resources Committee and Bartholomew in presenting testimony to Paget on what he considered to be the poor economics of the High Arrow project.<sup>63</sup> Bartholomew followed Southin with a submission on behalf of the Water Resources Committee. As he did in Kelowna, Bartholomew drew attention to the varying set of values attached to High Arrow by the Canadian Government and the United States Army Corps of Engineers in the

"Analysis" and to the estimate of cost attributed to the dam by the federal Government that was probably too low.

Bartholomew demonstrated the diminishing quality of the downstream power benefits and submitted an analysis by Iarratt Higgins. "Canada's downstream power benefits start diminishing in quantity with each year," Bartholomew argued. "In 1985, they will have diminished by 22 per cent and by 1995, by 47 per cent." The cost of beneficial power to the United States would be approximately one mill per kilowatt hour, while the cost to Canada of beneficial downstream power would approach five times that cost. Bartholomew testified that the proposed development represented "the subsidizing of our competitors with still cheaper power and burdening ourselves with more expensive power." He urged the establishment of a committee of six or eight experienced utility engineers, managers, and economists to study and advise the federal and provincial Governments on the development of the river in the manner of the United States Army Corps of Engineers, "who are possibly the most competent, able, and authoritative team of power engineers in the United States." Bartholomew was concerned that there had never been "a study of the river as a British Columbia and Canadian stream. We have been blinded ... by the attractiveness of a joint study."<sup>64</sup>

The brief presented by Donald Waterfield was a compilation of points made in earlier presentations and

Included criticisms not only of High Arrow, but of the treaty as a whole. Quoting from the analyses by Bartholomew and Higgins, Waterfield produced twelve objections to the granting of the licence, with nine sub-sections in the objection on economic grounds. Waterfield argued in addition that, as a Canadian structure, not only was High Arrow of no use as storage for Canada because it was constructed below the projected power dam at Mica and below the possible diversion point to the South Thompson River near Revelstoke, but its position, 77 miles from the international border, would undermine Canada's bargaining position at a later date. The High Arrow Dam, though sitting in Canada, was a Canadian "white elephant" and of use only to the United States with ever-decreasing benefits accruing to Canada. Through direct questioning of W. D. Kennedy, an economic and commercial adviser of the B.C. Power Commission, Waterfield had the reduction of Canada's downstream benefits recognized once again in the record of the hearings. According to figures accepted by Kennedy, long before the end of the 60-year treaty period the United States would likely require and only pay for sufficient storage to generate less than one-half of the initial 763 megawatts for return to Canada. Such reduced storage value, Waterfield said, could safely be provided by the Duncan and Mica Dams without depreciating Mica's ability to generate at-site power. 65

The final hearings scheduled in the Arrow Lakes district on the application to build the High Arrow Dam were held in Castlegar on October 3 and 4. Paget heard a brief from W. C. Muir, representative of 3,100 workers in local 480 at Trail of the International Union of Mine, Mill and Smelter Workers (Canada). The union local echoed the farmers' and residents' concern in the Arrow Lakes valley for the flooding of arable land without any apparent recognition of the potential productive value of the area. The High Arrow Dam, Muir noted, would be primarily a United States storage dam, "built as the quickest means of firming up the existing hydro projects on the power-hungry Washington side of the 49th parallel." The union was not opposed to development of the Columbia River. Muir said:

We see in the publicly owned development of this cheap hydro potential the means of inducing much needed industry, thereby creating thousands of jobs for Canadian workers.

The use of Canadian storage to increase the power output of the United States and to provide flood control for increasing productivity in the United States would not reap the fullest benefit possible for Canadians. Muir argued:

The exporting of either power or controlled water means, in effect, the export of jobs and the aiding of the growth of American industries whose products we in turn will import. It is in manufactured and finished goods that the greatest return to labour, industry, and the state lies, and our resources should be developed with this in mind.

Boyd Affleck, the engineer from Nelson who had been assisting the Water Resources Committee since its inception, presented his objections to the High Arrow Dam at Castlegar. Affleck proposed an alternative plan, allowing the United States to construct Libby and yet diverting a portion of the Kootenay into the Columbia River at Canal Flats.<sup>67</sup>

Whereas the dam construction in the east Kootenays proposed in the ICREB's Sequence IXa, advocated by General McNaughton, would flood 47,000 acres of land, the Libby Dam would only flood 17,000 acres of Canadian land. Throughout the campaign against the treaty, the experts from the interior of the province maintained a primary interest in minimal flooding and therefore saw an advantage in Libby; McNaughton and his advisers, on the other hand, objected primarily to the inclusion of the Libby Dam in the treaty arrangements and advocated a plan which, though it would cause extensive flooding in Canada, would, it was argued, provide for optimum generation of power in the basin and at the same time maintain Canadian control over the Kootenay and the Columbia as exercised under the Boundary Waters Treaty of 1909. This conflict within the opposition ranks was never fully resolved.

During the hearings at Nakusp, Waterfield had experienced difficulty finding someone to deliver the Water Resources Committee's forestry brief. "There were plenty of independent mill owners and contractors," according to Waterfield, "but they were all afraid.... They were all

dealing with the Minister of Lands and Forests, bidding on crown timber, subject in their operations to much inspection and control from the Forest Branch."<sup>68</sup> At Castlegar, however, Ian Barclay, Secretary and Vice-President of the Columbia Cellulose Company Limited (Celgar), the largest logging operator, presented objections to the High Arrow Dam in relation to its operation of an integrated forest products industry in the West Kootenay. The brief noted that the proposed High Arrow Dam would have a detrimental effect on the company's operations and would substantially increase its operating costs during and after the construction of the dam. The purity of the water licenced for use by Celgar would be "seriously impaired by pollution from silt and other foreign matter introduced by flooding and the process of construction," Barclay testified. The supply and use of water might also be affected by variation in water levels caused by flooding and construction of the dam would also "seriously impede transportation of logs, equipment and other material on the Columbia River." Rising water levels would flood and damage or destroy existing buildings, roads, timber, booming grounds and log dumps. Flooding would also damage freehold and other interests in land, including cutting rights. Other effects such as seepage from the dam, accumulation of debris, relocation of the labour force and of main public roads and ferry transportation were also expected to have ill effects on the company.<sup>69</sup>

No discussion followed the presentation of the brief from Celgar. Waterfield has concluded that had the application for the licence to build High Arrow been another private corporation, Paget would presumably have disallowed the licence on the grounds that any beneficial use would have been exceeded by the economic harm done to Celgar, the holder of an existing licence. Behind the applicant on this occasion, however, stood the Government of British Columbia.<sup>70</sup>

The Water Resources Committee was represented at the concluding hearings in Victoria by Francis Bartholomew and the MLA for Kaslo-Slocan, Randolph Harding. The Committee felt that their objections to the application by the B.C. Power Commission were justified until the applicant had demonstrated that the profits "greatly exceeded the damage implicit with the licence." The profits should be demonstrated in terms of "our local interest or in the Provincial or National interest."<sup>71</sup> After the hearings in the Arrow Lakes district were concluded, Waterfield submitted a memorandum to the Nakusp Chamber of Commerce in which he outlined first what he felt to have been the deficiency in the applicant's presentation. He wrote:

The Applicant made no attempt to demonstrate that the dam was in Public interest. He should, we submit, produce evidence that his proposal is economically sound. His sole argument for the dam was that it was essential for ratification of Columbia Treaty. (...) He stated, but made no attempt to prove, that without Arrow Lakes storage the development potential power at Mica site would be enormously reduced.

Waterfield reported that testimony was presented for the opposition by manufacturers, loggers, farmers, the tourist industry, homeowners, social organizations and Chambers of Commerce "to show that an immense amount of damage would result from the dam." There was evidence, he said, of continuing losses, both to primary and secondary industries, if the dam were built. He listed the opponents:

Of the individuals testifying only about two per cent recommended the granting of the licence. (...) Sixteen Chambers of Commerce were recorded as opposed to the granting of the licence. The Mine, Mill and Smelter Workers' Union, with 3,000 members recorded objection.... Several social organizations presented objections; none were in favour. Four professional engineers or economists testified or presented briefs opposing the licence.

"It is significant," Waterfield wrote, "that the majority of the members of the Revelstoke, Nakusp, and Castlegar Chambers are in position to make money incidental to the dam's construction. Despite this private interest, collectively they agreed that the dam was not in the public interest." Of the four professional advisers, Waterfield reported that none were financially rewarded in proportion to their expenditure of time and energy. Neither Bartholomew, Higgins, Affleck, nor Southin "stand to gain financially from their activities."<sup>72</sup>

During the hearings, Paget had refrained from replying to one witness who asked him what exactly the grounds might be on which a licence to construct High Arrow would be



refused. The Water Resources Committee was convinced, according to Waterfield, that there were no grounds which could impel the Comptroller of Water Rights to use his authority to reject the application. Every argument imaginable was submitted against the application and not without authority. However, Waterfield writes,

Despite the emphatic demonstration of the utter economic imbecility of the High Arrow Dam, few people harboured any doubts that a licence would be supplied by a compliant Comptroller.<sup>73</sup>

Any doubts that might have existed were eventually dispelled. In April, 1962, the Comptroller of Water Rights, "being satisfied that no person's rights will be injuriously affected," approved the application to construct the High Arrow Dam. Licences were also issued to the B.C. Power Commission for the construction of the Duncan and Mica dams on the Columbia River, and for the Portage Mountain Dam, the chief structure in Premier Bennett's development project on the Peace River.<sup>74</sup>

#### 4. The Campaign in 1962: Reinforcements from the Coast

Although the Water Resources Committee of the Arrow Lakes district continued the campaign against the treaty, and the High Arrow Dam in particular, with a view to an appearance before the parliamentary hearings, the crest of their organized opposition had been reached; despite the inveterate optimism of H. W. Herridge and the local MLA's, and the

addition of new organization in opposition to the treaty from the Vancouver area, organized opposition in the interior of the province soon became dispirited and evaporated before the hearings in Ottawa were held. The only organizations from British Columbia to express opposition to the treaty in Ottawa were several trade unions and a non-partisan committee which they and other labour groups sustained financially, the Columbia River for Canada Committee.

George Hobbs, the MLA for Revelstoke, advised the Water Resources Committee in December, 1961, not to take the provincial hearings too seriously. The hearings were "only an act," he said, and as "one who has been sniffing the political air for some years," he predicted that the federal Government elected in the general election expected in 1962 would be a minority Government. Such an event, he concluded, would be "a heaven sent opportunity." Hobbs explained:

We should lay our plans to have the National leaders of all Political Parties express themselves as to whether [sic] or not they would favour renegotiation of the Columbia Treaty so that the very best agreement possible could be got for Canada, that would mean eliminating the objectionable [sic] features and reinstating the McLaughlin plan.

The CCF-NDP member was certain that the New Democratic party and the Liberal party would "go for it without reservation." Having seen both Premier Bennett's and Davie Fulton's national appearances on television a few days earlier and although he felt the Premier "was a whole lot more careless with the truth" than Fulton, he decided that "they were both

very silly." Hobbs concluded:

For my part, I hope they keep the feud going until after a Federal election. It would appear to me that if we got rid of Diefenbaker and Co., we could get rid of High Arrow, and one or a combination of the other two [parties] would clobber the boys from Victoria back in their corner where they belong.<sup>75</sup>

In January, 1962, Waterfield was much less hopeful.

He and other opponents in the Arrow Lakes district had also appeared on television, but, he confessed, "we appear as entertaining, simple peasants who are in the way of Progress."<sup>76</sup> Herridge attempted to encourage the opposition back home. Despite bad feelings toward the federal Government which had allowed High Arrow into the treaty sequence, he advised that efforts be made "to bolster the government's morale ... with letters of support for its present stand on the export of power or sale of downstream benefits." The letters would be of great value "to those in the Cabinet who have stood firm on this issue." As for the Official Opposition Liberal party, Herridge, writing from Ottawa on February 12, was "confident from conversations" that,

If the Liberals were elected ... they would consider a re-negotiation of the Treaty to replace High Arrow and, in view of their past policy, oppose any long-term sale of downstream benefits.<sup>77</sup>

Two days later, Lester Pearson responded to a letter from Waterfield, saying he hoped to have something to say about the Columbia River Treaty soon.<sup>78</sup>

Another letter from Pearson two months later injected

some optimism into the ranks of the Water Resources Committee. On April 13, one week after General McNaughton's retirement from the IJC and his public outburst against the treaty, and while political parties were nominating candidates across the country for a general election on June 18, Pearson wrote Waterfield:

I would like to assure you that I agree with you that it is imperative to renegotiate the Columbia River Treaty. May I also assure you that all B.C. interests, particularly those of the Water Resources Committee of Nakusp Chamber of Commerce, will be consulted by a new Liberal government before a final decision is reached. 79

Waterfield had requested the Liberal leader to allow the Committee, "as representative of persons and organizations directly affected by Columbia development to have a voice on your team of planners or negotiators." Waterfield had noted that the provincial Government had allowed adequate hearings on the water licences, but not on the treaty, itself. He had observed:

The solid objections which we and other organizations and individuals recorded ... were so substantial that Mr. Paget ... has not yet issued a licence. Mr. Williston ... recently [advised] that solutions to the practical problems are still being sought-80

This satisfaction, however, was short-lived: three days after Waterfield received Pearson's letter assuring consultation "before a final decision is reached," Paget issued a licence for the construction of the High Arrow Dam.

The Committee needed an injection of optimism because

with the exception of exploratory drilling on the dam sites, nothing of importance was transpiring at the High Arrow site. As months passed by without action, the High Arrow Dam became a conversational bore, and the pro-Columbia development faction became restive. Waterfield comments:

There were more people living in the valley above the proposed flood line than below; of these people, the majority, many of whom had been anticipating an increase of business and of employment, concluded or suspected ... that our Committee were responsible for the delay of manna from Victoria. There were also people living below the flood line who had been looking forward to a profitable sale of their property.<sup>81</sup>

Of all the residents in the Arrow Lakes district, Waterfield estimates that "the great majority, not being affected, couldn't care [less] about the treaty and the High Arrow Dam. If asked, however, the majority of people in the West tendency would have been against the High Arrow, although they might not have done anything about it."<sup>82</sup>

In April, on Herridge's urging, the Committee had invited the now-retired General McNaughton to visit the Arrow Lakes district. Since his retirement, McNaughton had reiterated his position on High Arrow to Herridge personally. He had written:

The fundamental error in the prime minister's statement [following the signing of the treaty] is that it places U.S. payments against a project which while it is advantageous to the United States is not advantageous to Canada when alternatives exist which are advantageous both to Canada and the U.S. Thus the Canadian effort in building the High Arrow is fundamentally a waste of our resources.<sup>83</sup>

Declining Waterfield's invitation to Nakaup for the present, McNaughton later wrote:

Meanwhile ... I have forcibly taken up the struggle for the protection of your beautiful valley and the adjustments to the proposed Columbia Treaty which will properly protect the interests of your people, of British Columbia, and of Canada, itself, all of which may be irreparably damaged by the arrangements currently proposed.<sup>84</sup>

In a short time after his departure from the IJC, according to Herridge, the General was receiving invitations to speak from numerous organizations in the country. It was the MP's opinion that the cause of the Water Resources Committee was "looking brighter every day." He was pleased that McNaughton was receiving invitations from the Arrow Lakes district, in particular. "Personally," he wrote Waterfield, "I think as many people as possible should have the opportunity to hear General McNaughton." In the meantime, he said, "we expect dissolution to occur sometime this week."<sup>85</sup>

The general election campaign in June, 1962, interfered with these plans for a speaking tour. Writing to his secretary in Ottawa from the hustings in Kootenay West, Herridge expressed the hope that McNaughton would come to British Columbia during the election campaign although Herridge did not want to appear to be involving McNaughton in party politics.<sup>86</sup> In reply to a query, McNaughton said he would not be coming to British Columbia, but sent a copy of remarks he intended to make at the general session of the

Engineering Institute of Canada which was being held in Montreal five days before the election. McNaughton also offered the views for broadcasting that he thought Paget's hearings in British Columbia had represented a miscarriage of justice in view of the licences being granted. No attention, he felt, had been paid to what the representatives of various organizations had said. General McNaughton had been impressed with the Mine, Mill and Smelter Workers' presentation and he recommended to Herridge that the representatives of these organizations petition Williston to have the hearings and the grant of licences quashed. He also suggested letters be written to the federal Minister of Northern Affairs and National Resources to invoke the International River Improvements Act of 1955 and not allow construction on the river until local representatives had been heard in Ottawa.<sup>87</sup>

During the election campaign, Premier Bennett travelled east to support the Social Credit campaign in Quebec. While, as we have seen, commentators speculated on the apparent lack of support for the federal Social Credit campaign in British Columbia from the provincial Cabinet, there were at least two exceptions to the general appearance and both were related to the Columbia River Treaty. The defeat of the treaty's most outspoken critic in the House of Commons and the New Democratic party's official spokesman on the treaty would have been no small victory for the

provincial Government. On his way east, Bennett stopped off in Trail long enough to make a speech designed, he is quoted as saying, "to get rid of the man who is throwing sand into my gears."<sup>88</sup> The other exception was the appearance of Williston in Nakusp on the last day of the campaign with a message about the benefits which the High Arrow Dam would bring to the province.<sup>89</sup>

The Columbia River Treaty and the High Arrow Dam, however, were "not much of an issue" in the election of 1962 in British Columbia or, specifically, Kootenay West, according to both Herridge and Waterfield. The latter writes: "The treaty was moribund, hung up by Bennett's and Fulton's feud."<sup>90</sup> The election of 1962, as noted above, represented a distinct defeat for the Conservative party which, while it remained the Government party, lost its huge majority in the House of Commons and returned only eight members from British Columbia, less than one-half of its pre-election strength in that province. Herridge was re-elected in Kootenay West with a majority of more than 2,000 votes over the second-place Conservative, an increase of 897 votes over his margin of victory in 1958 over the same Conservative candidate. The anti-treaty forces in the House of Commons were apparently strengthened with the return of James Byrne, the Liberal candidate and former member for Kootenay East, and Jack Davis, formerly a director of research for B.C. Electric who won a Liberal victory in the Vancouver constituency of Coast-Capilano.



With a Conservative minority Government in Ottawa, Waterfield writes that in the last half of 1962, some correspondence was directed to the Liberal party. Jack Davis now received recognition from the Committee as the expert on hydro matters among the Liberals and he, along with Pearson, became the "obvious targets" for the Committee; Byrne, in Kootenay East, by comparison, was ignored.<sup>91</sup> Cognizant also of the potential parliamentary bargaining strength in the twenty-fifth Parliament of the newly-elected Social Credit group from Quebec, the Water Resources Committee contacted members of that group with a letter in French outlining "notre assessment de la traitise." The assessment included a warning that the Columbia River Treaty represented an expensive service given to "les industries americaines, a l'expense du Canada, de tous les canadiens" — a warning supported by a partial translation of Premier Bennett's critique delivered in Prince George in September, 1961.<sup>92</sup> "The idea," Waterfield explained, "was to persuade eastern interests that the treaty was subsidizing U.S. industry to their detriment. It was a waste of ink. There was no response."<sup>93</sup>

The election campaign had done nothing to counteract the growing restiveness among the pro-treaty faction in the Arrow Lakes district and the more generalized boredom over the issue of the High Arrow Dam. Despite opposition from their power consultant, the Nelson Chamber of Commerce made

the first organized attempt in the district to urge ratification of the treaty by Canada. The Nelson Chamber, supported by the city's newspaper, the Daily News, retained another consultant to argue for ratification and advised the Associated Boards and Chambers of South Eastern British Columbia that it would now recommend ratification at the annual meeting in Nelson. Most of the two dozen member organizations had delegates at the meeting who wished to speak on the motion and recite the already well known arguments on both sides. Waterfield's clever presentation was a reading of critical remarks on the treaty by "a most distinguished Canadian." Following the presentation, Waterfield disclosed that the statement was not, as expected, by General McNaughton, but by Premier Bennett in Prince George. The Nelson motion recommending immediate ratification of the treaty was defeated. "Ours was a nice tactical victory," Waterfield concluded, "but it influenced the grand strategy not at all."<sup>94</sup>

The Water Resources Committee received the overt support from another engineer at this time. Richard Deane had lived in the west Kootenay region for more than 50 years and from 1948 to 1956, had been an electrical engineer with the West Kootenay Power and Light Company, a wholly-owned subsidiary of Cominco. From 1956, he had been the chief electrical engineer for Cominco. The West Kootenay Power and Light Company served the district's needs including the metallurgical and fertilizer operations of Cominco. The

Duncan Dam in the treaty sequence was designed to serve as a storage safeguard for the power company's operations on the West Kootenay River in view of projects recommended elsewhere on the Kootenay River -- the Libby Dam in the United States or the Dorr-Bull River-Luxor diversion scheme further upstream in Canada.

Richard Deane claimed a thorough knowledge of and wide experience in the problem of integrated power operation. Besides working on an IJC order on hydrological records and studies of water table and flows of the Kootenay River in connection with storage operations, he had later been to board studies with the Bonneville Power Administration and with Washington Water Power on the effects of co-ordinated operation. <sup>95</sup> In both jobs for Cominco, Deane had been fully aware of the hydro power and flood control aspects of the Columbia River in Canada. Until 1962, he had acted "rather as a bystander"; from 1962, however, Deane "did everything in my power" to have the treaty of 1961 modified to eliminate the High Arrow Dam which he considered both an economic liability and a permanently destructive project. <sup>96</sup>

Deane travelled around the Kootenays arguing as an engineer on behalf of conservation. He demonstrated to the satisfaction of the Water Resources Committee that, by re-negotiating the treaty to have Canada provide three million acre-feet less of storage, Canada could obtain the same net returns on a small investment without doing great social

and scenic damage.<sup>97</sup> By July, 1962, Deane was in contact with General McNaughton<sup>98</sup> and was welcomed into the active opposition to High Arrow by Waterfield who described Deane's belated assistance as "no less effective" for arriving after the Hearings." Deane's employers were known to favour ratification of the treaty and Waterfield was impressed by Deane's "courageous defiance of his employer's obvious interests." On the state of the opposition, Waterfield observed:

[Deane's] alliance to our feeble cause was very welcome. People were saying that this huge beneficial hydro-electric development was being postponed, possibly indefinitely, by the recalcitrant objections of a few peasants and three or four elderly, superannuated engineers, and that if these ignorant and out-dated types would only die, or even shut up, the great day would dawn.<sup>99</sup>

The counter-attack, however, by proponents of the treaty in the province's Arrow Lakes district as evidenced by the events earlier in Nelson could not be overcome; the disadvantage suffered by the Water Resources Committee was not so much a poor case against the treaty and the High Arrow Dam as the boredom which mention of the issue created, or, at worst, an irritation with or hostility towards actions which would delay resolution of the situation any further. Indicative of the prevailing mood was the near-loss which the NDP candidate experienced in a provincial by-election in Revelstoke on September 4. In this first by-election to be held since the provincial election of 1960, the widow of

the former member, George Hobbs, retained the seat for the New Democratic party with an uncomfortably small margin of votes. George Hobbs had won with a majority of 470 in 1960 while his wife, campaigning in opposition to the High Arrow Dam, as her husband had done in 1960, stood ahead of her Social Credit opponent by only 61 votes. In the provincial election one year later, the seat was lost to the Government party.

As the campaign in opposition to the Columbia River Treaty in the interior of the province was losing momentum, a new voice was added to the opposition in the province from the coast. The development of the Columbia River had been a concern of the labour movement in the province, especially after the agreement between the provincial Government and the Kaiser Aluminum and Chemical Corporation of the United States was aborted by the federal Government in 1955; in particular, the development of the Columbia had been a concern of the militant, left-wing unions in the provincial labour movement. In July, 1962, Herridge met in Vancouver with representatives of 10 trade union locals who were concerned that, as a result of the general election of the previous month, the provincial Government could successfully "force a showdown on the Columbia" with Ottawa. A three-man initiating committee including Orville Braaten, a former NDP candidate and an official of the Pulp and Paper Workers of Canada, was chosen to follow up on Herridge's suggestion of

working with opponents of the treaty in his area of the province.<sup>100</sup> On July 18, a meeting of 30 people formed the Columbia River for Canada Committee with Braaten as Chairman. The members agreed to proceed with a public information booth at the Pacific National Exhibition in Vancouver in August which had been discussed at a previous meeting; future action would be based on the public's reaction to the booth.<sup>101</sup>

The creation of the Columbia River for Canada Committee in July had been preceded not only by a concern among trade unionists, but also by some preparation for the activities that would be conducted by such a committee. The meeting on July 18 had been attended by Bruce Yorke, a supporter of the Communist party and an official of the United Fishermen and Allied Workers' Union, who showed slides of the development of the Columbia River under both the treaty plan and the plan proposed by General McNaughton; the program of slides later became part of the Columbia River for Canada Committee's presentation at the PNE and at public meetings elsewhere.<sup>102</sup> At the PNE in August, an eight-page pamphlet titled "Develop the Columbia River for Canada" was available for distribution under the Committee's name. The pamphlet, which outlined the treaty's "storage plan" and McNaughton's "power plan," and the issue as seen by the Columbia River for Canada Committee, was the result certainly of research sponsored prior to the establishment of the Committee. According to the pamphlet, which eventually

received wide distribution in the province and in Ottawa.

If the question of downstream benefits is allowed to become the major one, then development of the Columbia in Canada becomes dependent upon the needs of the downstream country, the United States.... We in effect surrender control of our development to the United States. (...) Either we first put this great resource to use for Canadians or we surrender it to American interests.<sup>103</sup>

After the conclusion of the PNE, the Committee began to solicit funds from the public and the trade union movement and to lobby parliamentarians. The appeal for funds and the lobby for support came at the time of the Government's announcement in the Speech from Throne in September that exports of power on a long term basis would now be encouraged; or, as the Columbia River for Canada Committee put it, after the Government's announced "intention to proceed with ratification on the worst possible basis."<sup>104</sup> The Committee told MP's in Ottawa: "the people of B.C. are opposed to this vast give-away and ... they expect all M.P.'s to familiarize themselves with the national issues at stake."<sup>105</sup>

By the end of October, the Committee's work had "taken on the appearance of a genuine campaign."<sup>106</sup> Leaders of the Committee had been in touch with Mrs. E. H. Davidson, a long-time Liberal supporter who, as a newspaper reporter in Alberta, had been concerned with power and irrigation, and now, as a retired widow in Victoria, had

been interested in the power issue in British Columbia since 1958. Mrs. Davidson, whose husband had been owner and publisher of the Calgary Albertan, had been an opponent of the Columbia River Treaty since its inception and, as a result of her "hobby," her home became a repository of information on the subject and an intelligence centre with contacts in provincial and federal political circles and with experts in Canada and the United States. She served as a conduit for information between opponents of the treaty in British Columbia's Vancouver-Victoria area, the interior of the province, and central Canada.<sup>107</sup>

In September, Mrs. Davidson had congratulated the Committee on its pamphlet. "I've had to do my own reporting," she told Braaten, "to untangle myself from confusions made by the B.C. newspapers, whose reporting of this matter has been the worst I've ever known anywhere in Canada in fifty years."<sup>108</sup> In October, Mrs. Davidson provided the Committee with a 10-page memorandum on the negotiations of the treaty,<sup>109</sup> and, at a subsequent meeting with Orville Braaten, suggested contacting newspaper reporters to write a review of the negotiations and the dispute over the treaty. After an unsuccessful canvass of approximately 50 potential candidates from the Vancouver-Victoria metropolitan area for the job, a suggestion by Mrs. Davidson of Mrs. Margaret "Ma" Murray, publisher of the Bridge River-Lillooet News proved fruitful in November. In the meantime, Mrs. Davidson had arranged for the distribution in British Columbia of a review of the



development of the Columbia by James Ripley, of Toronto, an engineer who edited the Engineering and Contract Record of Southam-Maclean ownership. The article had been published in Ripley's magazine and been re-printed in the Ottawa Citizen and the Financial Times.  
110

In October, the Committee had printed thousands of protest cards to be mailed to the Secretary of State for External Affairs and to H. W. Herridge, who would keep the count for the Committee. The Committee was also in touch with Francis Bartholomew who, like Mrs. Davidson, though never a member of the Committee, gave assistance to the organization and, in addition, received the use of some technical facilities in his study of the development project. By the end of the month, Braaten could report to Mrs. Davidson that 30,000 protest cards were in circulation, that the article by Ripley was "proving itself priceless since it lays out the whole problem clearly," and that a public meeting was being arranged with an address by Bartholomew.  
111

In the meantime, the Committee was receiving requests for the pamphlets and protest cards and financial donations from trade union locals, including the United Brotherhood of Carpenters and Joiners, the International Longshoremen's and Warehousemen's Union, the Canadian Brotherhood of Railway, Transport and General Workers, and the Canadian Postal Employees, all of Vancouver, the Oil, Chemical, and Atomic

Workers' Union, of North Burnaby, the United Packinghouse Workers of America, of Richmond, and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers, of Port Alberni, all in British Columbia, and from District Five Council in Toronto of the United Electrical, Radio, and Machine Workers of America, which conducted its own campaign against the treaty. The Columbia River for Canada Committee later received financial contributions from city centrals including those in Victoria, Ottawa, Regina, Calgary, Kamloops, Brandon, Fort William-Port Arthur, and Stratford, Ontario.<sup>112</sup>

At the same time, the Committee was receiving acknowledgement of the pamphlet from members of Parliament. Among the acknowledgements was a statement by Gordon Chown (Winnipeg South), Deputy Speaker of the Commons, which indicated the difficulty Davie Fulton was having in presenting a complicated case even to his own caucus. "As you have noted in the Throne Speech," Chown wrote Braaten, "there is a very definite change of government policy with respect to the development and export of Hydro Electric Power in Canada."<sup>113</sup> As a result of two requests, the Committee followed the example of the Water Resources Committee of the Arrow Lakes district and arranged for translation of the pamphlet into French for distribution to French-Canadian MP's and senators.

Very little was achieved, however, in the direction

of Herridge's original suggestion of coalescing the efforts if not the organizations, of opposition to the treaty on the lower mainland and in the interior of British Columbia. Although Columbia River for Canada Committees were established in the interior primarily on the initiative of trade union organizations in the locality, and individuals associated with the Water Resources Committee were in touch with the Columbia River for Canada Committee in Vancouver to offer advice, no member of the Water Resources Committee joined the Columbia River for Canada Committee.<sup>114</sup> The mood within the Water Resources Committee was evident in a reply Breiten received from Donald Waterfield in October to a suggestion that mass meetings be held in the Arrow Lakes district. Waterfield dismissed the idea of mass public meetings and suggested that the Columbia River for Canada Committee campaign among "key people such as Mr. Pearson." People in the Arrow Lakes district were "fed up with Columbia," he said, and "mass meetings would cut no ice with Ottawa." Waterfield added:

I am sure you would carry more weight by working through your own labor groups than by mass appeal to the "Public" which mostly doesn't exist and couldn't care less. We did a lot of this stuff two years ago with local success and we wrote twice to every M.P., but it was mostly a waste of time. Our local propaganda resulted in 450 legal objections to High Arrow [at the provincial hearings], but it did not make any difference.

Waterfield said there were overwhelming difficulties in creating an informed public in the province without spending

time on a national public. "The complexities of engineering mean nothing to the mass of people, none of whom know where the Columbia River is. Even Vancouver," he wrote, "doesn't know where Columbia is." If the Columbia River for Canada Committee went ahead with meetings in the area with union support, Waterfield concluded, "I should of course cheer loudly and help if I could."<sup>115</sup>

In his correspondence with the opposition in the Arrow Lakes district, Braaten sought to encourage the opponents of the treaty to continue their efforts "as the forces of support are growing continually." In an "information bulletin" released in November, the Committee noted that the protest card campaign had received the support of the convention of the B.C. Federation of Labour at its annual convention in October; at the same time, the annual convention of the provincial New Democratic party had adopted a resolution to "reaffirm our long standing support of Columbia River development via the McNaughton Plan, the power thus developed to be retained for use in B.C."<sup>116</sup>

During the autumn months, the Columbia River for Canada Committee corresponded with General McNaughton, who was reported to have been impressed with the Committee's pamphlet,<sup>117</sup> to encourage him to speak out against the treaty from a platform in British Columbia. McNaughton's reply to their first letter was similar to his reply to Waterfield's invitation earlier in the year. He told Bruce Yorke in

October that a presentation to the Committee on External Affairs was "the essential contribution which I must make, but I do not exclude speaking also when this has been done and right up to the limit of my physical capacity," and he wrote Braaten the same day that it was, nevertheless, "a very great comfort to know that at last representative organizations are acting firmly ... and that the force of public opinion is being exerted on Members of Parliament."<sup>118</sup>

On November 15, "Ma" Murray's weekly Bridge River-Lillooet News published the eight-page supplement, "Eye-Opener on the Columbia," which had been arranged earlier through Mrs. Davidson. Mrs. Murray is a celebrated character in British Columbia's political life. Writing in a popular style, her views from the province's interior on public affairs have brought her much notice in the metropolitan areas of the province, as well as some notoriety throughout the rest of Canada. "We calls 'em how we sees 'em," Mrs. Murray wrote:

Premier Bennett through his meddling forced a poor "second best" Treaty and nailed Davie Fulton to the cross. John Diefenbaker failed himself and everyone in Canada when he didn't call Bennett's bluff.... The "red herrin'" that B.C. dragged across the Columbia ... was the downstream benefits. Canada doesn't need compromised power.... But Canada does need the Arrow valley....<sup>119</sup>

Copies of the "Eye-Opener" were distributed to all members of Parliament, senators, and provincial MLA's. According to Mrs. Davidson, reception of the supplement

was warmer in Ottawa than in British Columbia. Newspaper personnel in Vancouver feted Mrs. Murray when she arrived in that city with extra copies of the "Eye-Opener" for the news agencies, but "no newspaper would discuss or even mention her enterprise in print." Mrs. Davidson's hope for some debate was not realized; the province's press boycotted the "Eye-Opener" with total silence. Mrs. Murray had to buy advertising space in the metropolitan press to announce the availability of her supplement. Nevertheless, Mrs. Davidson recalls,

newspapers outside B.C. gave more publicity than she expected; she found wide sales. Mrs. Murray was told ... that almost everybody in the provincial legislative building was reading it. Her copies to Ottawa got instant attention and quite an inpour of mail orders continued for several months. 120

The efforts of the Columbia River for Canada Committee and the publication of "Ma" Murray's "Eye-Opener" did not offset the feeling of desperation which was felt by the opposition in the Arrow Lakes district. As noted above, since the provincial hearings in 1961 and the advent of a minority federal Government in June, 1962, the Water Resources Committee had decided to stress contacts with individuals, especially in Ottawa; despite a heavy correspondence, however, with individuals in the federal Cabinet and the administration during the autumn and winter of 1962-1963, the Committee did not appear to be making any progress. Richard Deane, for example, was conducting an extensive exchange at this time with Gordon Robertson.

Deputy Minister of Northern Affairs and National Resources.<sup>121</sup>  
Deane was invited to Ottawa by Davie Fulton and tests were run on his proposal by officials in the water resources branch of Robertson's Department. "We came to the conclusion at the time," Fulton has said, "that Mr. Deane's proposal would not have the beneficial result that he said it would. It would have involved negotiations which we thought would not be justified."<sup>122</sup>

In October, the Water Resources Committee acting on General McNaughton's earlier advice sought assurance from Walter Dinsdale, the Minister of Northern Affairs and National Resources, that the Committee, confounded at the hearings in British Columbia, would have an opportunity to oppose a federal licence for High Arrow under the International River Improvements Act.<sup>123</sup> Dinsdale noted in reply that a licence was unnecessary in the case of a project "constructed under the authority of an Act of the Parliament of Canada." If there were "special legislation on the Columbia," a licence under the legislation of 1955 would be unnecessary. The correspondence between the Committee, Bartholomew, and the Minister on the treaty documents and engineering data was carried on well into 1963.<sup>124</sup>

Francis Bartholomew had also been prodding the Vancouver Board of Trade with the result that a sub-committee on power was in touch with Robertson and Gordon MacNabb, of the water resources branch in January, 1963, for comment on Bartholomew's analyses.<sup>125</sup> At the same time,

the Water Resources Committee was also in contact with T.M. Patterson, director of the water resources branch of the federal Department. In January, 1963, Bartholomew sent a memorandum to all MP's and MLA's in British Columbia urging support for the McNaughton Plan.<sup>126</sup>

The impact of the exchanges on the federal administration is difficult to measure. Besides Fulton's evidence, there is at least one other indication in the public record that an impact was felt. On February 20, 1963, T. M. Patterson wrote the Montreal Engineering Company on an aspect of their report to the federal Government in 1961 entitled "Factors Affecting the Cost of Columbia Power in Canada." In the letter written shortly after the defeat of the Government in the Commons, but three months before the accession of the Liberal Government to office, Patterson also indicated the purpose behind the consideration of dissenting opinion. He wrote the company:

We would appreciate some elaboration of the [particular] statement contained in your report so that we could be better prepared to answer... criticism. (...) Clarification of your statement would assist us in the preparation of material for possible discussion of the Treaty by the Standing Committee on External Affairs.<sup>127</sup>

This purpose behind consideration by federal authorities of written and oral representation by opponents of the treaty would become disturbingly clear to the treaty's critics shortly after the appointment of the Liberal Government in April.



### 5. The end of the Campaign

In 1963, the framework was set for the final debate on the Columbia River Treaty in 1964. After two years of apparent immobility on the subject between the federal and provincial Governments, the resolution of the conflict came swiftly for the opponents of the treaty following the general election in April. By this time, the opposition in the Arrow Lakes district of British Columbia had dissipated its organizational strength. The Columbia River for Canada Committee and several trade unions carried on, but the hearings they attended in Ottawa proved to be as formal as the hearings in British Columbia which had sapped the strength of the opposition in the province's interior.

A sour note heard early in the new year by the treaty's opponents set the tone for 1963. On January 24, the Vancouver Province published a four-page supplement entitled "Columbia River power plan -- a special report" by its legislative correspondent, Paddy Sherman. According to the Province, Sherman had spent a month in Victoria, Ottawa, and Washington, "interviewing more than two dozen engineers, economists, lawyers and cabinet ministers", including Fulton, Bennett, Williston, McNaughton and their technical advisers. In summary, Sherman, who was impressed by the results from the studies of Government-employed engineering firms which he listed as an "Engineering who's who," concluded in part:

Five highly reputable and independent engineering studies found High Arrow the key to co-operative development of the Columbia. The McNaughton Plan (Dorr Diversion) is not "the best" Columbia River plan for Canada. (...) General McNaughton is the only senior engineer closely involved with the river planning who thinks it is. Canada does surrender some control over her water resources. But two independent engineering studies conclude that the treaty provisions intended to safeguard Canada in fact do so. The treaty provides better benefits than either side could achieve alone. Without a treaty Canada likely could not develop the river economically at all. The reason the Dorr Diversion or McNaughton plan was rejected by the treaty technical experts was the urgent need for a plan that would be economic from the start. The B.C. plan to sell the benefits is an extension of this concept. Selling the benefits would enable the treaty dams to be built at practically no direct cost to B.C. thereby making it possible to develop together economically two giant rivers....

In short, as the opponents of the treaty characterized Sherman's extensive report: "Bennett is right."

In Ottawa, a federal Conservative who was a prominent member of the Government responsible for negotiating the treaty summed up his opinion of Sherman briskly as "a Bennett partisan."<sup>128</sup> In the Arrow Lakes district, at the time of publication, Waterfield felt that despite inaccuracies and bias, the newspaper report could not be disregarded because "it originates with Mr. Williston and indicates the arguments in favour of the treaty."<sup>129</sup> The report in the Province also had to be regarded as important by the treaty's opponents because it became the basis of

similar reports on a smaller scale in newspapers in other parts of the country. 130

A month before publication of the four-page supplement, General McNaughton had already traced the source of "various unfriendly editorials" about him in the Province and decided upon a cure. He wrote a correspondent in British Columbia:

I trace [the editorials] to one by the name of Paddy Sherman. I think the proper course is for some one to write [the newspaper] to put the Treaty provisions down side by side in exact quotes with what I have said and then the public will see who is right about the dangers we face, myself or the large group of engineers employed directly or indirectly by the B.C. Government who are instructed to confine themselves and their plan to the Treaty project and forbidden to criticize. 131

One of the "unfriendly editorials" had belittled support for McNaughton among various trade unions in the province and the Columbia River for Canada Committee. The newspaper had said:

With the highest qualified experts still discussing various aspects of the highly complex Columbia River power treaty between Canada and the United States, it is refreshing to meet men with no qualms or reservations about denouncing it. (...) It must have been interesting to hear the discussions that preceded the decision of, say, the Provincial Council of Carpenters. (...) And the postcards against the Columbia Treaty? What deep insights are set out in those few square inches of paper to enable a recipient to sign and dispatch his instant disapproval of the treaty? All this must be an immense source of comfort to General McNaughton, whose belated attack on the treaty is without the support of a single engineer or consultant closely asso-

ciated with Columbia treaty planning or negotiations. At last he is getting support from people who know how to cut through the technical details that occupied the engineers and other experts for all those years.<sup>132</sup>

The supplement by Sherman drew fire from the treaty's opposition in the province. Bartholomew, for example, who had just released one of his periodical public memoranda on the treaty, issued a public rebuttal of Sherman's supplement.<sup>133</sup> Sherman's article and its general position on the controversy, however, had been expected as a result of an exchange of correspondence with one of the opposition in the interior and did not affect the plans of the interested trade unions and the Columbia River for Canada Committee.<sup>134</sup> An official of District Five Council of the United Electrical, Radio, and Machine Workers in Toronto informed Braaten that, following the union's convention which had been addressed by Herridge recently, the UEM was undertaking a campaign of its own and had prepared a folder to be distributed and advertisements to be published in communities where the union had collective bargaining rights.<sup>135</sup> In the Arrow Lakes district, Waterfield appreciated the small amount of published reaction to Sherman's supplement as evidence that "the Public is fed up with Columbia and cannot be bothered with it any more."<sup>136</sup>

The public's political interest at this time was more likely to have been focused on events in Parliament. An apparent healing of the governing Conservative party's

Internal problems was disrupted in January by party and parliamentary crises over defence policy. On February 4, the leader of the Opposition introduced a confidence motion; the Government was defeated the following day. Shortly after the Government's defeat, an invitation was delivered to General McNaughton by James Byrne from the Kootenay West Liberal Association to stand for the party in the election of April 8. Although in retrospect the Liberal invitation to McNaughton to oppose H. W. Herridge seems only amusing, the offer of candidacy was made by the Association with the firm hope that the General would accept it.<sup>137</sup> Byrne carried back to the Association the General's decision: to decline the offer with appreciation and to concentrate on an objective he had maintained for some time, which was:

to bring the question of the Columbia Treaty before the External Affairs Committee of Parliament with a view of its rejection and a substitution therefore of an equitable agreement with the United States that would properly protect the interests of Canada and of British Columbia now and in the future.<sup>138</sup>

In British Columbia, as has already been noted, the Columbia River Treaty and the power issue in general took a back seat to defence policy and the acquisition of nuclear weapons as important issues in the campaign. In the Kootenays, there was a difference of opinion; Herridge recalled that the treaty was an important issue in his constituency while Byrne could not remember the treaty as an issue in Kootenay East.<sup>139</sup> The election results could have been interpreted as heartening news for the opponents of

the treaty; the Liberal party won 129 seats in the House of Commons while the Conservatives won only 95. The Water Resources Committee of Nakuap remembered the new Prime Minister's year-old assurance "that all B.C. interests, particularly those of the Water Resources Committee of Nakuap Chamber of Commerce, will be consulted by a new Liberal Government before a final decision is reached." The Committee had also been reassured recently by the leader of the Liberal party in British Columbia that he felt General McNaughton "should be given a full hearing before the External Affairs Committee of the House of Commons before any action is taken on the Treaty." In February, Ray Perrault said he had had recent conversations with General McNaughton and had been impressed by the man and his ideas on the Columbia.<sup>140</sup>

In the Kootenays, H. W. Herridge was returned to the Commons from Kootenay West with a 1,364-vote increase in his majority of 1962 over the same Conservative candidate. James Byrne, who still supported the McNaughton Plan of Columbia development at this time,<sup>141</sup> was re-elected with a slight reduction in his majority over the New Democratic candidate and was later appointed parliamentary secretary to the Minister of Labour. Jack Davis, who had been the chairman of the Liberal caucus' Committee on Power and Energy Development since his election in 1962, was also re-elected in Coast-Capilano. As noted above, Davis had reiterated his opposition to the treaty in a series of articles published

In the Vancouver Sun during the election campaign and, in April, Waterfield corresponded with him concerning changes in the treaty with reference to Richard Deane's conservation proposals. Davis replied on May 7 that he had corresponded with Deane who appeared to have "a good grasp of the issues involved." Davis, who was now parliamentary secretary to Prime Minister Pearson, added:

I prefer the approach which involves the construction of the non-controversial Treaty Dams first. I would also prefer an arrangement whereby the Libby project in the United States could be postponed perhaps indefinitely. This would ensure that we would have on-site power generation in Canada and we could be quite sure of our being able to divert the waters of the Upper Kootenay through Canal Flats. In respect to the existing Treaty, I am concerned as you are, that the "U.S. Storage Behind Libby" is not required to be released in order to favour Canadian generation at the proposed Canal and other West Kootenay projects. 142

Three days after Davis wrote the letter to Waterfield, however, the Prime Minister was in Hyannisport conferring with President Kennedy. Pearson indicated to Kennedy:

If certain clarifications and adjustments in arrangements proposed earlier could be agreed on, to be included in a protocol to the treaty, the Canadian Government would consult at once with the provincial Government of British Columbia ... with a view to proceeding promptly with the further detailed negotiations required with the United States and with the necessary action for approval within Canada.

The President, the official communique added, agreed with the Prime Minister. 143

By June, it was felt by the opponents in the Arrow lakes district that Premier Bennett's campaign had been successful. Talks between the provincial and federal Governments began on June 3. On June 17, Waterfield wrote Herridge that a letter recently sent by Pearson "clearly implies that Mr. Pearson accepts the inclusion of High Arrow Dam in the revised Columbia Treaty." Waterfield added: "Objections to Arrow shall only be considered after agreement has been reached between the governments of Canada, B.C. and the U. S.A." According to Waterfield, it was "manifestly inconceivable that objections by private persons or public bodies to a course of action determined upon by three ... governments could possibly affect the Governments' agreed decisions." He felt it was "futile" to present objections to the Government or Parliament "after it is too late for such evidence to influence matters."<sup>144</sup>

Waterfield's lamentation found parallels among the labour opposition to the treaty. In June, an official of the UEM's District Five Council in Toronto told Bruce Yorke that their campaign had definitely been impaired by the political crisis in January and the subsequent election campaign, and that subsequent activities had not received attention from the press "being solidly Pearson at this time, and their having some knowledge of the direction of government on this issue." A publicity campaign had been conducted by the UEM through advertisements in newspapers and distribution of leaflets, and 10,000 protest cards had



been signed. On May 28, a delegation of 35 representatives of the UFW had met members of all the political parties in Ottawa. The Conservatives appeared committed to the treaty, the Social Credit members supported Bennett, and, among the NDP, there was reference to public opinion in British Columbia demanding some development, even as represented in the treaty. "Herridge, of course, is solid," Yorke was told. As for the Liberal party,

we had the distinct impression that the Liberals are committed to the Columbia deal almost as is. They will probably seek some window-dressing changes, but essentially go along with the Yanks. It will require some massive pressure to change their course, and the hearings before the External Affairs Committee offer an opportunity if there is enough public activity. 145

The Columbia River for Canada Committee continued its preparations for a conference in Vancouver on June 26. As a result of activity on the treaty by the Governments, the conference became a preparation for the hearings of the Committee on External Affairs which were now "more imminent" than they had been since the treaty was signed 30 months earlier. Both Herridge and General McNaughton declined invitations to attend the meeting which featured an address by Bartholomew, but sent messages instead. Herridge explained to the Committee that McNaughton had been "working steadily on this question for months and owing to his age must conserve his energy for the several days he will be giving evidence before the External Affairs Committee." 146

It was, however, getting late in the day for the

opponents of the treaty; on July 8, an agreement was signed between British Columbia and Ottawa. Under the agreement, Ottawa would allow the province to sell its downstream power benefits and relieve itself of any financial obligations. As for the treaty projects, the agreement broached no alteration. The Columbia River for Canada Committee asked, in a press release on July 11, for immediate hearings by the Committee on External Affairs "before talks begin with Washington again."<sup>147</sup> Pearson could not satisfy the Committee's request for hearings before the international negotiations were held, but he sought to assure the members in a letter of July 25 that the Government was seeking the advice of General McNaughton.<sup>148</sup> International negotiations over the price of Canada's share of the downstream power benefits and the clarifications and modifications delayed the beginning of the hearings until the spring of 1964.

In the Arrow Lakes district, Waterfield received a letter of July 25 from Davis whose letters to members and supporters of the Water Resources Committee to date had been encouraging.<sup>149</sup> Now, however, Davis wrote:

I must not mislead you, however, concerning flooding in the Arrow Valley. The areas which are actually to be flooded are areas designated by the Province of British Columbia. These resources belong, by law, to the Province. The only power which Ottawa has (and this results from the Columbia development being an international development) is that of a veto. The Federal Government, in other words, can say that a Treaty, which includes the High Arrow project, is not satisfactory from a national point of view. It cannot, however, exclude the High Arrow project and include provisions for flooding

in the East Kootenay. This would be interference with Provincial rights. So most of your pleading must be done in Victoria re the High Arrow project and not in Ottawa! 150

The Committee was discouraged by the "same old runaround." The provincial Government could not consider modification of the High Arrow Dam, the Committee was told, because it was a component of an international treaty; Ottawa, now, indicated it could not act because areas to be flooded were to be designated by the provincial Government. 151 To add to the gloom, the Trail Times published a letter on August 2 from Pearson to George Cady, dated July 23. Cady had been the unsuccessful Liberal candidate in Kootenay West and had campaigned in the federal election a few months earlier under the impression that the Liberal party would eliminate High Arrow from the treaty. Pearson's message to Cady read:

While the financial and other terms embodied in the draft Treaty will be improved, the physical plans will not be altered. (...) The three Treaty storage projects -- Mica, Duncan and High Arrow will go ahead as presently scheduled. 152

The Canada-British Columbia agreement was signed and announced in time for Premier Bennett to make it the major topic in a speech to the electors of Columbia, a provincial constituency which traversed both the Kootenay and Columbia Rivers. A by-election had been called for July 15 to fill the seat formerly won in 1960 by the Social Credit candidate with 340 more votes than the CCF opponent.

Davie Fulton, who had been the Conservative leader in the province since the beginning of the year, spoke on behalf of his party's candidate. T. C. Douglas, the federal leader of the New Democratic party who represented the federal constituency of Burnaby-Coquitlam, near Vancouver, spoke for his provincial group's candidate against Premier Bennett's "Columbia giveaway" and for the McNaughton Plan. The Premier praised his two-river policy and, with some overstatement, told his by-election audience: "The whole of Canada is at stake in this election." The Conservative vote tripled in the constituency while the NDP vote dropped by one-third from the mark of 1960. The vote for the Social Credit candidate dropped slightly as well, but the Government's candidate was elected. It was, according to Paddy Sherman, a victory that heartened the Premier;<sup>153</sup> but it was a loss that further dimmed the hopes of the faction in the Arrow Lakes district opposed to the treaty.

While Premier Bennett was concerned with selling the downstream power benefits to the United States and with rescuing his Government's expropriation of B.C. Electric from court action, he also conducted a provincial election campaign in September. The Premier declared the issue in the campaign to be "national unity," but it was difficult to keep the electors' minds from the development of the Columbia and the provincial Supreme Court's declaration of the expropriation as illegal. According to Mrs. Davidson, however, the Premier generally succeeded. "The treaty got

only about five per cent of attention at most, and that only in scattered ridings," she recalls:

The pattern of support and attack was "General McNaughton, for or against." The Socreds were against, the Conservatives mainly against McNaughton but not for Bennett, the Liberals mainly neutral, but for parliamentary hearings on a renegotiated treaty, the NDP for McNaughton emphatically, but in a generalized way without any detailed discussion -- they seemed to use him symbolically. 154

As noted above, the results of the election in September represented a defeat for the Conservative party and Davie Fulton. While the party increased its vote from six to 11 per cent of the total, it failed again to elect one candidate. On the basis of the by-election in Columbia and the provincial election, Fulton was said to have concluded that the party would have posed a strong threat to the Government if it had had more time to prepare for a general election. 155 The Social Credit party elected 33 candidates, one more than in 1960, the New Democrats, 14, a loss of two, and the Liberal party, five, an increase of one. The results from the southeast part of the province were discouraging for the opponents of the treaty. The Social Credit party retained seats in the constituencies of Rossland-Trail, Columbia, and Nelson-Creston. The New Democratic party won in Cranbrook and Randolph Harding retained his seat in Kaslo-Slocan for the NDP; Mrs. Hobbs, however, lost the election in Revelstoke to the Social Credit candidate. According to Waterfield, Revelstoke was looking

forward to "the golden boom of Mica-Creek." Mrs. Hobbs' stand on the treaty could only have gained her 200-300 votes south of the City of Revelstoke. 156

The Water Resources Committee was, by now, without hope of altering the situation. A visit by Richard Deane with Paul Martin, Secretary of State for External Affairs, in Ottawa, had no effect on the substance of the protocol arrangements finally made with the United States on January 22, 1964. 157 Deane's submission to the Committee on External Affairs in May, 1964, constituted his final plea for the elimination of the High Arrow Dam from the treaty. Events after the federal election in April, 1963, including the meeting at Hyannisport with Kennedy in May and the federal-provincial discussions leading to the agreement in July, only left the Water Resources Committee to wonder, as Waterfield has written,

What ... had persuaded even the Prime Minister ... to bow to the political wizard of British Columbia thereby virtually perjuring himself, repudiating utterly his written assurance to us.

Waterfield has personally concluded that there could have been no political reasons in British Columbia for the Prime Minister's "pusillanimous surrender." The Liberals, he argues, had virtually no electoral support from western Canada and "had nothing to lose" by defying the Premier. To discover the source of effective pressure on the federal Government, besides British Columbia's, Waterfield recalls the address in the late 1940's by the late Senator Richard

Neuberger to the Nakusp Chamber of Commerce following the disastrous floods in the Pacific Northwest of the United States in 1948. The senator from Oregon had spoken of his region's need for power and flood control and continued:

"If you Canadians continue to delay the building of storage, we shall have to consider your behaviour an unfriendly act between nations." With pressure from British Columbia, Waterfield suggests, "it cannot have required more than a slight lean, just a gentle nudge from [the south]."<sup>158</sup>

After Canada and the United States agreed to the protocol and the terms of Canada's sale of the downstream benefits on January 22, 1964, Waterfield's colleagues decided that "it was time for the Nakusp Chamber of Commerce humbly to take an extremely rear seat." The Nelson Chamber of Commerce, for example, had earlier reversed its original stand against the treaty and, the Nakusp members felt, "for our little organization to continue lobbying in Ottawa would have obviously been quixotic."<sup>159</sup> The labour organizations which had opposed the treaty through the Columbia River for Canada Committee, however, continued their campaign before the Committee on External Affairs. The Committee had hoped to organize a meeting in Vancouver to precede the parliamentary hearings; besides a large audience from the public, the Committee hoped to attract a large platform group of influential people. The meeting was intended to impress the minority federal Government with adverse public opinion in the province and to be a send-off

for John Hayward, the Committee's vice-president, who had been chosen to make the Committee's presentation in Ottawa. Hayward, a local official of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, had been interested in the development on the Columbia since the 1950's when he had been the Chairman of the Natural Resources Committee of the B.C. Federation of Labour.<sup>160</sup>

The Committee had followed some of the advice it received from the interior of the province in its attempts to obtain support from influential people in the Victoria-Vancouver area. Efforts to interest economists and engineers at the University of British Columbia in the activities of the Committee were not particularly successful. Attempts to obtain the support of former military and engineering colleagues of General McNaughton met with not much more than sympathy. I. Austin Wright, a retired engineer in Victoria, was mentioned by McNaughton to the Committee, but his association with the Committee was not close.<sup>161</sup> Major-General Victor Odlum (ret.), a military associate of McNaughton, described by Bruce Yorke as "a power in local politics in Vancouver and most sympathetic" was only willing to chair a large public meeting if all the federal party leaders were invited. "We certainly didn't have that kind of influence," Yorke has written, "but he did."<sup>162</sup> The main thrust of the Committee's campaign was always an appeal to public opinion through public meetings and the distribution



of leaflets, pamphlets, and petitions. As for a proposed meeting prior to the parliamentary hearings, in February, 1964, the Committee made another attempt to convince McNaughton of the wisdom of a speaking tour after his original presentation to the Committee on External Affairs, but before the Committee had concluded its hearings. "There are many influential people in B.C. who are with us," Braten told McNaughton, "but they need a rallying point. We feel that you are the one best suited for this." 163

Although McNaughton consulted with Herridge before replying, the answer was consistent with his earlier statements. Both Herridge and McNaughton considered it essential that the General remain at the hearings "to meet argument (and to beef opinion developing favourably." McNaughton wrote that Herridge, a sympathetic person on the parliamentary committee, was the only person "thoroughly aware of the problems involved and their complexities" and would also be needed at the hearings at all times to "ask the pointed questions which will enable me to reply." Finally, McNaughton did not think it expedient to make public appeals while he was a witness under examination before the parliamentary committee. 164

The presentation of the brief of the Columbia River for Canada's Committee by John Hayward on May 6, 1964, aroused the verbal indignation of several members of the Committee on External Affairs and raised the question among other

opponents of the treaty whether it had been wise to cooperate with the committee of militant trade unionists which included members of the Communist party.<sup>165</sup> Hayward was threatened on two occasions by Donald Macdonald, the parliamentary secretary to the Minister of Justice, with possible citation for contempt of Parliament and chided by the Chairman, John Matheson, when Hayward suggested that proponents of the treaty applauded General McNaughton but implied that he was "a doddering old fool" for whom allowances had to be made. Hayward apologized for a remark in the 38-page presentation which likened the houses of Parliament to a latrine and which was meant to have been removed from the final draft.<sup>166</sup> He did not apologize for a graphic literary expression of the "average man's fury" when contemplating the treaty arrangements. The brief read:

No wonder the average man says "Damn this government -- damn their vacillating, gutless attitude to the U.S.A. -- damn their fawning, boot-licking attitude to the premiers of provinces who, for their party policy or personal ego, would sell the birthright of our children in perpetuity for the proverbial mess of pottage."<sup>167</sup>

The presentation by the Columbia River of Canada Committee had been preceded by appearances from the District Five Council of the United Electrical, Radio and Machine Workers of America, on May 1; Bruce Yorke, for the International Union of Mine, Mill and Smelter Workers (Canada), on May 4; and a presentation of the United Fishermen and Allied Workers' Union, of Vancouver, on May 5. None of the

unions was a member of the national central organization,

the Canadian Labour Congress, and prior to Hayward's testimony Donald Macdonald suggested that the parliamentary committee had been really hearing from the Communist party.<sup>168</sup>

When the Communist party of Canada presented its objections to the treaty on May 8 which, contrary to established order, the Committee allowed to be read in full into the record, James Byrne complimented the party for a presentation

different in tone from the Columbia River for Canada Committee's "intemperate and sometimes filthy submission."<sup>169</sup>

A final attempt at persuasion by mass action was made through telegrams and letters directed at the Committee on External Affairs. The messages, often similarly worded, were received from trade union locals in British Columbia, Alberta, Saskatchewan, and Ontario, of the UEW, the Mine, Mill Union, and the Gypsum Workers' Union. The lobby was treated with open disdain by some proponents of the treaty on the Committee, a reaction not entirely unexpected after party lines had been drawn and spirits aroused by earlier presentations of labour-based views.<sup>170</sup>

As for the presentation of opposition viewpoints from the Arrow Lakes district of British Columbia, Donald Waterfield had hoped that the Nakusp Chamber of Commerce would continue some token resistance until after ratification of the treaty. The Chamber decided, however, against even a token presentation to the Committee on External Affairs.

Waterfield was disappointed:

Besides breaking faith with many people whose money it had accepted on the assumption that it would do its utmost to stop construction of High Arrow, the Chamber let Francis Bartholomew down. We had agreed with him that he should represent us before the Standing Committee on External Affairs and he had done an immense amount of work for us on that understanding. 171

Francis Bartholomew did appear before the parliamentary committee on April 27 and 28 for the Lower Arrow Lake Board of Trade. Richard Deane appeared on May 7 on behalf of himself and 24 colleagues at the West Kootenay Power and Light Company Limited and Consolidated Mining and Smelting Company of Canada Limited (officials of the companies had appeared on April 28 to support the treaty and protocol on behalf of the companies). Larratt Higgins appeared before the Committee on April 29 and served as an adviser to General McNaughton. Both Jack Davis and James Byrne sat on the Committee as Government supporters of the treaty and protocol. The only non-technical member of the now-dissolved Water Resources Committee of the Arrow Lakes district to be in Ottawa to express opposition was H. W. Herridge, MP, also a member of the Committee on External Affairs.

Footnotes

- <sup>1</sup> Minutes, March 18, 1960, p. 176.
- <sup>2</sup> Herridge papers, Harding to Waterfield, March 1, 1960, a copy.
- <sup>3</sup> Herridge papers, Harding to Waterfield, March 17, 1960, a copy.
- <sup>4</sup> Minutes, March 18, 1960, pp. 177-9.
- <sup>5</sup> Donald C. Waterfield, "Waterboy" (an unpublished manuscript), pp. 19-20. Hereafter cited as Waterfield MS.
- <sup>6</sup> The organization was composed of members from towns in the east and west Kootenays including Invermere, Cranbrook, Fernie, Creston, Nelson, Trail, Castlegar, Edgewood, and Nakusp. The Revelstoke group was associated with the Okanagan Valley organization. Ibid., p. 31.
- <sup>7</sup> Ibid., pp. 31-32.
- <sup>8</sup> "Associated Chambers To Be Urged: Recommend High Arrow Dam as Columbia Basin Hydro Project," January 21, 1960.
- <sup>9</sup> Waterfield MS, p. 32.
- <sup>10</sup> Waterfield papers, Waterfield to Williston, September 15, 1960.
- <sup>11</sup> Quoted in Waterfield MS, p. 37.
- <sup>12</sup> Ibid., pp. 38, 44. Premier Bennett, Waterfield writes, "remained sensibly mute." (Ibid., p. 39.)
- <sup>13</sup> Waterfield papers, Cook to the Right Honourable Prime Minister of Canada and Cabinet, November 25, 1960.
- <sup>14</sup> Waterfield papers, Diefenbaker to Cook, December 3, 1960, and, Gauthier to Cook, December 28, 1960.

<sup>15</sup> Waterfield papers, Fulton to Waterfield, January 2, 1961.

<sup>16</sup> Herridge papers, Paget to Moroso, November 29, 1960, a copy.

<sup>17</sup> Waterfield MS, p. 44.

<sup>18</sup> Quotation from paragraph 244 of the report in Minutes, March 18, 1960, pp. 178-79. See the table on p. 98 of the first volume of the report.

<sup>19</sup> Ibid., p. 179.

<sup>20</sup> Waterfield MS, pp. 26-27.

<sup>21</sup> Ibid., pp. 46-47.

<sup>22</sup> Ibid., pp. 49-51.

<sup>23</sup> Minutes, April 27, 1964, p. 730.

<sup>24</sup> Waterfield MS, pp. 52-53.

<sup>25</sup> Ibid., p. 54.

<sup>26</sup> Waterfield papers, Cook to Diefenbaker, December 5, 1960, and, Gauthier to Cook, December 28, 1960. H. W. Herridge, MP for Kootenay West from 1945 to 1968, claims to have received literally hundreds of letters from individuals and organizations in the constituency objecting to the proposed High Arrow Dam (Herridge interview, November 13, 1967). Several constituents decorated the envelopes of their letters with appropriate slogans: "High Arrow -- High Treason Against Nature" and "Low Arrow or No Arrow." (Herridge papers, Timmins to Herridge, December 30, 1960.)

<sup>27</sup> Waterfield MS, pp. 54, 59.

28 "Analysis by U.S. Negotiators of the Report to the Governments of the United States and Canada Relative to Cooperative Development of Water Resources of the Columbia River Basin (Washington, October, 1960)."

29 Waterfield MS, pp. 55, 58.

30 Quoted in Ibid., p. 56.

31 Quoted in Ibid., pp. 58-59.

32 Quoted in Ibid., pp. 59-61.

33 Minutes, March 25, 1960, pp. 230-33.

34 Herridge papers, Bartholomew to Herridge, January 9, 1961.

35 Waterfield MS, pp. 65, 71.

36 "\$253 Million Loss Claimed if Dam Built," Victoria Daily Times, February 6, 1961.

37 Waterfield MS, pp. 49-50.

38 Waterfield papers, Smith to Cook, March 9, 1961. Also, Cook to Smith, January 29, 1961, and, Cook to Bantock, February 25, 1961.

39 Waterfield MS, p. 68.

40 Herridge papers, Herridge to Fowler, January 19, 1961.

41 Waterfield MS, p. 68.

42 Herridge papers, Herridge to Waterfield, June 6, 1961.

43 Waterfield papers, Waterfield to Cook, June 16, 1961.

- 44 Herridge papers, Herridge to Waterfield, June 20, 1961.
- 45 Ibid.
- 46 Herridge papers, Herridge to Waterfield, July 13, 1961.
- 47 Waterfield papers, McNaughton to Waterfield, August 16, 1961. The letters referred to by McNaughton were: Hobbs to McNaughton, January 13, 1961, and, McNaughton to Hobbs, January 17, 1961.
- 48 Waterfield papers, Waterfield to Paget, July 17, 1961.
- 49 Herridge papers, Herridge to Waterfield, July 21, 1961.
- 50 Waterfield papers, Waterfield to Cook, September 6, 1961.
- 51 For Paget's statement, see Minutes, April 29, 1955, p. 458. For Waterfield's view, see Waterfield MS, p. 205.
- 52 Quoted in Waterfield MS, pp. 205-21.
- 53 "A Preliminary Report on the Effects on Fisheries of Four Dams Proposed for the Columbia and Kootenay Rivers in British Columbia," F. P. Maher, Division Fisheries biologist, Fish and Games Branch, Department of Recreation and Conservation (Victoria, August 1, 1961).
- 54 Quoted in Waterfield MS, pp. 232-38.
- 55 Ibid., pp. 252-63.
- 56 The evidence submitted to the Comptroller of Water Rights at these hearings has been selected here as samples of the larger amount of testimony presented. For example, before he left Revelstoke, Paget also heard testimony on behalf of the provincial Government's application as well as opposition not mentioned here.



57 Waterfield MS, p. 278.

58 Quoted in Ibid., p. 281.

59 Ibid., p. 274.

60 Ibid., pp. 282-83.

61 Ibid., pp. 292-94.

62 Ibid., pp. 299-319.

63 Ibid., p. 322.

64 Ibid., p. 343-59.

65 Ibid., pp. 376-92.

66 Ibid., pp. 405-08.

67 Ibid., pp. 413-18.

68 Ibid., pp. 367-68.

69 Ibid., pp. 436-41.

70 Ibid., p. 442.

71 Waterfield papers, Waterfield to Harding, November 12, 1961, and, Waterfield to Bartholomew, November 8, 1961, and, November 9, 1961.

72 Waterfield papers, "Memorandum on the Hearings At Revelstoke, Nakusp and Castlegar on Application for Licence to Build High Arrow Dam, Nakusp Chamber of Commerce, Donald C. Waterfield, Chairman, Water Resources Committee, Nakusp Chamber of Commerce, October 25, 1961." (mimeo)

73 Waterfield MS, p. 360.



- 74 Published in Minutes, April 13, 1964, pp. 303-09. The licences for the three projects, originally issued on April 16, 1962, were re-issued annually as the controversy continued.
- 75 Herridge papers, Hobbs to Waterfield, December 14, 1961, a copy.
- 76 Herridge papers, Waterfield to Herridge, January 3, 1962. Emphasis in the original.
- 77 Herridge papers, Herridge to Waterfield, February 12, 1962.
- 78 Waterfield papers, Pearson to Waterfield, February 14, 1962.
- 79 Waterfield papers, Pearson to Waterfield, April 13, 1962.
- 80 Waterfield papers, Waterfield to Pearson, April 12, 1962.
- 81 Waterfield MS, p. 450.
- 82 Waterfield to author, March 4, 1968.
- 83 Herridge papers, McNaughton to Herridge, April 29, 1962.
- 84 Waterfield papers, McNaughton to Waterfield, April 14, 1962.
- 85 Waterfield papers, Herridge to Waterfield, April 16, 1962.
- 86 Herridge papers, Herridge to Mather, May 12, 1962. Mrs. Viola Mather was Herridge's secretary in Ottawa.
- 87 Herridge papers, Mather to Herridge, May 25, 1962.

- 88 Herridge interview, November 13, 1967.
- 89 Waterfield papers, "The Hon. Ray Williston at Nakusp, June 16, 1962, Donald C. Waterfield." (memorandum).
- 90 Waterfield to author, March 4, 1968.
- 91 Waterfield MS, p. 446, and, Waterfield to author, March 4, 1968.
- 92 Waterfield papers, (no name) from Waterfield, August 2, 1962.
- 93 Waterfield to author, March 28, 1968.
- 94 Waterfield MS, pp. 450-54.
- 95 Minutes, May 7, 1964, pp. 1056-57, and, Deane to author, February 20, 1968.
- 96 Deane to author, February 20, 1968.
- 97 Waterfield MS, p. 456.
- 98 Herridge papers, Mather to Deane, July 12, 1962, and, Herridge to Deane, July 18, 1962.
- 99 Waterfield MS, pp. 456-57.
- 100 Columbia River for Canada Committee papers, "Notes of Meetings Held July 5, 1962," and, Braaten to (no name), July 9, 1962 (mimeo). The papers of the Columbia River for Canada Committee have been deposited with the Trade Union Research Bureau in Vancouver where, in accordance with the Committee's "Final Statement," all "documents, records, correspondence, reports, etc.... will be made available to any interested party." "Statement of Columbia River for Canada Committee -- August 1, 1964" (mimeo), p. 5.
- 101 Columbia River for Canada Committee papers.

"Notes of Meeting Held on July 18, 1962." Also, "Notes of Meeting Held August 15, 1962."

102 Columbia River for Canada Committee papers, "Notes of Meeting Held on July 18, 1962."

103 Columbia River for Canada Committee papers, "Develop the Columbia River for Canada" (3rd printing Oct. 1962, Some Revision), 8pp. Emphasis in the original.

104 Columbia River for Canada Committee papers, Braaten to friend, September 29, 1962 (mimeo), and Braaten to Member of Parliament, September 21, 1962 (mimeo).

105 Columbia River for Canada Committee papers, Braaten to Member of Parliament, September 21, 1962 (mimeo). Emphasis in the original.

106 Columbia River for Canada Committee papers, "Notes of Meeting Held on October 21, 1962."

107 E. H. Davidson, "Power Development in B.C.," p. 25. Hereafter cited as Davidson MS. Also, Davidson to author, February 20, 1968.

108 Columbia River for Canada Committee papers, Davidson to Braaten, September 20, 1962.

109 Columbia River for Canada Committee papers, "Notes of Meeting Held on October 21, 1962."

110 Davidson MS, p. 25.

111 Columbia River for Canada Committee papers, Braaten to Davidson, October 31, 1962.

112 Columbia River for Canada Committee papers, passim, especially, September-December, 1962. Also, "Statement of Columbia River for Canada Committee -- August 1, 1964, Financial Statement - July/62-June/64" (mimeo, attached) 3pp.

113 Columbia River for Canada Committee papers, Chown to Braaten, October 4, 1962.

114 Columbia River for Canada Committee papers, (no name) to Wright, June 21, 1963.

115 Columbia River for Canada Committee papers, Waterfield to Braaten, October 4, 1962.

116 Columbia River for Canada Committee papers, "Information Bulletin #1, November, 1962" (mimeo).

117 Columbia River for Canada Committee papers, Herridge to Braaten, October 9, 1962.

118 Columbia River for Canada Committee papers, McNaughton to Yorke, October 4, 1962, and, McNaughton to Braaten, October 4, 1962.

119 "We calls 'em how we sees 'em," an editorial, November 15, 1962.

120 Davidson MS, p. 26.

121 Herridge papers, Robertson to Deane, September 26, 1962, Deane to Robertson, October 5, 1962, Deane to Robertson, November 15, 1962, Robertson to Deane, December 17, 1962, Deane to Robertson, January 10, 1963, and, Robertson to Deane, February 4, 1963, copies.

122 Minutes, May 20, 1964, p. 1399.

123 Waterfield papers, Waterfield to Dinsdale, October 4, 1962.

124 Waterfield papers, Dinsdale to Waterfield, October 15, 1962. The last letter addressed to Dinsdale was addressed on election day in 1963 when Dinsdale's Government was defeated at the polls (Waterfield to Dinsdale, April 8, 1963).

- 125 Herridge papers, Watkinson to Robertson; January 23, 1963, and, Robertson to Watkinson, January 30, 1963 ("Comments on Mr. F. J. Bartholomew's 7 January, 1963, Paper Entitled: 'The Columbia River Treaty'.") copies
- 126 Herridge papers, Bartholomew to Herridge, January 17, 1963.
- 127 Patterson to Sexton, February 20, 1963. Published in Minutes, May 20, 1964, p. 1399.
- 128 Private research source.
- 129 Waterfield papers, Waterfield to Harding, February 10, 1963.
- 130 See, for example, Alan Morton's "The Controversial Pros and Cons of Columbia River Power," Hamilton Spectator, February 27, 1963.
- 131 Davidson papers, McNaughton to Davidson, December 29, 1962.
- 132 "General McNaughton and his supporters....," an editorial, December 20, 1962.
- 133 Bartholomew papers, "Columbia River Treaty Memorandum Prepared by F. J. Bartholomew Dealing With Sherman's Article of January 24, 1963" (mimeo), 4pp. The paper recently distributed to legislators was titled "To All Members of Parliament in Ottawa and British Columbia Legislature, Re: Columbia River Treaty, January 17, 1963" (mimeo), 4pp.
- 134 See, for example, the exchange between Sherman and J. D. McDonald, of Rossland, a colleague of Richard Deane, McDonald papers, McDonald to Sherman, November 19, 1962, Sherman to McDonald, December 10, 1962, McDonald to Sherman, December 20, 1962, Sherman to McDonald, January 2, 1962. [sic].
- 135 Columbia River for Canada Committee papers, Ward to Braaten; January 14, 1963.

- 136 Columbia River for Canada Committee papers, Waterfield to Braaten, February 6, 1963.
- 137 Herridge interview, November 13, 1967.
- 138 Canadian Press news agency, "McNaughton Declines Candidacy," Hamilton Spectator, February 8, 1963.
- 139 Herridge interview, November 13, 1967; Byrne interview, November 14, 1967.
- 140 Waterfield papers, Perrault to Waterfield, February 26, 1963.
- 141 Byrne interview, November 14, 1967.
- 142 Waterfield papers, Davis to Waterfield, May 7, 1963.
- 143 The Columbia River Treaty and Protocol and Related Documents, p. 99.
- 144 Waterfield papers, Waterfield to Herridge, June 17, 1963.
- 145 Columbia River for Canada Committee papers, Harris to Yorke, June 4, 1963.
- 146 Columbia River for Canada Committee papers, Herridge to Wood, June 24, 1963.
- 147 Columbia River for Canada Committee papers, "Press statement July 11, 1963" (mimeo).
- 148 Columbia River for Canada Committee papers, Pearson to Wood, July 25, 1963.
- 149 Waterfield papers, Davis to McDonald, June 25, 1963.

- 150 Waterfield papers, Davis to Waterfield, July 25, 1963.
- 151 Waterfield MS, p. 468.
- 152 Pearson to Cady, July 23, 1963, quoted in Waterfield MS, p. 467.
- 153 Sherman, p. 266.
- 154 Davidson MS, p. 27.
- 155 Private research source.
- 156 Waterfield to author, March 28, 1968.
- 157 Waterfield MS, p. 467.
- 158 Waterfield MS, pp. 468-69. The quotation from Neuberger is taken from Ibid., p. 22.
- 159 Ibid., p. 470.
- 160 Columbia River for Canada Committee papers, "Agenda -- Columbia River Conference Wednesday, June 26, Hotel Vancouver," (mimeo), and, Minutes, May 6, 1964, p. 1009.
- 161 Columbia River for Canada Committee papers, McNaughton to Braaten, (no date, c. November 15-December 7, 1962), L. Austin Wright to Committee, June 20, 1963, and, (no name) to Wright, June 21, 1963.
- 162 Yorke to author, January 12, 1968, and, Yorke to author, (no date, c. July 6, 1968).
- 163 Columbia River for Canada Committee papers, Braaten to McNaughton, February 19, 1964.
- 164 Columbia River for Canada Committee papers.



McNaughton to Braaten, February 24, 1964.

165

While some non-Communist opponents of the treaty felt that the presence of Communists in the campaign was harmful ("With friends like that, who needs enemies?"), the other school of thought welcomed all opponents ("The devil included if he were opposed to the treaty.") Higgins interview, August 24, 1968.

166

Minutes, May 6, 1964, pp. 994-95, 1006, 1008.

167

Columbia River for Canada Committee papers, "Columbia River for Canada Committee Submission to the External Affairs Committee of the Canadian House of Commons re the draft Columbia River Treaty Canada-United States, January 1961 and Protocol, January 1964" (mimeo), p. 8.

168

Minutes, May 6, 1964, p. 993.

169

Ibid., p. 1101.

170

See, for example, Ibid., May 14, 1964, p. 1276, and, May 15, 1964, p. 1317.

171

Waterfield MS, pp. 470-71.

• THE COLUMBIA RIVER TREATY, 1961-1964:  
A STUDY OF OPPOSITION AND REPRESENTATION  
IN THE CANADIAN POLITICAL SYSTEM

VOLUME TWO

#### IV

### GENERAL MCNAUGHTON: "SERVITUDE IN PERPETUITY"

#### 1. Introduction

A complete account of the opposition to the Columbia River Treaty must give some prominence to the role of General A. G. L. McNaughton. In turn, such an account will embrace the related activities of Larratt Higgins and James Ripley. Higgins, in particular, took the initiative while McNaughton was still a public servant, and blazed a trail of opposition to the treaty in central Canada. However, because of his impressive background as soldier, scientist, politician and diplomat, and because of his important role on the International Joint Commission, General McNaughton's views on the treaty were the most widely publicized of all the critics. The study notes first McNaughton's position as expressed during the evolution of Canadian policy during the 1950's: a consideration of Larratt Higgins' opening volleys against the treaty then introduces the public campaign in opposition to the treaty by General McNaughton.

McNaughton was 75 years old on February 25, 1962, and before his departure for a meeting of the IJC in Washington in April, he was informed that he would be retired after the meeting.<sup>2</sup> The Columbia River Treaty had been signed in

January, 1961, and ratified by the Congress of the United States two months later. One year later, the treaty still had to be ratified by Canada. During that time, General McNaughton had recorded his dissatisfaction with the provisions of the treaty in letters to a close friend, Larratt Higgins, of Toronto, whom McNaughton had known from Higgins' work as an economist on the development of the Columbia for the federal Government in 1958. The day after his 75th birthday General McNaughton wrote Higgins privately that at the meeting of the IJC in April, he would attempt "one last fling at renegotiation." It is not clear to Higgins how McNaughton hoped to accomplish this at the closed session of the IJC.<sup>3</sup>

When General McNaughton finally arrived in Washington for the meeting, he was met by the Canadian ambassador, Arnold Heeney. Heeney presented McNaughton with a message from the Office of the Prime Minister; it was a press release announcing General McNaughton's retirement, to be made public before the meeting of the IJC.<sup>4</sup> When the meeting was concluded and before he left Washington, McNaughton assured himself of a riotous reception from reporters in Ottawa by denouncing the Columbia River Treaty as "servitude in perpetuity" of Canada's "vital rights and interests." He described Canada's negotiating team which he had advised as "a house divided against itself, unskilled and uninformed." "The Americans," he said, "saw we were a house divided

against itself. They moved in on these people and skinned them alive."<sup>5</sup>

In Ottawa, parliamentarians heard the general's blast on the eve of a general election campaign. Davie Fulton, chief negotiator of the treaty for Canada, issued a statement describing McNaughton's words as "second thoughts" and explained that although he had expressed "grave reservations ... that physical aspects were present which he found very difficult to accept" McNaughton had told Fulton "he could not oppose recommending the treaty."<sup>6</sup>

General McNaughton returned to Ottawa to take issue with Fulton's interpretation and describe his "removal" by the Government as "the arbitrary decision of a dictator." He told reporters that the provincial and federal Governments had sold Canada "down the river" and that he had dissociated himself from the treaty "from the start" and had made it clear that he would speak his mind when the opportunity arose. He said he had been waiting since the signing of the treaty, for the "regular constitutional processes to be followed." The treaty needs to be aired before a committee, he said,

[as a] forum under the control of Parliament, which is in a position to do something with its conclusions ... people with authority to go into these things, to take evidence, under oath if necessary, and above all, to send for papers.<sup>7</sup>

2. General McNaughton and the Committee on External Affairs of the House of Commons, 1953-1961

In 1956, Senator Richard Neuberger, of Oregon, reported to the Senate of the United States that in reference to McNaughton: "There is no doubt that he works closely with the appropriate Cabinet Ministers, that his advice carries great weight and that, in general, he represents the position of the Government."<sup>8</sup> McNaughton also worked closely with the Committee on External Affairs of the House of Commons, defining and defending Canadian policy on the development of the Columbia River basin, working through the MP's to create an informed public to sustain the Canadian position. His testimony before the Committee during the 1950's indicates not only the views he later held on the Columbia River Treaty in the 1960's, but also the value he placed on the Committee on External Affairs. McNaughton was a man for whom form counted a great deal; and though his success in appearances before the parliamentary committee in the 1950's was not matched in 1964, he could not countenance, even in retrospect, any type of activity which he thought was incompatible with his essential regard for the deliberative process of Parliament.

General McNaughton had first appeared before the Committee on External Affairs to testify as Chairman of the Canadian section of the IJC in 1953. He told the members of the Committee at that time about the reference of 1944 on

the development of the Columbia basin and observed;

The big problem, and it is an enormous problem, is represented by the question who gets the benefits from water which is stored in Canada and which is released to meet the needs and help the regulation of flow for the benefit of those plants which are south of the line.<sup>9</sup>

In 1953, General McNaughton testified that the United States was being particularly insistent about the Libby Dam project on the Kootenai River in Montana which would drown 150 feet of head in Canada and flood inhabited land 42 miles into Canada. He said:

We have not been disposed to proceed in any hurry in this matter. We are most anxious that in this critical case of Libby dam, where a pattern for the whole development of the use and distribution of downstream benefits will be settled that we will be abundantly sure of our ground ... before we take any action which may be irrevocable.<sup>10</sup>

In 1954, General McNaughton told the Committee on External Affairs that, despite the growing anxiety among his colleagues in the United States, Canadians had to be careful to safeguard their rightful and equitable interests. Before World War One, McNaughton had been in the Kootenays and discerned the possibility of diverting the Kootenay River to the Columbia River as the Kootenay flowed nearby and level with the source of the Columbia. At that time the technology of dam construction was not adequately developed to effect such a diversion; by 1954, however, he could recommend a development

so the whole flow of the upper water of the Kootenay ... will in fact flow north into our Mica Creek reservoir, adding to the potentials there, or we can store it between Columbia Lake and Luxor, where we can use it for regulation of the plants on the Upper Columbia before we pass it further downstream.<sup>11</sup>

This possibility was now another argument against the proposal to construct Libby Dam in the United States.

When General McNaughton appeared again before the Committee on External Affairs in 1955, the Committee was examining Bill C-3, later the International River Improvements Act. Solon Low, leader of the Social Credit party in the House of Commons, charged that the Government's bill, designed to curb the construction of a dam at the mouth of the lower Arrow Lake by the Kaiser Aluminum and Chemical Corporation of the United States in agreement with the provincial Government, had been introduced to satisfy the "piqued" and "angry" General McNaughton.<sup>12</sup> C. D. Howe, Minister of Trade and Commerce, had conceded earlier that McNaughton had been the man "most disturbed" about the proposed dam.<sup>13</sup>

In 1955, General McNaughton outlined before the Committee three proposals that the Canadian section of the IJC was considering: a) no diversion either from the Kootenay or Columbia Rivers, b) diversion of the upper Kootenay into the upper Columbia, and c) diversion of the Kootenay into the Columbia and the Columbia into the Fraser River. In his description of the Libby Dam proposal McNaughton implied



his disregard for the first no-diversion plan (a). He told the Committee:

This [Libby] project is one in which we are invited ... to make a gift to our friends to the south of the line of the rights in perpetuity to a large flow of Canadian origin capable of being used in Canada. By this action if we should take it, we would divert a resource of very great value from ourselves to the service of industry in another nation. These Kootenay waters would flow down into the Libby, they would be stored behind a dam which floods our boundary to 150 feet, and the water flow which would be released would go through the comparatively small head of 360 feet of our plants on the West Kootenay, but they will go down eventually nearly 1300 feet of head in the United States, and that means that most of the energy which is in that water of Canadian origin, which could be used in Canada, will be taken and will be to the advantage of the United States. (...) We might get half of the energy back.

Now that we have found, and with pretty good assurance, that we can use the same flows through our own dams where we will get the full amount, why should we go on giving away half of our flows? (...) So you can see what an enormous sacrifice we would be making if we do in fact dedicate these waters of the Kootenay to the service of another state.

Describing the Kootenay to Columbia diversion scheme with a dam on the Kootenay at Bull River and Luxor on the Columbia, General McNaughton stated explicitly his preference for the diversion scheme and assumed its eventual acceptance:

When the Bull River dam is built -- and I have no doubt it will be -- part of the Kootenay will flow into Columbia Lake and down the Columbia ... and through the heads in Canada all the way; and that power and also the storage in the Bull river and Luxor reservoirs would remain in the beneficial ownership and use of Canada, and would not have passed out of our jurisdiction, as it might

if the river was allowed to re-flow in the loop through Montana and Idaho. 15

A variant in the Kootenay to Columbia diversion would be the inclusion of Dorr Dam on the Kootenay near the border to impound the flows of the Bull River and the Elk and other adjacent tributaries to fill the pool above the Dorr, backing up against the Bull River Dam. The essential purpose of the Dorr Dam would be to protect Bonners Ferry, Idaho, from flood flows of the Elk. Pumps in the Bull River Dam would raise the water from the Dorr pool into the Bull River reservoir to be sent eventually through Canadian heads down the Columbia River to the border, "or preferably, in case 3, by way of the diversion into the Fraser basin." As to this third proposal, General McNaughton explained that the headwaters of the Eagle River, a tributary of Shuswap Lake, were only seven miles from the Columbia River at Revelstoke and that field investigations had demonstrated that water from the Columbia might be diverted by this route into the Fraser basin. 16

The Libby Dam project, then, represented a use of Canadian water resources which Canada could use "through heads of Canadian plants clear to the sea, and that represents a head of something over 2,400 feet; 2,400 feet that that water will fall in Canada, some 85 per cent of its potential energy being turned into power." The possibility of an all-Canadian power development on the Kootenay, Columbia, and Fraser River systems, in McNaughton's opinion, accounted for

"the almost frantic efforts now being made to obtain possession of or control over storage in Canada and to divert this very valuable key resource to the service of the United States power industry."<sup>17</sup>

McNaughton assured James Byrne, MP for Kootenay East, that the Bull River-Luxor projects and the Kootenay diversion would benefit Canada and still provide service to the United States. According to McNaughton, the West Kootenay Power and Light Company, Cominco, and the City of Nelson would not benefit from the Libby project unless they re-developed the western section of the river. On the other hand, the proposed dams in Canada "would have a very substantially beneficial effect on flood protection downstream" in Byrne's constituency and would not jeopardize irrigation in the United States. McNaughton could not yet provide Byrne with details about flooding which would result in his constituency but, he said, "the disadvantages are very small in comparison with the great advantages which would come to Canada."<sup>18</sup>

McNaughton testified that the Arrow Lakes had great possibilities for storage, but there would be a penalty to pay -- "the destruction of shorelines and other amenities."<sup>19</sup> When compared with the "wonderful topographical possibility at Mica and Bull River and Luxor," however, the potential for a dam in the Arrow Lakes district was not outstanding. The storage sites on the upper Columbia, McNaughton explained, were more than 2,500 feet above sea level at Vancouver, while "when the water gets down to the Arrow Lakes, for

example, there is only with the most extreme flooding that could be contemplated 50, 60, maybe 70 feet of head available" to the border.<sup>20</sup> A low dam at the outlet of the Arrow Lakes, raising the water level to the normal flood level would, however, create storage for downstream requirements in the United States and safeguard storage on the upper Columbia in low-flow years.<sup>21</sup>

McNaughton hoped that the IJC's recommendations would find strength in widespread public acceptance. "If we cannot carry public opinion with us in these matters," he said, "that is the end of it."<sup>22</sup> General McNaughton held public support to be essential and, apart from the opportunity afforded himself to make speeches -- "to give an unbiased account of what is going" --, he told the Committee on External Affairs in 1955 that the Committee represented "the best help that we have had." Replying to a question from H. W. Herridge when he appeared before the Committee later in the year, McNaughton said:

The very fact that these matters have been debated so freely and so thoroughly here and picked up and given to the press has carried to the people an idea of the significance of things like downstream benefits and the possibilities that are open to British Columbia.... If it had not been for this committee probably they never would have heard about them. (...) I think we have all got to bend our minds to getting these matters before the public so that we may have an informed public opinion for these great endeavours.<sup>23</sup>

He had told the Committee during its study of Bill C-3:

We are going to have the hardest bargaining any of us have ever done in order to come up with the freedom to use these waters with the high altitude reservoirs through the heads in order to endow the Fraser Basin with these large amounts of power which are needed, and which when you put them down against the foreseeable requirements of the comparatively near future are even not then too much. 24

In June, 1956, General McNaughton received a telegram from his American counterpart on the IJC urging reconsideration of the Libby dam project. He replied June 14 and the following day appeared before the Committee on External Affairs to discuss the development of the Columbia and the "fruitless" persistence of the United States on the question of Libby. McNaughton reiterated the possibilities for diverting the Kootenay River into the Columbia and described the Libby Dam project as an "immense sacrifice of resources which, by every law of right and reason belong to Canada in the right of British Columbia." 25

By the time he appeared before the Committee in 1957, most of the dam sites had been through the "consulting engineering stage." On a project for the Arrow Lakes, McNaughton told the Committee that an acceptable project would flood the area to a level of 1,402 feet "and no higher" and would provide storage for 3.1 million acre-feet of water. 26 With this low dam, McNaughton explained, the district would experience "no real damage at all over the ordinary flood lines of high water," whereas the alternate plan to raise the level to 1,446 feet to store seven million

acre-feet was "pretty drastic."<sup>27</sup>

Pressure to approve the storage of seven million acre-feet of water behind a high dam was being exerted by the United States, McNaughton testified. Canadian interests, however, would be served by not more than 3.1 MAF because the value of storage to a country was a matter not only of the amount of water stored, but also of the head through which it could be dropped and used to generate power in the country. There was only a 60-foot head between the proposed dam site and the border, McNaughton repeated, and it was not the intention of the Canadian section of the IJC to advocate the "drastic" flooding of the Arrow Lakes valley to provide storage for cheap power production in the United States.

He told the Committee:

The United States will look at it from an economical point of view, considerably different from ours ... with another 1,288-foot head ... and will continue to press us to make commitments, in order to get electricity from there, and to inhibit the possibility of the Canadian pattern -- using all the storage to our advantage.<sup>28</sup>

Whereas the usable height for Canada of a dam at the outlet of the Arrow Lakes was only 60 feet, McNaughton explained that, in the case of storing 15 MAF behind the Bull River-Luxor and Mica dams, the head in Canada was about 1,200 feet. Consequently, he said,

if you put this 15 million acre feet of storage through 1,205 feet of head at 85 per cent efficiency you will get just under 16 billion kilowatt hours per annum. It is hard to give

an impression of what 16 billion kilowatts actually is. (...) It is literally an empire's ransom.<sup>29</sup>

In 1957, General McNaughton dealt briefly with the Libby Dam proposal: "It appropriates a wide section of our territory to their [United States] exclusive advantage, and denies us every privilege and even harms the communities along the river. Libby is a project that has no advantage to Canada whatsoever."<sup>30</sup> Also in 1957, McNaughton scored the concept of a "joint international authority" for the development of the Columbia River basin which was then being promoted by Senator Neuberger, of Oregon. The notion of a joint authority disguised the real effect of such an organization which, he said,

would be that when power became available it would be made available to the first customer who came along and that would most certainly be a United States customer. Gradually all the power of Canada and the contributions which Canada can make would inevitably be diverted into the building up of an economy south of the line, and when we came to repatriate those powers we would find, as on previous occasions, that it is impossible to do so.

He stressed again his view of an all-Canadian development and included the northern rivers of British Columbia:

If we do not hold on to our Columbia, Fraser and Kootenay, and do these developments ourselves at this time, it means, when those further powers in the north are available, that these may slip out of our hands also into the service and into the economy of another nation. (...) Once they are lost we never get them back.<sup>31</sup>

In 1957, McNaughton faced the firmest opposition he

had ever encountered in the Committee to date from A. B. Patterson (Social Credit-Fraser Valley), whose constituency was in the Fraser River basin and who questioned McNaughton on the fish versus power question on the Fraser River. Invoking the opposition to power developments on the Fraser from Senator Thomas Reid, Patterson quoted Reid's reported suggestion to Premier Bennett that he tell the federal Government to "get the hell away from the Fraser and mind its own business."<sup>32</sup> Patterson also recalled the interjection of David Fulton during the debate in 1955 on the International River Improvements Bill that a diversion from the Columbia to the Fraser would be effected "over my dead body."<sup>33</sup>

General McNaughton had earlier asserted that no region in the world was "so gloriously endowed as the lower mainland of British Columbia, and the lower part of the island, with the possibility of having cheap power right into the future." In reply now to Patterson, he said:

If this inhibition was placed by some strange idiosyncrasy on the use of Canadian water for power purposes it would mean that the downstream benefits that are on the Fraser, or the Upper Columbia and Kootenay, that are capable of being developed in Canada ... would no longer have market value.<sup>34</sup>

McNaughton thought it important that Canada keep open all the possible opportunities for power development by Canada alone. If it were known to the United States that Canada intended to bring its own resources into beneficial use in



an all-Canadian system "clear to the sea," then the United States would have to offer more to Canada in a bargain for co-operative development on the basis of such alternatives. <sup>35</sup>

He said there was accumulating evidence to show that fish and dams could coexist: <sup>36</sup> in any case, he estimated that the proposals he was advancing to provide British Columbia with cheap power were "one hundredfold greater" than the present value of the salmon industry. He told the Committee:

These are colossal figures, gentlemen. They are not the price of a kingdom; they are the price of an empire that belongs to us. And we are not going to get it, unless we are prepared to use it ourselves. (...) There must be no quibbling about it. <sup>37</sup>

In 1958, McNaughton told the Committee on External Affairs that the report of the ICREB was expected to be presented soon; it would deal with three sequences, or studies, of storage and power sites in which the Mica Creek and Duncan Lake dams would be common projects. Sequence VIII, he said, represented a compromise between the other sequences, VII and IX. He said Sequence VII was one that,

positions the water very much as the United States would like to see it positioned. (...) Sequence 7 disposes of the waters in accordance with the suggestions made by the United States ... which provide that the flows continue down the Kootenay river and that the Libby dam ... be developed.

Sequence IX, on the other hand, which was proposed by the Canadian section of the I.C.,

is a proposal which would use the water to the best advantage of Canada. It provides that this

immense advantage of the use of the Kootenay Flow through the Columbia lake, down through Windermere and down around the Big Bend would actually add about 700,000 kilowatts of installed capacity in Canada that would not otherwise be available. 38

When General McNaughton appeared before the Committee in April, 1959, he discussed the sequences on the basis of statistics available in the report of the ICREB. He repeated the argument against the Libby Dam and the argument for the Dorr Dam and Bull River-Luxor diversion scheme. McNaughton was certain that if the development were being considered strictly from an international viewpoint, "that is if there were no boundaries whatsoever," there would be very little doubt that the "real development" of the Columbia "would be to route the water by way of the Dorr diversion to take advantage of the additional heads which can be developed along the Columbia and make use of these flows to the best advantage." The inclusion of the Libby Dam in two sequences represented an acceptance in those instances of the international boundary and the possibility of a national interest conflicting with the "real development." The figures readily demonstrated, he said, that the Libby Dam was uneconomical. The compromise plan of Sequence XIII which would allow the reversal of the Kootenay and Finlay Creek into the Columbia was of advantage to Canada, McNaughton said. The plan, however, would exclude the Dorr diversion which would double the flow into the upper Columbia from the Kootenay's tributaries, the Elk and Bull Rivers. The

diversion under Sequence IX excluding Libby represented then "what was best to do in the general interests of the public."

The rationale behind the Libby Dam was not economic,

McNaughton repeated:

Not only do we by this method lose the flow of the river which originates in Canada, and which, under arbitration of the treaty of 1909 is under Canadian jurisdiction with the right to divert specifically mentioned in the treaty, but we lose the use of these resources of head which are involved.

Each of the sequences reported on by the ICREB were paired with an accompanying "a" plan indicating the same development including, however, the Murphy Creek or Low Arrow Dam instead of the High Arrow Dam. General McNaughton clearly stated his preference for Sequence IXa, the diversion scheme excluding Libby and the High Arrow Dams. The area to be flooded by the High Arrow Dam, he said,

will be covered by water, in the late summer and early winter, which will be drawn down toward spring [and] the ground will be exposed, there will be extensive marsh lands or mud, or what-not, making it almost impossible to arrange communications.... I think this is a pretty serious consideration which has to be weighed very carefully by the people who will have the ultimate responsibility ... the government of British Columbia and to some extent the government at Ottawa as well. 39

In January, 1959, the IJC had received another reference from the two national governments; the IJC was instructed to develop principles to be applied in determining the benefits from a co-operative use of storage and electrical interconnection within the Columbia River system and the apportionment of the benefits with respect to power

production and flood control. Four years later, General McNaughton said that the IJC's subsequent unanimous report on principles, delivered to the United States and Canadian Governments in December, 1959, envisaged "not only the best practicable plan of development without regard to the boundary", but also provided for "an entirely equitable sharing of the benefits of power." He said:

It was evident that the U.S. wished for integration of the operation of the Canadian storages and generation into the U.S. system as an extension of the Bonneville Power Administration and to be under their effective control. I maintained the view that the instruction of the governments ... and moreover the Boundary Waters Treaty of 1909 ... did not comprehend any such relinquishment to the United States of any such control over the water resources of Canada. I stated that ... what was called for [were two national entities which] by mutual co-operation within stated principles, could gain the benefits of upstream Canadian storage and share these benefits equitably. (...) I am happy to say that eventually ... those views prevailed; though I do not think they were ever agreed to by the U.S. Army Engineers. The IJC Principles do not therefore contemplate integration with control vested in one authority but that an entirely satisfactory result would be achieved by co-operative arrangements in which the sovereign authority of the two countries within their own domain, would be maintained in vital matters. 40

When General McNaughton appeared before the Committee on External Affairs in March, 1960, the negotiations for a Columbia River Treaty were under way. McNaughton was serving as an adviser to the Canadian negotiating team and in his four days of testimony before the parliamentary committee, it was clear what advice the Canadian negotiators were

receiving from him. On the Libby Dam, General McNaughton repeated his long-standing opposition:

Now our United States friends ... would wish us to hand [over] our resources wherever they could persuade us to do so. (...) The resources are very valuable not only in the present but in posterity; and posterity is a mighty long time. (...) We in the commission were ... not prepared under any circumstances to take the responsibility of donating -- and I say that advisedly -- these resources to our friends south of the line. We were perfectly entitled to use them in Canada. (...) By their [United States] own statement, the [Libby] project is uneconomical. Whether it would be an economical project if they were to receive 150 feet of head given by Canada in perpetuity, is very much a question of doubt in regard to the economics of it. (...) As good neighbours, I think we should look after and give adequate flood protection, as indeed we have with the Canadian proposals. And the matter should be handled cooperatively, but without any handing over of these immensely valuable water resources from Canada to another country. 41

General McNaughton recognized that there was localized support for the Libby Dam in the interior of British Columbia. Cominco's interests were identified with the Libby proposal as downstream power producers and consumers. Under Sequence IXa, McNaughton predicted the building up of a great industrial area around Trail and Revelstoke, but if Libby were to be built, the company then would gain very materially, but "you must remember what the public of Canada, and of British Columbia, in particular, are going to lose." 42

On the proposal to build a High Arrow Dam, McNaughton told the Committee in March, 1960, while the treaty was

being negotiated, that "the proposition was pretty closely tantamount to extinguishment of civilization in that area."<sup>43</sup>

On the basis of the projects being added simultaneously, "it is put down as a matter of record that High Arrow adds nothing to the 20-year output from the point of view of Canada itself" and "draws off quite a lot of benefits that otherwise might go to Mica."<sup>44</sup> McNaughton advocated a low dam at Murphy Creek which would be a power producer and serve to re-regulate flows for delivery to the United States; the High Arrow Dam would be a storage dam for the United States from which Canada would derive flood control payments and a share of the evanescent downstream power benefits. He observed:

The very fact that there is no real possibility for an at-site [power] installation at High Arrow is one of the greatest advantages to the United States, because in the operation of that reservoir in perpetuity it would mean they would not have to take Canadian power requirements into account. They could have that as a satellite to the Grand Coulee reservoir -- and, indeed, a valuable one for them.<sup>45</sup>

As noted earlier, McNaughton explained that the High Arrow storage would be valuable primarily for the return of downstream benefits which were evanescent, which were "going to evaporate some day." He told the Committee that as the United States introduced thermal plants to provide the base load in their system, hydro power would be used only intermittently for peaking. Consequently, the value of upstream storage in terms of downstream benefits

for Canada would inevitably "evaporate." Canada would still receive flood control payments, as negotiated, but the proximity and extent of High Arrow storage so near the border would represent a loss of development potential in Canada. McNaughton recognized the large early financial returns from a High Arrow project, especially a project designated "first added" in the over-all development. He told the Committee:

It may be that the advantages of immediate capitalization, if worked out the way that our bankers would do it, might show that there is real advantage to Canada.... But I cannot reconcile myself to the thought that people would be thrown out of their homes for an advantage which is transient.<sup>46</sup>

The relative position of the two countries regarding their power needs had not changed from 1955 when MP's in the Commons and the Committee on External Affairs heard testimony from Ministers and government officials. In 1960, General McNaughton said before the Committee:

We are different from the United States, very different in our condition. The United States is in a high state of industrial development ... but they have not had an opportunity to learn about the values of storage in hydro electric systems. They have not been aware of it. They have allowed reservoirs to be used for other community developments, and they have permitted encroachment on their only possible reservoir sites so that today they find that they cannot develop reservoirs. (...). They want to get our storage. They know that would be of great help to them. But that help might be of value to them only for a period.

It was important, McNaughton said, to view the development in a long term perspective. He spoke in terms of a 40-year

treaty:

Now, that period of 40 years or so, might be long to you and to me, but in the life of the nation it is not long. So I say when we judge these projects we have to judge them against the future, and we have to ask ourselves this question: what do we want in Canada, when the time has passed when our service to the United States is no longer valued by them. This will come.<sup>47</sup>

The Columbia River Treaty was now being negotiated between Canada and the United States, and General McNaughton credited the Committee on External Affairs with the exposition and maintenance of a strong Canadian position. He said:

I do not believe we would have a stake to work on if it were not for this committee. That is my honest conviction. The danger of all this is that these considerations are not generally capable of being understood by the general public. (...) It is a very involved and intricate matter.<sup>48</sup>

General McNaughton appeared again before the Committee on External Affairs of the House of Commons in June, 1961. It would be his last appearance as Chairman of the Canadian section of the IJC. At this final appearance, the Conservative Chairman of the Committee expressed appreciation for McNaughton's testimony in previous years on the development of the Columbia. The commendation was appropriate for the time since the Chairman had just proscribed "any discussion of the Columbia river pending negotiations which are going on."<sup>49</sup> In 1960, General McNaughton had testified for four days on the development of the Columbia River while



treaty negotiations were taking place between Canada and the United States. During the remainder of that year, a treaty was successfully negotiated between the two countries and was signed in January, 1961. The negotiations which were now pending and during which the federal Government would not allow McNaughton to testify were negotiations between the federal Government and the Government for British Columbia.

### 3. Larratt Higgins: The General's Outrider in 1961

The Government's prohibition on discussion of the treaty by the Committee on External Affairs in 1961 was solidly founded on concern over what McNaughton might have said; he would not likely associate himself with a treaty which made mockery of the testimony he had given before the Committee in past years. Indeed, he informed Larratt Higgins in May, 1961, that he was going to express "very critical views" on the treaty in a brief to the Committee in June.<sup>50</sup> Higgins has suggested that McNaughton would have resigned then had the IJC not been involved in other negotiations. Moreover, McNaughton felt there was a possibility of rescuing something from what he considered an abnegation of the strong Canadian position which, to a large extent, he had discovered, publicized, strengthened and defended as Chairman of the IJC's Canadian section.<sup>51</sup> During negotiations on the treaty, according to Howard Green,

General McNaughton was kept right in the picture, and kept by me because he came under me as the Secretary of State for External Affairs and I wanted him in there to see that everything was as it should be. 52

Higgins, however, has asserted that McNaughton "made himself quite unpopular by tending advice without being asked."

Higgins has explained:

After December 29, 1959, the whole matter was taken out of the hands of the I.J.C. and McNaughton really lost control of the thing.

McNaughton had been put off with the promise that the treaty would be referred to the Committee on External Affairs, but when it met in 1961, reference to the Columbia was proscribed completely and there was no chance for official examination of this matter. 53

In 1958, according to Higgins,

The engineering results on the Columbia were in, and the Cabinet Committee on the Columbia had set up this working committee; they had taken the senior economists from each department that was involved in water. They had General McNaughton as Chairman of the committee.... These economists were to get together, look at the engineering data and try to come up with a negotiating posture that the Government of Canada could take, vis-a-vis the Americans. They needed ... an economist who knew something about power and so they thought of me. (...) My background [also] has been dealing with some of the Americans especially. 54

The report of the economists went to the Cabinet Committee on the Columbia in November, 1958. Following the new reference to the IJC the following January, the Commission reported unanimously on principles on which to base a treaty in December, 1959. In January, 1960, negotiations began "on the basis of the McNaughton Plan" and "things went very

well ... until some time in the spring." Higgins continues:

The reason they went very well is because the recommendations that had been made by the group that I was on, about the kind of scheme to go after, had been followed and they had been accepted by the Americans. What this meant was no Libby, primarily, and our attitude towards the Arrow Dam [was that] on the basis of destroying the Arrow Valley it probably should not be built, because it would cover its cost, but that's about all, if you don't count the uprooting of all these people and the destruction of this valley. (...) The important thing ... is that the Americans agreed that they would forego their ambition to build Libby and there would be a diversion, in other words, the McNaughton scheme would go ahead.<sup>55</sup>

In March, 1961, Higgins was again an employee of Ontario Hydro when, three months after the treaty was signed, he met General McNaughton in Toronto and asked him if the treaty were as bad as Higgins thought it was. McNaughton replied that the treaty was indeed as bad as it appeared from the public record.<sup>56</sup> Late the following month, Higgins wrote McNaughton that he was making notes in the event it became necessary to publish something about the implication of American gains.<sup>57</sup> General McNaughton replied with satisfaction that someone held "the same very critical views" as he. He told Higgins that he was working on the brief to be presented to the Committee on External Affairs in June and, in the meantime, sent Higgins copies of the latest public documents including the hearings of the Committee on Foreign Relations of the United States Senate and an evaluation of the evidence presented to the Committee on the Columbia River Treaty.<sup>58</sup>

In May, Higgins expressed his concern to McNaughton that McNaughton was being associated with the treaty. Indeed, when the treaty-signing ceremony was announced in January, the Leader of the Opposition had complimented McNaughton, a former Liberal Cabinet Minister, "who has worked so hard and so long to bring about an agreement of this kind."<sup>59</sup> In Chatelaine, a monthly magazine for women, an article by Christina Newman suggested to Higgins the view that "everything is hunky-dory."<sup>60</sup> Mrs. Newman had written:

The dispute was always involved and frequently bitter. Even two years ago it seemed insoluble. Fortunately, Canada, mainly through the work of Justice Minister Davie Fulton and Andrew McNaughton..., was able to come to agreement with the United States.<sup>61</sup>

Higgins told McNaughton:

I have therefore set out to test the power of an individual in this democracy of ours, to see how much fuss one amateur can raise with one typewriter. My aim is to raise doubts about the merits of the treaty, to try to sweep aside the euphoria that surrounds it, and to try to stimulate public discussion.

To this end he had already written various members of Parliament, including Lester Pearson and Hazen Argue, parliamentary leader of the CCF, the Toronto Globe and Mail, the Toronto Daily Star and the Family Herald, a weekly magazine produced by the Montreal Star concerning rural and agricultural interests. Higgins was also preparing a brief on the treaty. Using public documents, Higgins hoped to

attack the treaty successfully on a broad front in central Canada. Assuming that the discussion was already open in the west, he then proposed that the technical press be contacted. ~~It was necessary, he told McNaughton, to make people "wonder at American exuberance" and ask questions.~~ 62

In his letter to David Walker, his MP and Minister of Public Works, copies of which were sent to Pearson and Argue, Higgins criticized the treaty on six points: the treaty called for too much storage in Canada to be built too soon, the treaty represented de facto abandonment of diversion rights out of the Columbia basin, the Libby Dam flooded out economic land in Canada, the treaty forfeited the possibility of diversion for at least two decades, the share of downstream benefits accorded Canada rested on the good offices of the United States, and 60 years was too long a period for a treaty on water and power. In general, Higgins argued that although the negotiations were to have been based on the presence of a willing buyer and seller, "the bargain tentatively made ... resembles one between an eager seller and a reluctant buyer." 63

In a letter published by the Globe and Mail, Higgins noted that the treaty had been ratified by the Senate of the United States "in record time" and that Secretary of the Interior Stewart Udall, visiting Canada recently, had urged the Government to ratify the treaty quickly. "Power development in the Pacific Northwest had always been a stormy issue,"

Higgins wrote, "But when it comes to flooding Canadian soil... there is nothing but unanimous enthusiasm and brotherhood." Higgins advised:

The prudent course for Canadians to follow, before they commit themselves to expenditures of nearly \$500 million and six decades of prescribed actions, is to examine the benefits that they are to receive in exchange for accelerating development.

A preliminary look has revealed to Higgins that the treaty incorporated all of the projects suggested by the United States to the ICREB, "the construction of which Canada has resented for 10 years." He noted that the principal benefits were designated as derived from the High Arrow Dam. On High Arrow, Higgins said it was only of use to the United States, whereas Mica Dam, which could be useful to Canada, had enough storage capacity to provide the same benefits to the United States, particularly with a Kootenay to Columbia diversion. Higgins concluded: "It seems that there may be indications that the Columbia River Treaty is merely a vehicle by which Canada is guaranteed the right for six decades to be a carrier of water for the benefit of the United States."<sup>64</sup>

The Family Herald had recently published an article on the Arrow Lakes Valley which was described by Higgins at the time as "excellent, accurate and timely." In his letter to the weekly periodical, he wrote:

The tragedy is that the farmers of the Arrow Lakes are not being asked to give up their

hard-won lands for the benefit of Canada, but rather to compound the humiliation to Canada. The only reason for building the High Arrow project is because the United States is impatient to reap the benefits.<sup>65</sup>

After submitting a copy of his brief on the Columbia River Treaty, Higgins received an invitation from the Canadian Institute of International Affairs to write an article which later appeared in the International Journal, the Institute's quarterly publication. Higgins had never had any contact with the Institute and knew little about it at the time; the invitation was conclusive evidence for Higgins of the apparent ease with which the communication media could be reached and exploited.<sup>66</sup>

In May, General McNaughton had sent Higgins a draft of the proposed statement on the Columbia River Treaty for delivery to the Committee on External Affairs in June. Asking for comment on the draft, McNaughton warned Higgins that the hearings were imminent.<sup>67</sup> Higgins agreed, and, in turn, sent McNaughton part of his draft of "The Columbia River Controversy: The Intelligent Person's Guide to the Columbia River Treaty." He reminded McNaughton of the expected publication of the report of the B.C. Energy Board in August and suggested that the federal Government "may try to cram the Columbia through."<sup>68</sup>

In June, Higgins was introduced to the Water Resources Committee in the Arrow Lakes district by H. W. Herridge and, two months later, became an adviser to the Committee on a

"one dollar a year" basis.<sup>69</sup> In Ottawa, General McNaughton met with F. J. Bartholomew, the engineering consultant to the Water Resources Committee and, in August, McNaughton released correspondence between himself and George Hobbs for use by the Committee at the hearings of the Comptroller of Water Rights in British Columbia.<sup>70</sup>

In a letter to Higgins on August 9, General McNaughton reacted to the provincial expropriation of B.C. Electric and the Peace River Power Development Company and the release of the report of the provincial Energy Board. It was clear to McNaughton that Premier Bennett sought completion of the Peace River power development rather than the Columbia development. McNaughton continued to assert privately that the Columbia treaty imposed a "serious servitude" on Canada and that Sequence IXa of the report of the ICHEB was "more beneficial than the Peace."<sup>71</sup> For his part, Higgins argued that recent developments at least threatened the present treaty and made re-negotiation likely.<sup>72</sup>

In the meantime, Higgins was continuing his public campaign. On June 17, he had appeared on "Business Barometer," a short commentary program on the radio network of the Canadian Broadcasting Corporation, and on August 23, he was interviewed on "Viewpoint," a commentary program on the CBC's television network. Reasoning that it was impossible to put across much criticism in such a format, Higgins chose to concentrate on the basic principles of opposition that he



had expressed his letters to newspapers. One response to his appearance on "Viewpoint" was a request for a transcript from the office of British Columbia's attorney-general.<sup>73</sup>

On July 28, the Globe and Mail had damned Premier Bennett's proposal to sell the downstream power benefits as a sale of the province's industrial future for an immediate cash return.<sup>74</sup> In a reply published August 1, Higgins noted that the editorial opinion of the newspaper rested on one important assumption: "that the Columbia River Treaty represents a great opportunity for Canada." Higgins complained that there had been "so very little analysis of the merits of the Columbia Treaty itself" and asserted:

Canada will never be able to use the waters of the Columbia to maximum advantage to this country. At the same time, all Canadian storages are to be operated in perpetuity under U.S. orders for flood control. After the treaty is terminated, Canada receives no payment for these services other than out-of-pocket expenses. The "hardware" called for in the treaty ensures development of a minimum amount of energy in Canada, notwithstanding the fact that the method of development chosen is the least economical alternative if no regard is taken of the boundary.<sup>75</sup>

In another letter to the Globe and Mail, published September 16, Higgins described the report of the B.C. Energy Board on power development of the Peace and Columbia as "an affront to the intelligence." Higgins wrote: "The Columbia power with which Dr. Gordon Shrum compared the Peace in the ... report had already been emasculated by the Columbia River Treaty. (...) It is certain that the Columbia River Treaty

represents a complete victory for the United States." With reference to the expropriation of B.C. Electric, he added:

Mr. Bennett has a clear motive for his actions. (...) He simply wants to develop the Peace at any cost. If the Columbia is a threat, either destroy it or give it away. (...) It appears extremely unlikely, as Mr. Fulton seems to think, that Mr. Bennett is bluffing or merely trying to get a few extra dollars more from Ottawa for the Columbia. Mr. Bennett gives the impression more of one who opened hostilities 18 months ago than simply manoeuvring for some small present advantage. 76

The issue of Saturday Night of September 16 carried an article by Higgins on the "Power Play in the Rockies." Higgins described the Columbia development as a threat to Premier Bennett's "vision" of the development of the Peace River which the Premier must remove "to achieve his dream." Higgins conjectured that Bennett's insistence against the McNaughton Plan to develop the Columbia was deliberately designed to result in an adverse development on the Columbia, if any development at all. Higgins recommended what he described as the more economic alternatives of constructing flexible flood control storage on the Kootenay in Canada which could route flows either down the Kootenay or Columbia Rivers. In the process of coming to some agreement, he warned, "the great danger is not so much that Ottawa will rebuff Bennett with understandable anger, but that the U.S. will be placated by a move which may give them permanent control of the Columbia." 77

Higgins accepted with some hesitation an invitation

in the autumn to appear with Elmer Bennett, the chief negotiator of the treaty for the United States, on "Inquiry," a public affairs television broadcast on the CBC. Higgins told General McNaughton at the time that it would be unfortunate to involve the United States in the domestic argument and that his views could possibly be misconstrued as being those of Premier Bennett. Saturday Night had recently been taken over by "Social Credit interests," Higgins observed, and his two-page article in the periodical had been preceded in the same issue by a four-page account of Premier Bennett's power policy.<sup>78</sup>

The caution expressed by Higgins was well-timed. During the television program on October 10, he was challenged repeatedly by Tom Gould, a reporter for the Victoria Daily Times. Higgins was expecting a reaction to his campaign against the treaty and, according to him, "Gould was nominated by Fulton to discredit me and I think he succeeded at the time."<sup>79</sup> Eleven days after the encounter between Higgins and Gould on television, Gould reported in the Times:

An organized campaign is under way to discredit the Columbia River Treaty. Its purpose: to so confuse the Columbia issue that any lingering possibility the treaty will be implemented will be doomed by a reluctant public in B.C.

Gould referred to Premier Bennett having lost interest in the development of the Columbia River, leaving "only a slender hope" for that project. He added:

The criticism of the Columbia treaty is so ill-informed and destructive that, in fairness

to Justice Minister Fulton and his team of negotiators, some defence is called for.

Larrett Higgins, "an employee of Ontario Hydro," was described by Gould as "one of the new crop of experts on the Columbia treaty." Observing that Higgins had once spent "some months" as a consultant to the IJC back in 1958, Gould added:

In the past few months, he has found time to write an article on the treaty for Saturday Night, appear on two CBC television programs to knock the treaty and write fulsome letters to editors. He also prepared a brief on the treaty I am told was presented to the B.C. Water Comptroller during recent hearings on the Columbia. (...) He told me his work on the Columbia is a hobby. A strange hobby for an employee of the publicly-owned Ontario Hydro.

Describing Higgins' brief for the Water Resources Committee, Gould wrote: "He goes on for page after page smattering a bewildering array of unfounded assertions designed to convince anyone who reads the brief that the treaty is not in Canada's best interest."<sup>80</sup>

To Higgins' tactical advantage, however, representatives of all political parties represented in the House of Commons received copies of his 54-page critique, "The Intelligent Person's Guide to the Columbia River Treaty," in the autumn. At the same time, the Canadian Institute of International Affairs published Higgins' "The Columbia River Treaty: A Critical View" in the International Journal. The article mentioned neither General McLaughlin, nor the IJC; the contents, however, would have sounded familiar to a

person cognizant of McNaughton's testimony to the Committee on External Affairs. In his article, Higgins said that no interim agreement on development of the Columbia with the United States should conflict with Canada's "ultimate development." This ultimate development, he said,

requires the diversion of the Kootenay into the source of the Columbia. (...) Not only does [the diversion] make economic a power site at Calamity Curve, increase the effectiveness of storage and power at Mica Creek, and power at Downie Creek and Revelstoke Canyon, but it is also the key to optimum Canadian development, by diverting the floodwaters of the Columbia to the Thompson so that they flow via the Fraser to the sea at Vancouver.

He described the proposed Libby Dam as "incompatible with development by Canada to maximum advantage" and as "the key to American control of the Columbia." Canada's diversion to the Fraser, he explained, could be eliminated by ensuring that storages built in Canada would be concentrated as much as possible below the proposed Revelstoke Canyon dam site from which the diversion would take place. The "unquestionable" legal right to divert belonging to Canada, he said, would be best maintained by exercising it. Higgins described the bargaining relationship between Canada and the United States as a strategic conflict situation. By gaining tactical objections in the negotiations -- Libby Dam, major storages on the Columbia below Revelstoke Canyon, and compromise of Canada's right to divert --, then strategic victory was assured for the United States. In the treaty, Higgins observed, "the strategic conflict ...

is resolved ... with disarming softness and innocence of phrase." He "inescapably" concluded from his analysis of the treaty that "it represents an outstanding triumph for the United States, and a crushing, if not humiliating defeat for Canada."<sup>81</sup>

The article in the International Journal as well as the assistance given the Water Resources Committee "opened a real can of worms" in Higgins' relationship with his employer, Ontario Hydro. The public utility, according to Higgins, was "naturally concerned" about statements by an employee; the employee was concerned, in turn, about private representations made against him to his employer, first from sources within the Government of British Columbia and later from Ottawa. Higgins argued that if he were successful, the utility could claim him proudly as one of its men; if he were not successful, the utility could explain his actions as exercise of civil liberties. Higgins knew besides that Ontario Hydro's cloak of "corporate neutrality" was somewhat threadbare. Otto Holden, Ontario Hydro's former chief electrical engineer, and Richard Hearn, former general manager and chairman of Ontario Hydro, now formed the CBA Engineering Company Limited which was contracted to the provincial Government on the development of the Columbia River. The CBA Engineering Company had obtained the facilities of the hydraulics laboratory of Ontario Hydro in Toronto to construct and run tests on a model of the High Arrow Dam.

Higgins, however, was not allowed to see it.<sup>82</sup> Holden appeared on behalf of the B.C. Power Commission at Paget's hearings in Revelstoke on September 27; Hearn appeared before the Committee on External Affairs in 1964.<sup>83</sup>

As Chairman of the Canadian section of the IJC, General McNaughton found the article by Higgins useful. Higgins avoided telling McNaughton of his intention to publish it in order not to implicate him in the public dispute on public policy. McNaughton made reference to the article, based on public documents, without causing embarrassment. James Byrne, for example, who had been defeated in the general election of 1958, was one of McNaughton's correspondents who was referred to the article by Higgins. Replying to a request from Byrne for his views, McNaughton told the prospective candidate on October 31: "For [international political] as well as for the engineering and economic advantages of the plan of development set forth in Seq. IXa it seems most imprudent and unrealistic to retain in the currently discussed plans a project, High Arrow, which in reality is unproductive, and not to subscribe to one, Dorr-Bull River-Luxor, which is much more beneficial and which will be of expanded usefulness down the years."<sup>84</sup>

In October, Higgins met with the Leader of the Opposition in Ottawa in a session described to McNaughton as "satisfactory."<sup>85</sup> Higgins thought the ease of his entry to Pearson's office spoke well of the openness of Canadian politics, but he was impressed with the lack of information

available to the Opposition and its paucity of resources to obtain the information.<sup>86</sup> As for the federal Government, Higgins suggested to McNaughton following appearances by Bennett and Fulton on television during the autumn that the inevitable effect of the federal position was "to surrender on Bennett's terms." There were no substantial differences between the two Governments despite Fulton's indignant speech in Prince George.<sup>87</sup>

In December, Higgins sent McNaughton a copy of another article for Saturday Night to be published in the spring.<sup>88</sup> Early in 1962, Higgins began preparations for a rebuttal to a reply by C. B. Bourne, Faculty of Law, University of British Columbia, to the article in the International Journal. McNaughton acknowledged and approved Higgins' reply to Bourne's comments; he told Higgins he would continue to use his articles privately in the IJC, in conversations with members of the federal Cabinet, and in private interviews.<sup>89</sup> On February 26, McNaughton informed Higgins of his retirement from the IJC in April and that he would make "one last fling at renegotiation" during a meeting of the IJC in April. He assured Higgins that following his departure from the IJC he had every intention of informing the public of his views on the treaty. The Under-Secretary of State for External Affairs had been told by McNaughton: "This is not the End of the Road."<sup>90</sup>



#### 4. The General's Last Campaign: Under the Conservatives

With his retirement from the public service, McNaughton's opposition to the treaty was clearly part of the public dispute over the document and the opponents of the treaty saw in him a potential rallying point and an important key to the outcome of their campaigns. Until April, 1962, the public debate over the treaty had been largely concerned with the federal-provincial dispute over the disposition of the downstream power benefits which critics of the treaty considered almost irrelevant. Now, with General McNaughton in their ranks, they hoped he would put himself squarely in the front line of the campaign to create a favourable public opinion for the re-negotiation of the treaty. These critics were largely disappointed. McNaughton agreed that a favourable public opinion was crucial, but form mattered much to him, too; and although he never discouraged other critics of the treaty from their public activities, he could not himself be persuaded to abandon his reliance upon the good offices of professional groups, Ministerial consultations and the deliberative process of Parliament, even when this strategy which had worked well in the past seemed likely to fail him on this occasion.

Of General McNaughton's retirement from the IJC on April 15, 1962, Higgins remarked: "He had not resigned because he never gave up hope of being able to re-negotiate the Columbia agreement." McNaughton had surmised

that the federal-provincial deadlock offered promise that the situation would once again become fluid and would be referred back to the IJC. In one sense, Higgins notes, "being fired meant liberation for McNaughton. He was at least free to speak in public."<sup>91</sup> Vociferous demands that he be afforded an opportunity to speak first came from Liberal and New Democratic MP's. Demands were made of the Government on April 9 and 13, a few days before the 24th Parliament was to be dissolved for a general election, to have McNaughton appear before a parliamentary committee. The requests were denied and Parliament was dissolved on April 19.

Although he supplied H. W. Herridge, the incumbent NDP candidate in Kootenay West, with his views on Pagot's hearings for use in the election campaign, McNaughton, as we have seen, decided against a personal appearance in British Columbia during the campaign. He told Donald Waterfield, of the Water Resources Committee:

The matters at issue are essentially technical and very complex and it is for this reason that I think our real hope in carrying the information to the public lies in the External Affairs Committee of the H. of C. in due course where I hope Mr. Herridge will be able to carry on the vitally important work in this connection to which he has made such an eminent contribution in the past.

McNaughton expressed his hope that Herridge "will be given general support regardless of party Politics because of his own personal excellence and devotion to the good of Canada."<sup>92</sup>

Like many of the letters written by General McNaughton on the treaty after April 15, 1962, this letter to Waterfield was written by hand. Following his retirement from the IJC, McNaughton lacked stenographic assistance and machinery more advanced than a twelve-inch slide rule with which to make computations on paper, by hand, on these "essentially technical and very complex matters at issue." According to Higgins, the lack of "pin-point accuracy" in McNaughton's calculations was a handy point used against him in his confrontations with the federal Government. <sup>93</sup>

As we have seen, McNaughton explained to Herridge his reluctance to go to British Columbia because he felt he was not popular in the province. On May 12, Hugh Keenleyside had delivered an address in the province which questioned McNaughton's ability "as he approaches the end of his remarkable career," involving himself in "a controversy in which he is opposed by all informed opinion except his own." McNaughton had known Keenleyside as a senior officer of the Department of External Affairs in Ottawa and of the United Nations during the 1940's and 1950's. Keenleyside told a meeting of the veterans of Saanichton on May 12:

He is a man of great ability and complete integrity. (...) He is a great Canadian and a man whom we should all delight to honour. (...) His programme for the development of the Columbia River in Canada has been examined over and over again by the engineers and economists of both the Provincial and the Federal Government ... and repeatedly and un-animously turned down. This is particularly

... because ... General McLaughton made a most exceptional contribution to the Canadian case in relation to the Columbia development. (...) But, in spite of this favourable bias, the experts found it quite impossible to support the McLaughton Plan.

Keenleyside listed ten objections to the McLaughton Plan which, he argued, would cost more than the treaty plan, produce less money, flood much more and better land, and delay the whole program of development. The ten objections included expected concessions to be demanded by the United States for their support of the McLaughton Plan, costly and difficult engineering problems which might not allow construction in time to meet requirements of the United States, and an early large financial deficit resulting from the belated effectiveness of the McLaughton Plan for optimum development of power relative to the immediate returns from power production downstream. Keenleyside said the proposal rejected by the province during negotiations involved the flooding of both the Arrow Lakes valley and the East Kootenay.<sup>94</sup>

A pamphlet containing Keenleyside's speech was distributed in at least one constituency in British Columbia by the Social Credit candidate during the election campaign. "In my opinion," H. W. Herridge told a correspondent, "Dr. Keenleyside made arrangements ... to make this speech so it would be distributed during the election campaign." After contacting General McLaughton, Herridge was sure the speech was "full of inaccuracies."<sup>95</sup>

The following month, General McNaughton spoke out for himself in an address in Montreal to the Engineering Institute of Canada. Replying to a paper presented by R. C. McMordie, Associated Manager, Engineering Division, British Columbia Hydro and Power Authority,<sup>96</sup> McNaughton noted that McMordie "had to work within the framework of ... the proposed treaty." In this first public examination of the treaty, McNaughton's views against the treaty bore a great resemblance to the opinions he had expressed before the Committee on External Affairs. He described the treaty as defective in at least two important respects -- the physical plans of development and the control of storage.

McNaughton was critical of both the Libby and High Arrow plans. To permit the construction of Libby was to abandon the principle that the boundary was to be ignored in selecting projects. He said that although this principle had been initiated by the United States, their support for it ceased when it became apparent that Libby would fail to qualify. According to McNaughton, the expensive project was made financially tolerable to the United States only because Canada agreed to pay for the part of the reservoir extending 42 miles into Canada. Flood control for the United States, he argued, could have been provided more efficiently in an alternative plan for Canada which would have provided greater at-site power in Canada and permitted full use of the head available above the confluence of the

potency and Columbia Rivers. McNaughton noted that the High Arrow Dam, storing 7.1 MAF, was to re-regulate the flows from Mica for requirements of the United States after Mica had been machined for at-site power generation. He then questioned the "first added" designation for High Arrow long before machines were to be installed at Mica and argued that Mica alone, as a storage dam, could provide downstream requirements, supplemented later by a Low Arrow Dam when Mica was machined. McNaughton was also critical of the effects of the High Arrow Dam on land and communities in the area.

General McNaughton's final reference to the physical aspects of the treaty plan concerned acceptance of his alternative during the early stages of negotiation. He told his audience: "The force of these objections was understood and appreciated by my U.S. colleagues in the IJC and by the chief of U.S. Army Engineers who was chairman of the U.S. section of the I.C.M.E.B." And he revealed that,

even after the matter passed from the Commission to the negotiators, until mid June 1960, the record shows there was acceptance by the U.S. of the basic proposals I had made, namely, that the development of the Kootenai in the U.S.A. including Libby and Kootenai Falls and of High Arrow in Canada would have been dropped and the much more advantageous proposal for Dorr-Bull River-Luxor adopted together with the machining of Mica.

General McNaughton also evinced concern about the imprecise language in parts of the treaty and objected to the operational principle "to achieve optimum power genera-

tion" in Canada and the United States. The words were general, he said,

and so as the U.S. need shifts from operation for Firm Power to operation for Thermal replacement or peaking the regulation ordered by the U.S. may alter accordingly, quite regardless of the fact that the requirement in Canada may still be Firm Power. Apart from this, the timing of the flows from Canadian storage required by the U.S. may be out of phase with Canadian needs.

Any order by the United States entity under Article XVIII, he argued, would have to be obeyed by Canada, and no appeal to the IJC or the tribunal mentioned in the treaty would be useful since a breach of the treaty would be judged in terms of the treaty itself, and "here equity is not a consideration at all."<sup>97</sup>

The editor of Engineering and Contract Record, a Southam-Maclean business publication, had heard McNaughton's address and introduced himself. On McNaughton's advice, James Ripley then met Larratt Higgins and together they formed General McNaughton's technical team of advisers during his retirement.<sup>98</sup> According to Ripley, he became worried about the implications of the treaty and confused by conflicting information in the public domain. He said he was compelled to research the Columbia as fully as possible because he assumed the legislators who had to make the final decision must have been even more confused than he was. The result of his research was a 14-page critique of the treaty published in the September, 1962, issue of Engineering

and Contract Record.

Ripley considered and commented upon the importance of the Columbia River, a comparison of the treaty and McNaughton plans, the Arrow lake valley and the east Kootenay valley, the export of power, water policy, the development of the Peace River, the salmon industry on the Fraser, and Canada's legal position. He assembled criticism of the treaty under two categories -- "fundamental flaws" which he considered intolerable and "serious weaknesses," any one of which might be acceptable, but the sum of which appeared to him to be too much of a burden on Canada. He published a letter from Davie Fulton, now Minister of Public Works, commenting on criticisms of the treaty that had been made since its publication and, finally, devised his own plan to settle the issue. Fundamental flaws discerned by Ripley included the permission given the United States to construct the Libby dam, effective loss of operating control to the United States, and the compromise of Canadian diversion rights. "The best physical development for both countries is the McNaughton Plan," he concluded, "and this is also the best operating plan for Canada."<sup>99</sup>

This section of the September issue of Engineering and Contract Record was matched by a five-page article also written by Ripley in the September issue of Electrical News and Engineering, another Southam publication.<sup>100</sup> The article in Engineering and Contract Record was subsequently



published in the Ottawa Citizen and the Financial Times, both Southam publications.<sup>101</sup> Ripley also sent several hundred copies of the article to Mrs. Davidson, in Victoria, for distribution by the Columbia River for Canada Committee. Distribution was held up, however, when Ripley entered into an agreement with the Vancouver Province, another part of the Southam group, for reproduction rights in the province. When the article was not forthcoming, Mrs. Davidson sensed that the newspaper had obtained the rights "not to publish but to prevent any circulation by us."<sup>102</sup> Mrs. Davidson's interpretation of the intentions of the newspaper's management was confirmed.<sup>103</sup> and Ripley ignored the contract and sent more copies of his article with permission for the Committee to circulate them within the province, thereby exposing himself to the vexation of his corporate employer who wished him to be less involved in the dispute.<sup>104</sup> In a few months, it was realized that the Province was preparing its own extensive report on the treaty by Paddy Sherman.

By this time, another engineer had entered firmly into the ranks of the opposition. In July, Herridge had received a letter from Richard Deane, chief electrical engineer with Cominco in the Kootenays, on alternatives to High Arrow, and sent it to General McNaughton. Correspondence ensued between Deane and McNaughton. Deane agreed that McNaughton had made "an excellent case" for diversion and storage in the east Kootenay; he was concerned, however, to establish "a second

line of defence" and argued that "if we have to accept Libby ..., let us ... not foul our own nest with High Arrow."<sup>105</sup> In September, he sent McNaughton a four-page letter on discussions he had had recently in Ottawa, and advanced ideas which, he said in another letter in October, "got rather a cold reception" from officials in the Department of Northern Affairs and National Resources. In this letter to McNaughton in October, Deane put his question directly:

I have previously stated that from a power-point of view your scheme of major diversion in the East Kootenay is the best for Canada and the U.S. However, the necessary flooding in the East Kootenay may run into justifiable opposition and my question to you is: if East Kootenay flooding is ruled out for conservation reasons, then what is the best scheme of development?<sup>106</sup>

In his brief reply to Deane's proposal, McNaughton implied that he still felt Sequence IXa with concomitant flooding in the east Kootenay to be the proper goal of a Canadian re-negotiation of the treaty.<sup>107</sup> This implication was made explicit in a letter to Deane in February, 1963, a copy of which was sent to James Byrne to whom Deane had been writing about flooding in the east Kootenay:

I very much regret this omission because I should at the very least have reaffirmed to you the conclusion which I have long held that the upstream storage in the East Kootenay and its use through the large Canadian Heads which can be available downstream on the Columbia is an essential to an effective economic development of Columbia River potentialities in Canada.

McNaughton insisted that the possibilities for irrigation in the area would improve the condition of residence in the area and that "we must be sure that the upstream storage on the Kootenay ... and on the Columbia remains both physically as well as legally under Canadian control."<sup>108</sup>

In addition, McNaughton felt that reasons of conservation had not resulted in dismissal of the proposal for the diversion of the Kootenay to the Columbia which would flood 91,000 acres of land. A memorandum of the federal Department of Agriculture noted that only 2,800 acres of river bottom soil was being used in 1960, that 24,000 acres of land would be arable without irrigation if reclaimed at high cost, and another 26,000 acres of land in the flooded area would be arable if irrigation were provided. By comparison, the memorandum continued,

there are some 300,000 acres of land in the area, above the level of the reservoir, which is as potentially arable with irrigation as the 26,000 acres in the reservoir area. If the reservoir water could be provided for irrigation, the reservoir, in fact, increases the agricultural potential of the area. If the building of the reservoir resulted in the control of flooding of the Columbia above Luxer, an additional 20,000 to 30,000 acres of arable land in the Columbia flats, which cannot now be used because of flooding, could be made available.<sup>109</sup>

For McNaughton, the report indicated that, though the development in the east Kootenay would involve considerable flooding, the project was consistent with agricultural development on the bench lands of the valley. Because 'V'-shaped

row Lakes Valley lacked bench lands, flooding for the High Arrow Dam reservoir had to mean destruction of agricultural potential. McNaughton and the conservationist critics of the Columbia River Treaty in the interior of British Columbia, however, appear not to have agreed on an alternative plan for power development in the basin.

Since General McNaughton's retirement, the focus of the public controversy had altered slightly from the argument over the export of power. In May, the Victoria Daily Times had editorialized during the election campaign:

Until recently, when General McNaughton blew the gaff on it, the treaty was generally misunderstood. The public did not know that the Canadian government had abandoned the profitable Kootenay diversion at the behest of Premier Bennett, and not, as supposed, on the insistence of the United States. (...) A red-faced Canadian government admits that it surrendered a vast supply of potential Canadian electricity, at the last moment, to satisfy Premier Bennett. It did not venture to oppose him on this vital issue, but refused to make a second surrender when he demanded the alienation of the Columbia's downstream power. Will it surrender there also to avoid Premier Bennett's displeasure in a national election?

110

The Conservative Government had assumed an electoral understanding, apparently one-sided, with the Premier and had suffered in the election of June 18. In mid-August, cabinet changes were announced and Davie Fulton was demoted to the Department of Public Works. On August 27, the Vancouver Sun pleaded: "Let's Hear Gen. McNaughton":

His position on the International Joint Commission qualifies him to speak with perhaps greater authority than anyone on Columbia River development and what's best for Canada. We suggest the government owes it to every Canadian ... to hear Gen. McNaughton. We think the time is the coming session of Parliament and the place, the External Affairs Committee. 111

This request for McNaughton's appearance before the Committee on External Affairs was made following the disclosure by the leader of the Liberal party in British Columbia of his offer to McNaughton to pay his expenses "to express your views at some public forum" in the province. The offer, made in July, was publicized August 23 during the provincial by-election campaign in Revelstoke. Ray Perrault had told McNaughton: "I am asking you to make available to the people of this province your views ... so that public opinion will be rallied against the undesirable or disastrous features of the Treaty in its present form." 112

McNaughton replied that the Committee on External Affairs was the "proper forum to make my information and my views known." He added, however, a "primary reason" for not coming to British Columbia and for addressing only professional groups "on rare occasions":

The question of the Columbia is essentially a major national issue which should be dealt with as such, and not be subject to the uncertainties of Party politics, most especially in the present confused situation with uncertain alignments.

McNaughton recognized that after he gave evidence to the Committee, "it might develop that some public addresses in

B.C. would be useful and appropriate." In such circumstances, he would welcome the assistance offered him, since "I have now only my limited personal resources to draw on." 113

As we have seen, McNaughton's position was repeated on October 1 in letters to officials of the Columbia River for Canada Committee in Vancouver. McNaughton described his expected appearance before the parliamentary committee as "the essential contribution which I must make" although he did not exclude public addresses afterwards "right up to the limit of my physical capacity." By November, however, the opportunity of appearing before the parliamentary committee still seemed remote. He told a correspondent that if the Committee did not meet before adjournment at Christmas, he intended to make another public statement. 114

When Parliament opened in September, MP's and senators were told that the Government would now encourage long term power exports. During the autumn, the provincial Government engaged in talks in Canada and the United States, designed to sell the downstream benefits from the development of the Columbia. In November, Davie Fulton announced his retirement from federal politics. Despite demands in the House of Commons from Liberals and New Democrats, the Government not only refused to allow parliamentary study of General McNaughton's views during the autumn, but no Government member addressed the Commons during a debate which included discussion of the treaty on December 12 and 13.

When it was clear to General McNaughton that he would not be heard before the Committee on External Affairs before the end of 1962, he followed the plan he had outlined earlier. On December 7, he held a press conference and released a statement on the treaty and copies of letters to the leaders of the Liberal and New Democratic parties, warning that the presentation of the treaty to the Committee might be delayed pending "arrangements ... which at the least may be unfortunate and may indeed prove disastrous to Canada."<sup>115</sup> On the evening of December 12, while the Commons debated the treaty on a motion for interim supply, McNaughton appeared before an extraordinary joint meeting of parliamentarians held in the committee room normally used by the Liberal caucus and sponsored by the two MP's from the Kootenays, Herridge and Byrne. The audience of 75 parliamentarians heard McNaughton describe the treaty as "more damaging to Canadian-American relations than the Alaska boundary award" and attack "certain interests in B.C. who were willing to downgrade the benefits of the Columbia River project to enhance those of the Peace River." He recommended again that the treaty be re-negotiated to eliminate the storage and flood control terms which would force Canada to operate its storage according to the requirements of the United States, and the Libby and High Arrow Dams.<sup>116</sup>

McNaughton's statement to the parliamentarians, along

with his public statement of December 7, his letter to Pearson and T. C. Douglas, and comments on Davie Fulton's letter of September 17 to James Ripley were distributed, largely in British Columbia, by sympathetic parliamentarians and the Columbia River for Canada Committee.<sup>117</sup> McNaughton soon received another plea from the Committee to come to Vancouver to speak in January, 1963. His response was, by now, predictable; his reply contained the same views expressed to Donald Waterfield nine months earlier, Perrault, six months earlier, and recently to the Committee itself.<sup>118</sup>

According to Mrs. Davidson, the public in British Columbia had been aroused by General McNaughton's criticisms, but "the predominant controversy" was still the sale of downstream power rather than the terms of the treaty.<sup>119</sup>

General McNaughton's meeting with MP's and senators was given "scant reporting" on the lower mainland of the province, but was followed with a "brutal" editorial<sup>120</sup> from the Vancouver Province which declared: "Everyone is out of step but our general...." The newspaper said that "other experts, some of them with far more detailed knowledge of the project than the General, supported the treaty" and wondered: "how is it that not one engineer closely involved with the Columbia planning has supported the General since he opened his belated firing?" When McNaughton appears before a parliamentary committee, the editorial continued,



the General will be supported only by people who have taken his word. Not by people who really understand this complex issue. The General seems to be the one who didn't "stay on course." 121

As noted earlier, General McNaughton told Mrs. Davidson that he had traced the newspaper's "various unfriendly editorials" to Paddy Sherman. He told another correspondent:

The best reply to the Editor of the Province is to suggest that he read the proposed Columbia River Treaty with sufficient attention to become aware and to understand its terms and to appreciate the serious injury which will result. Then I venture to hope he will understand why I am out of step with the considerable number of Engineers and others who have been given highly remunerative employment by the Government of BC with terms of reference strictly confined to the projects specified in the Treaty and who have been, it is very evident, instructed to govern their plans and proposals to conform thereto and who, also very evidently, have been forbidden to comment adversely on the adverse effects (etc) which such plans will have on the vital interests of Canada. 122

Mrs. Davidson thought McNaughton's response was "quite unrealistic in view of [the newspaper's] attempt to prevent the circulation of Ripley's pamphlet in B.C.," the article from the September issue of Engineering and Contract Record. General McNaughton's statements in the press, according to Mrs. Davidson, remained "badly reported," "garbled," and "incomprehensible." The metropolitan press in the province "had to be prodded by interested readers ... to attempt to get better information. (...) On the other

hand, the newspapers gave considerable coverage of rebuttals offered by Bennett's men."<sup>123</sup>

On January 24, 1963, the Vancouver Province published the only extensive review and explanation of the treaty and the controversy to appear in a metropolitan daily in British Columbia. Raddy Sherman's four-page supplement was described by Mrs. Davidson as "a radically biased presentation -- it presented the B.C. Government's case,"<sup>124</sup> and it soon became part of the controversy itself. As noted above, Sherman, viewed by both supporters and opponents of the treaty as a "Bennett partisan," had followed the view of the editorial in the Province attributed to him and emphasized the apparent weight of professional opinion against one man, the 75-year old General McNaughton.

The following month, the leader of the Liberal party in British Columbia decried the "deliberate attempt ... to downgrade the General" and attributed such tactics to the provincial Government. Perrault told a correspondent about recent statements in the legislature by Ray Williston "that McNaughton is a tired old man who should not be called upon to testify." Perrault had met McNaughton recently and vouched "I have found him to be alert and very cognizant of the situation." Perrault thought "the others" were afraid of what McNaughton would say in the hearings, and he believed McNaughton should appear before a parliamentary committee "before any action is taken on the Treaty."<sup>125</sup>

In January, 1963, the Conservative Government became enmeshed in internal and parliamentary crises which threatened to bring down the seven-month-old minority Government. The Government was defeated in the House of Commons on February 5; the twenty-fifth Parliament was dissolved the following day and a general election was called for April 4. As mentioned above, shortly after dissolution, General McNaughton declined an invitation to stand for the Liberal party against H. W. Herridge in Kootenay West. He had explained to a correspondent two months earlier that the debate on the treaty "must be above party politics." He added:

I have, of course, hammered Fulton, but he has only to drop the position he has espoused as a member of the Diefenbaker government and come out wholeheartedly for the rejection of the present treaty and I will help him off the hook. He has been told that if he stands for Canada's interests, this is the sole criteria as to where my support goes. 126

Of course, if General McNaughton did decide to re-enter party politics in the interest of his views on the development of the Columbia River basin in Canada, he certainly would not have done so at the potential expense of defeating H. W. Herridge, whom he had publicly and privately commended for his work on the Columbia.

As in the general election campaign of 1962, however, the campaign in 1963 included a public address by General McNaughton as well as publication of an article by him on the Columbia River Treaty in the International Journal. In March,

General McNaughton addressed the Association of Professional Engineers of Alberta, in Calgary, coincidental with the spring issue of the International Journal containing his article.

The contents of McNaughton's article were a familiar re-statement of opinions expressed before the Committee on External Affairs, in public and private remarks since his retirement, and in the critical essays and letters by Larratt Higgins and James Ripley. The article was considered by the federal Government to be sufficiently important to warrant a rebuttal by the water resources branch of the Department of Northern Affairs and National Resources, to appear in the record of the Committee on External Affairs with the article, in 1964. McNaughton began his criticism with the charge that the hard-won and unanimously accepted principles of the IJC had been abandoned by the negotiators and that the plan specified in the treaty was based on the greatest possible contribution of Canadian storage to the United States. On the acceptance of the IJC's principles by the United States negotiators as only "guide lines," McNaughton wrote:

It is a very great pity that the Canadian negotiators did not break off the discussions because, in their continuance, they found themselves exposed, without authoritative guidance, to the much more highly skilled U. S. team which had adopted the objectives of the U.S. Army [Corps of Engineers].

On the abandonment of the "best practicable plan of development without regard to the boundary," he added:

We cannot blame the United States for this, because the plan had been accepted early in the negotiations, but it was later rejected at the instance of the representatives of the Government of British Columbia. The result was that the benefits of the Columbia were downgraded as to present a much less favourable comparison to the Peace, a project far distant from the markets to be served, and many years ahead of its time, which is a preoccupation of the Premier of that province. (...) The United States had been prepared to concede development according to the Canadian plan. But the Premier of British Columbia vetoed the construction of the Bull River Dam during negotiations -- although he was prepared to accede to the flooding of the lower East Kootenay valley by a project in the United States which Canada had resisted for a decade.

Although no direct mention was made of the High Arrow Dam, a criticism of that proposed project was implied in his conclusion. Under the provisions of the Columbia River Treaty, McNaughton wrote,

we will thus be in a sense the creator of the crushing burden we have to bear in the future, when our lands will need to be inundated in flooding and exposed as muddy flats in drawdown to serve requirements we ourselves have helped to create, to our own distress and hurt and from which there will be no relief -- ever. 127

Speaking to the Association of Professional Engineers of Alberta in Calgary on March 23, McNaughton restated his complaints against the conduct of the negotiations as well as their outcome. McNaughton told his audience that since his connection with the IJC was severed, he had reviewed the various sequences of the ICREB and "confirmed the views I have previously expressed in the IJC and the External Affairs Committee." He was also concerned that now,

even before ratification by Canada, the "manifest destiny" proponents in the U.S. State Department are quoting this Treaty, as a precedent determining their jurisdiction over the waters of the Yukon which they propose to acquire by the construction of an immense dam at Rampart Canyon which will flood back to the Canadian boundary. Once this has been done they will again assert the piratical doctrine of "first in Time is first in Right" and thus foreclose Canada from collecting Yukon waters in Atlin Lake and making use of them, through more than 2000 feet of head, down the Taku.

The Yukon was not the only river at stake, he argued:

Besides the Yukon in the Canadian North West, there are at least 5 other important rivers which flow across the Alaska Pan Handle which would be affected by this damaging precedent and ... in the result our future and even our survival as a nation has been placed in jeopardy. 128

General McNaughton was pleased with his reception in Calgary. He told a correspondent on April 3:

The speech went well. Palliser Hotel ball-room filled, and after the speech, questions and answers went on for over two hours. No real dissent from my thesis was voiced, and wide agreement was expressed verbally and later in writing. Professional engineers of Alberta are distributing [the speech] to all members and to associated organizations, engineering schools, etc. 129

While in Calgary, McNaughton met F. J. Bartholomew who, again unsuccessfully, urged him to make an address in British Columbia. Austin Wright, who had been secretary of the Engineering Institute in Montreal and who now lived in Victoria, had previously encouraged McNaughton to take his campaign to the west coast. Wright informed Mrs. Davidson,

however, that he would not be able to get either the Victoria or Vancouver branches of the Institute to sponsor an address by McNaughton, and he was finally discouraged by McNaughton's own emphatic disinclination to come to British Columbia.<sup>130</sup>

General McNaughton's carefully measured strategy did appear at the time, however, to be having some good effect. Both the Liberal party in British Columbia and the federal Liberal party had committed themselves in favour of "re-negotiation" of the treaty, and correspondence between opponents of the treaty and Lester Pearson, Ray Perrault, and Jack Davis, the chairman of the federal party's caucus Committee on Power and Energy Development, gave some reason for optimism. Indeed, during the general election campaign of 1963, Davis, a former director of research for B. C. Electric, had spoken of the need to re-negotiate in terms of principles only and to proceed with the non-controversial treaty projects, and had published his views in the Vancouver Sun. For certain, General McNaughton felt that the position of the Liberal party was important and that only a change in the federal Government would allow for the re-negotiation he desired. McNaughton had no affection for either the provincial Government or the federal Conservative Government; in December, 1962, he wrote one correspondent:

It is indeed a sorry prospect which lies before us unless Parliament will refuse approval for ratification of this iniquitous Treaty and unless the country will awaken to the menace we face, due to the incompetence of Fulton, the Vanity, ignorance, and care-

lessness of Diefenbaker, and the stupidity of Bennett. 131

### 5. The General's Last Campaign: Under the Liberals

Although the demise of the Conservative Government in the federal election of April, 1963, was undoubtedly applauded by McNaughton, his hopes for successful representation before a Liberal Government were soon to be dashed. The Liberal Government was appointed and sworn in on April 22, and a meeting between Prime Minister Pearson and President Kennedy was announced for May 10 and 11. Larratt Higgins, who had been corresponding with Jack Davis on the Columbia River Treaty since Davis' election to Parliament in 1962, wrote Davis stressing the importance of the meeting with Kennedy. Higgins suggested to Davis that Pearson should offer terms under which Canada could proceed with the development of the Columbia and announce the construction of Mica Dam while re-negotiation of the controversial projects was pending.<sup>132</sup> Higgins sent letters to the Vancouver Sun and the Globe and Mail urging the same course. Only the Toronto newspaper published the letter, on May 9, prior to Pearson's departure. Higgins had written:

There will never be a better opportunity for Canada to inform the United States that the treaty cannot be ratified. (...) Early construction of Mica Creek would provide a shot in the arm for the Canadian economy [and] time will have been gained in which to deliberate upon the optimum development for Canada and in which to hear the arguments of General McNaughton. 133



On May 10, General McNaughton said he expected "something positive" to come from the talks between Pearson and Kennedy.<sup>134</sup> According to the communique which was issued following the meeting in Hyannisport, Pearson promised immediate consultations with British Columbia and prompt negotiations "if certain clarifications, and adjustments in arrangements proposed earlier could be agreed on." On May 17, Pearson informed Premier Bennett by letter of the proposals to extend, clarify, and modify the treaty.<sup>135</sup>

Talks between the federal and provincial Governments began June 3 and concluded with a draft agreement setting out the responsibilities of each Government. "I cannot foresee the outline," General McNaughton wrote a correspondent before the talks had begun, but "the present government has not been left in doubt as to the evil effects of the Diefenbaker-Bennett treaty."<sup>136</sup> To ensure that such would be the case, the Columbia River for Canada Committee arranged a meeting in Vancouver for June 26 and sent General McNaughton an invitation to attend the meeting. McNaughton was told that his presence alone would help to overcome the "great hesitation and fear" among engineers, businessmen, and university lecturers whose institutions had an "intimate connection" with the provincial Government.<sup>137</sup> Explaining McNaughton's declining of the invitation, H. W. Herridge told the Committee that in anticipation of the parliamentary hearings, McNaughton had to conserve his energy.<sup>138</sup>

On July 10, the agreement between the provincial and federal Governments was announced in the House of Commons, and members were told that negotiations would be undertaken as quickly as possible with the United States for modification of the treaty. General McNaughton heard the announcement, and the description of the agreement from a gallery of the Commons, and later described the agreement as a "reversal of what we had been led to expect." He told reporters the treaty was "so full of Machiavellian tricks that nothing short of a complete re-writing would be acceptable." He said the sequence of storage dams was apparently not to be changed, and that under the integrated system provided for in the treaty, Canada was prevented from using her resources to her best advantage. McNaughton was even more upset that there would be "no opportunity for Parliament to discuss the matter until it was a fait accompli."<sup>139</sup>

Larratt Higgins had only fifteen minutes to peruse the federal-provincial agreement before a two hour meeting on July 10 with Paul Martin, Secretary of State for External Affairs. "It was evident at a glance," he said, "that it represented a sell-out." Higgins was not impressed with this opportunity to express his opinions to the Government. He felt that Martin hardly listened while he argued engineering with Gordon MacNabb, of the water resources branch, Department of Northern Affairs and National Resources, economics with A. E. Ritchie, of the Department of External

Affairs, and law with Courteney Kingstone, of External Affairs. Jack Davis "sat silently in a corner" during the meeting, but later congratulated Higgins privately on having spoken "with great verve." "They elicited most of my arguments during the meeting," Higgins has recalled. "I did my best to convince them, but it was too late and I knew it." The purpose of the meeting, he concluded, especially in light of the agreement with British Columbia, was "to feel out the opposition in advance of the parliamentary hearings."<sup>140</sup>

The Liberal Government showed greater interest and care in dealing with General McNaughton. The Government took the initiative in consulting McNaughton<sup>141</sup> and after three meetings, Paul Martin acknowledged to McNaughton on August 6: "Your opinions on the Columbia River Treaty quite rightly carry a great deal of weight, not only with myself, but throughout this country."<sup>142</sup> McNaughton, however, remained unmoved by this flattering testimonial. In a letter to a correspondent, he characterized the meetings as "Kangaroo Court sessions with the ministers and their advisers from N.A. and N.R. and External Affairs in which the latter have been the Court and myself the one to be convicted of errors." He reported that by standing firm on his views of re-negotiation of the treaty, he had caused "quite a commotion in 'Ruling Circles'."<sup>143</sup>

In Martin's letter of August 6, which included

comments on the preliminary remarks made by McNaughton at their meeting on July 18, Martin noted that in view of support of three engineering companies and "in the absence of any indication from the Province that they are prepared to reconsider their decision, I can see no practical alternative" but to accept the treaty projects. Martin wondered how McNaughton would act in the face of provincial opposition to his plan.<sup>144</sup>

In his reply of August 22, General McNaughton said the engineering consultants appointed by the provincial Government appeared to have been confined to comment upon the treaty projects and not been allowed to embrace the alternatives, "in particular the very great advantages to Canada ... from sequence IXa." As to how he would act, McNaughton recommended the appointment of an independent consultant to report on the alternatives not yet included in consultant studies and,

I would forthwith reject High Arrow and Libby and declare that any plan for the development of the Columbia, to be acceptable to the Government of Canada will include the Dorr Bull River-Luxor storages in the East Kootenay.

McNaughton would also have a public hearing held under the International River Improvements Act in the Kootenays, so that, as "a requirement of simple justice," the people most affected would be heard from before definitive negotiations were begun.<sup>145</sup>

By the end of the summer, however, McNaughton appeared

to be uncertain as to the course of events within the federal Government. He told a correspondent on August 31 that the Government appeared to be "moving towards Mica as the only project at this time [which] would be acceptable as a first stage of seq. IXa." He conceded that this was "speculation based on inference, as I do not have any definite information as to what will be included in the protocol." He remained concerned, however, because "the Treaty is so bad that I do not believe the fundamental Canadian requirements can be made by Protocol."<sup>146</sup> He wrote another correspondent the following day, though, describing his consultations with the Government as part of a "cover-up" by the Government which had "already surrendered to the U.S." McNaughton noted that Pearson, in replies to inquiries, "seeks to show that the vital conclusions to be included in the protocol are still under discussion with myself and others." On his talks with the Government, he wrote:

I had sensed they were not being carried out in good faith, and [Martin's] talks with me were only to develop any weak points in my argument, not to gain any information from me on which to base a realistic and constructive approach to a renegotiation of the treaty.... In other words, the Liberal party have already surrendered to the U.S., and all that is going on is a cover-up to make the results more palatable to the public. I have described the conversations with me and the subsequent letters as an anodyne.

He noted that Pearson's letter of July 23 to the defeated Liberal candidate in Kootenay West said the treaty projects in Canada would go ahead as scheduled. McNaughton observed:

There is no mention of Libby, and Pearson does not yet seem to understand that without the physical, as well as jurisdictional, control of the flows of water of Canadian origins, Canada is left under servitude of the most disastrous character.

McNaughton did not object to the nature of the Government consultations,

because while I deplore the short-sightedness of Pearson et al. I welcome the opportunity to explain the reasons for my support of Plan ix and my rejection of High Arrow and Libby, and my insistence on east Kootenay high altitude storages. 147

The Martin-McNaughton correspondence on the Columbia River Treaty continued into 1964 and indicated no change of heart on either side. On September 10, Martin wrote that he saw little advantage in further studies unless it were "clear beyond reasonable doubt that a plan of development favoured by the owner of the resource, the provincial government, was positively prejudicial to the national interest." He asserted that, to date, McNaughton was the only engineer with an intimate knowledge of this subject who seriously questioned the conclusions reached by other engineers. "I am," Martin said, "making every effort in the present negotiations on the Protocol to plug loopholes in the present Treaty." 148

In his reply of September 23, McNaughton insisted that on the basis of the International River Improvements Act of 1955, "the Government of Canada is ... the final authority and is responsible, at the least, that harm is not

done to Canada." On the question of engineering authorities, he said that the Crippen-Wright report to the Government of British Columbia in 1959 did not contain a comprehensive summary or comparison of the relative merits of the projects combined in the sequences of the ICHEB and that the report of Gibb and Merz-McLellan to the B.C. Energy Board was confined to the treaty projects by the terms of reference. The report to the federal Government by the Montreal Engineering Company in 1957, McNaughton said, did not contain proof that Canada should depart from the Dorr Plan and the report of the Company in 1961 "is confined to the Treaty projects and there is no mention whatever of Dorr-Bull River-Luxor." Indeed, he added,

Montreal Engineering asserts that the criteria of operation of the Canadian storage prescribed (in the treaty) will result in Canadian output less than might otherwise be obtained and point out that no study has yet been made to determine the net result. (...) How do you justify the repeated assurances that have been made that Canada's interests will be adequately protected by this Treaty?

McNaughton added that, although he had not seen the Casco Consultant's report, he understood that it, too, was directed only to the treaty projects. He feared that engineers in the federal administration had consistently opposed the Dorr Plan and had resisted warnings such as those from the Montreal Engineering Company. For his part, McNaughton said his views had been checked by "Canadian engineers and others who are highly qualified in hydro-

electric thermal system operation." He hoped he was providing Martin with "sufficient information ... to plug loop-holes in the present Treaty [although] merely plugging loop-holes is far short of the basic corrections to the Treaty which I regard as requisite."<sup>149</sup>

Martin responded, October 8, to defend officials of the Department of Northern Affairs and National Resources, to observe that subsequent studies by the Montreal Engineering Company had provided strong support for the treaty provisions, and assert that the federal jurisdiction was a negative one, "the act of refusing to approve."<sup>150</sup> In reply,

McNaughton insisted on October 31 that Sequence IXa represented the best international plan developed by the ICHEB and consistent with the IJC's principles of 1959 which kept waters originating in Canada "under the sovereign jurisdiction and control of Canada."<sup>151</sup>

Martin answered on November 21 that the only argument for the east Kootenay projects at this time was to retain control of the water and that the argument was countered "by the rights given Canada under the Treaty" to make diversions in 20, 60, and 80 years which would achieve the same extent of diversion and control sought by McNaughton.<sup>152</sup>

McNaughton's rejoinder on December 12 was blunt:

I must register the strongest objection to the misconception evidenced by your use of the word "given". Article XIII gives Canada nothing! It takes away and surrenders a position which for over 50 years has come to be accepted as



a basic right in Canada as it has in the United States since its earliest days.

The time limits on diversion, he said, only delay an action which could be taken by Canada now. He advised Martin:

In dealing with the United States, a future right and its exercise are two quite distinct matters, as I have learned painfully in a decade of first hand experience. In this case, for example, ... you cannot even build Dorr without U.S. consent, and I forecast that the price set on this consent will be so high that any project to do so will be made quite uneconomic.... Dorr is essential to exercise the right which you say is given to divert from the Kootenay.

Again, he advocated "an equitable solution ... to insure Canadian jurisdiction and physical control of waters of Canadian origin in Canada [and] to optimize generation at site and including the Canadian half-share of the benefits in the U.S."<sup>153</sup>

While General McNaughton was composing this letter, Martin was leading the Canadian side in negotiations with the United States for a protocol to the Columbia River Treaty. Martin told the House of Commons on December 17 that substantial progress had been made in the negotiations and that a unanimous report was being submitted to the Governments. Full agreement was reached between the two Governments in Canada on January 9, 1964, and an agreement was concluded between Canada and the United States four days later. On January 21, Martin wrote McNaughton: "I have had to take the responsibility of judging what was negotiable and then I have had to bargain as hard as possible...."

Generally, I think we have been successful."<sup>154</sup> The following day, Martin signed the protocol and power sales agreement in Washington.

In his reply on January 24, General McNaughton maintained his stand and expressed the hope that he might convince Martin in future discussions.<sup>155</sup> He wrote another correspondent the same day:

It is of some interest that the B.C. and E.A. people now admit that the principle objective of the talks was to outflank the opposition stated by myself and by Higgins and Ripley among others. It is nice to have even a nuisance value! However, ... I think Martin and all have failed on every point to provide the safeguards required and their claim to have done so is not true on at least half a dozen counts.<sup>156</sup>

A criticism of the treaty by Lerratt Higgins was published by the Globe and Mail on January 14 and 15. The articles, filling one and one-half pages on the newspaper's prestigious features page directly across from the editorial page, reviewed the various plans for the development of the Columbia basin in Canada and the outcome of the treaty negotiations and concluded with the criticism Higgins had been expressing since 1961.<sup>157</sup> The articles, described by a chronicler of the Canadian Annual Review as "devastating criticism,"<sup>158</sup> were published while the Liberal party of British Columbia was holding its annual convention. Mrs. Davidson had hoped to distribute the articles at the convention to create useful havoc among Liberals, but dis-

covered that only three newsstands in Victoria sold a total of 15 copies of the Globe and Mail, 10 of which were reserved for regular customers. Higgins had sent clippings to the Columbia River for Canada Committee and the first article appeared in the Communist party's Pacific Tribune "and thus," according to Mrs. Davidson, "no Vancouver daily would notice it." 159

Following the publication of the protocol and power sale agreement, Higgins wrote the Globe and Mail that the requirement of the United States to use its facilities before calling upon Canada for flood control was an improvement, but that the clause disclaiming the treaty as a precedent was "a handy formula to be used against us in future situations so that we can continue to yield our rights without creating precedents." He described the claim of an eventual revenue of \$501 million as misleading, and continued:

When an uninspired management is confronted with sagging sales for a tired product, the standard remedy is a flossy new package and plenty of ballyhoo. One still wonders how far this remedy has been used for the Columbia pact -- complete with Libby and High Arrow dams, both of which had been opposed by the previous liberal Administration before the disaster which overtook the negotiations in 1960.

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Higgins, McNaughton, and Ripley met in Toronto for a week-end to produce a formal critique of the protocol. On February 7, McNaughton supplied a copy of the critique to Michael Barkway, an old friend of McNaughton's who was editor-publisher of the Financial Times. In a recent

article, Barkway had said:

Nobody -- even in the most timorous ranks of officialdom -- pretends that treaty-plus-protocol asserts Canada's full long-term interests in the immense future potential of the Columbia River. The best claim to be made is that it reconciles the immediate political pressures in both Canada and the United States. In most circumstances, that is enough for politicians. Immediate expediency has more appeal than the nation's long-term interest. But in this case the politicians are up against a formidable old man who is only interested in the long view and deploys a powerful battery of expert opinion in its defence. 161

In his critique, General McNaughton, like Higgins, recognized an improvement in the restriction placed on calls by the United States for flood control, but objected to the continuing obligation to provide secondary as well as primary flood control. On Libby, McNaughton said that all Canada could count on was maintenance of the existing rights of Cominco's plants downstream on the Kootenay in Canada. It was, he said,

evident that the Protocol leave the rights of the U.S. under the Treaty over the operation of Libby unrestricted to refuse variation which would be disadvantageous to the U.S. There is, therefore, no assurance of any benefit to Canada from the operation of Libby.... Under the 1961 Treaty the U.S. becomes, in effect, the upstream state on the Kootenay with all the rights, jurisdiction, and control of these waters recognized in Art. II of the Boundary Waters Treaty of 1909.

McNaughton complained that the wording of the Protocol was ambiguous on the question of operation for "system optimization": although some operation flexibility appeared to

have been given Canada by seeming to restrict control of Canadian storage to monthly flows at the border, rather than to specific outflows from each storage dam, "we are still required to operate for system optimization which could mean that the system to be optimized in the U.S. is the entire area of that country." On the declaration that the treaty is not to be understood as a precedent, McNaughton said: "Any act is a precedent whether it is so stated or not. The continued purpose of the U.S. [is] to outmode the reservation in Art. II of the B.W.T. of 1909." General McNaughton told Barkway that he still maintained the objections set out in his article in the International Journal:

These include most especially objection to the construction of High Arrow and Libby and the failure to provide that Canada may make the best use of her own resources in head and flow and position which is open to her as the basis from which the benefits of cooperative use are to be measured. 162

The Government termed the treaty and protocol priority items for the second session of the twenty-sixth Parliament which was called February 18. The following day McNaughton received the last request from the Columbia River for Canada Committee to come to British Columbia on a national tour after appearing before the Committee on External Affairs. In response to the argument that he was best suited to serve as a rallying-point for the opposition, he said that it was imperative to be in constant attendance at the hearings "to meet argument and to beef opinion

developing favourably." McNaughton also added that he did not think it expedient for him "to make appeals to the Public while I am in the position of a witness before the committee who is under examination."<sup>163</sup>

On March 2, Martin tabled a White Paper, including texts of the treaty and protocol, and; the following day, introduced a motion referring the documents to the Committee on External Affairs. Martin sent a copy of his remarks to General McNaughton with the hope that it would be possible to carry on the debate in a "non partisan spirit."<sup>164</sup>

Having studied the protocol, McNaughton replied three days later: "I find that no corrections have, in fact, been made to limit the extravagant powers which were to be vested in the U.S. by the Treaty."<sup>165</sup>

The House of Commons unaniously agreed on March 9 to a study of the treaty and protocol by the Committee on External Affairs. The following day, General McNaughton wrote a correspondent: "I am looking forward to a real struggle in which I hope we may yet strip the blinkers off the eyes of the people of Canada."<sup>166</sup> The terms of reference for the parliamentary study, however, were not what the opposition had hoped for. Although the Committee would be free to discuss the treaty and protocol, Martin told its members that their function was to either approve or disapprove of the Government's action; any variation would involve repudiation of the Government, and on the question,

"the government will stand or fall."<sup>167</sup>

General McNaughton attended all the public sittings and testified before the Committee on five occasions. He was treated courteously by the Committee which provided him with a desk from which he could view the proceedings and make notes. His resources, however, could not begin to match those of the Government departments concerned, whose files lined the hallway outside the committee room.<sup>168</sup>

Larratt Higgins presented a brief to the Committee on April 29, and, from time to time, James Ripley was present to advise McNaughton.

Although Ripley made no formal presentation to the Committee, the current issue of Engineering and Contract Record with a 16-page article titled "The Columbia River Scandal," served as an unofficial brief. Ripley reported in the periodical that the Government's re-negotiation brought no change to his previously designated four fundamental flaws, no change to 10 of the 14 serious weaknesses, partial corrections in two instances, minor, but unimportant corrections in one, and elimination of another due to the sale of the downstream power benefits.<sup>169</sup> In an article in the Toronto Telegram in May, Ripley wrote that the federal Government had "lied, exaggerated, misled and conceived arguments that border on fantasy" to present a case that "remains unconvincing."<sup>170</sup> The newspaper article drew the ire of James Byrne and Davie Fulton the following day

during the regular meeting of the Committee on External Affairs. Byrne demanded that Ripley appear to prove his allegations,<sup>171</sup> but when Ripley did make an appearance in the committee room, the Chairman sent an enquiring Liberal MP a note saying he saw no reason to call Ripley to testify. On May 20, the NDP membership on the Committee unsuccessfully sought to reverse a decision of the steering committee not to invite Ripley to appear.<sup>172</sup>

General McNaughton appeared before the Committee on April 20 to present the testimony that he had been preparing since the treaty was signed in 1961. He told the Committee:

I have looked forward to having the opportunity to appear before you ... in this committee ... to bring to your attention certain provisions ... which I believe to be contrary to the rights and proper interests of Canada, and which result in a plan of partial development and an interim regimen of operation of the water resources of the Canadian portions of the upper Columbia and Kootenay rivers which are not only partially efficient in the present, but which ... consequently for the future foreclose the possibilities for eventual "best use" of these resources in the service of our country.

On his own position, McNaughton said: "You will find these same views expressed in the records of this committee going back to the time when you were dealing with the International Rivers Bill."<sup>173</sup> McNaughton reviewed the flood control requirements of the treaty and protocol and the advantages he saw in Sequence IXa, concluding in the same fashion as in his letter to Martin on March 5. He developed his position



in subsequent appearances on April 21, 22, 23, and May 15.

McNaughton was questioned in a friendly manner by the New Democratic members of the Committee with the intention of developing the strong points in his argument. McNaughton's major opponents on the Committee were Jack Davis and John Turner (Montreal: St. Lawrence-St. George), the parliamentary secretary to the Minister of Northern Affairs and National Resources. Despite attempts to maintain an air of courtesy toward the 77 year-old witness, the attitude of the treaty's supporters was one of strict opposition to, rather than investigation into, his views. The reception accorded McNaughton was noticeably rigid and hostile compared to the friendly reception accorded him by the Committee in the 1950's. On occasion, questioning by John Turner closely approximated a courtroom cross-examination.<sup>174</sup> As an example of courtesy shown him by the Committee, General McNaughton was allowed to return on May 15 for a final comment upon the opinions expressed during the hearings. At that time, he told the Committee: "I wish to state with conviction that I have not found reason to alter the conclusions which I have previously reached."<sup>175</sup>

A divided Committee on External Affairs recommended approval of the Columbia River Treaty and protocol to the House of Commons on May 28. After a lengthy debate, the Commons applied its imprimatur on June 5. The Senate was to consider the treaty upon, and even at this presumably perfunctory stage, McNaughton did not lose hope for some

obstruction of Government policy. He would willingly present his views to the Senate, he told a correspondent, if "that august body can be persuaded to receive evidence."<sup>176</sup>

When the debate was held in the Senate, it consisted of less than one day of the house's business, and the documents were approved without the fuss of a recorded vote. There was no independent investigation, despite an indication by the Government leader that a study in committee would be held.<sup>177</sup>

General McNaughton told a correspondent later that both he and Herridge had "tried to stimulate Senator Reid, among others, to move for a committee, but Government forces moved in on them and negated the endeavour." McNaughton no longer believed that, "short of a real revolt of public opinion in B.C., there is any possibility of preventing the very unfortunate consequences for B.C. for Canada, and particularly for the Residents of the Arrow Lakes Region."<sup>178</sup>

General McNaughton and Paul Martin continued to correspond as a result of Martin's final statement to the Committee on External Affairs on May 21, that an assessment of the Kootenay diversion proposal by the Montreal Engineering Company had confirmed the federal Government's position. McNaughton drew Martin's attention to a report of May 13 by Larratt Higgins on the Dorr-Bull River-Luxor diversion which was tabled in the Committee and noted in his letter of June 3 that the diversion studied by the Government's consultants was not the diversion recommended

by the treaty's critics.<sup>179</sup> In their final exchange, Martin expressed confidence that in the fullness of time, McNaughton would agree that the arrangements were in Canada's interests; McNaughton replied with a firmly stated conviction that the opposite was true.<sup>180</sup>

Following the hearings, Higgins also wrote Martin, accusing him of quoting testimony out of context in his final statement to the Committee to give the appearance that Higgins contemplated only postponement of the High Arrow project, thereby allowing Martin to conclude that "the critics are by no means at one."<sup>181</sup> "Let me assure you," Higgins wrote, "there is no difference between me and other critics of the Treaty." Higgins also wrote of the recent study of the Kootenay diversion by the Montreal Engineering Company "which is not the one the critics are talking about." Higgins argued that the costs of the proposal studied for the Government had been unnecessarily inflated by early machining for power generation. The study also ignored the existence of the Duncan Dam, according to Higgins, which suggested that the engineering firm did not understand its function in Sequence IXa, although it was "heavily involved in contracts for Duncan Lake under the Treaty." Higgins concluded that the case for the Government was stated "by people who in each and every instance so far as I am aware, stand to gain in one way or another from ratification"; nevertheless, despite their presentations and the "maximum political discipline" under which the parliamentary hearings were held,

enough evidence was presented by disinterested citizens  
 "to cast serious doubts upon the merits of the Columbia  
 River Treaty and Protocol." 182

With the benign approval of the Senate to the documents in June, 1964, almost one year had passed since Martin had begun his consultations with McNaughton. In June, 1963, following the as yet secret agreement between the federal and provincial Governments, the Montreal Gazette had warned that the federal Liberal Government was no more disposed "to pay much heed to what Gen. McNaughton says" than the Conservative Government. The editorial continued:

If the treaty at last becomes effective, and such difficulties arise without means of redress, it will then be too late to recall that they happened to be among the warnings of a very obstinate and difficult old man. 183

During the past year, the federal Government had entertained McNaughton's opinions, although it was clear to McNaughton that the crucial decisions had been taken before the consultations with Martin began. Later, although McNaughton was generously entertained by the Committee on External Affairs to which he had always attached great importance, the Government had decided to stake its existence on the treaty and protocol and the atmosphere during the hearings tended to become that of a courtroom, with individuals on trial, cases to be heard, defences to be made, and prosecutions to be exacted. Finally, the Government had stepped in to forestall any conceivable disruption that might

have been caused by venerable senators.

Several months after the parliamentary debate,

General McNaughton defended his decision to maintain silence on the treaty for 14 months until he was retired from the IJC and, after then, to concern himself primarily with the ever-imminent hearings of the Committee on External Affairs.

He told a correspondent:

It was, and still is, my view that the best service I could render was to present the facts in the responsible forum of the EA Cmtee. It was up to others to keep this forum responsible and to insure a proper report to parliament which would protect the Canadian interest. 184

The Columbia River Treaty and Protocol were ratified formally on September 16 in an atmosphere expressed in the glib language of the report of the Western Canadian-American Assembly held one month earlier in British Columbia:

Canada and the United States are moving in the direction of a new and significant policy for the development of energy resources, particularly water power, on a continental scale. Recent technological advances ... have brought about in both countries a willingness to consider an encouraging degree of integration. (...) The trend towards a continental concept is well illustrated by the conclusions of the Columbia River Treaty and Protocol. The International Joint Commission should undertake long-range continental plans for water resources. 185

This attitude was very different from that expressed by the federal Government in 1955, which General McNaughton maintained. McNaughton continued to discuss the treaty as a

warning against the assumption of automatic maximum benefit to Canada of an integrated, continental development of water resources. He told an audience in Montreal in 1965 that he opposed the definition of continentalism which "simply means the concentration of growth in already existing centres of power ... in the United States which is to be made possible by feeding Canadian resources to the south." He preferred another meaning of continentalism which "denoted balanced development throughout the continent, and particularly development of Canada's north."<sup>186</sup> General McNaughton repeated his views on the Columbia River Treaty and the proper development of Canada's water resources at several public meetings following the treaty's ratification, including a session of the Royal Society of Canada in June, 1966, a few weeks before his death.

Footnotes

<sup>1</sup> Major A.G.L. McNaughton was appointed Brigadier-General in November, 1918, and became Director of Military Training and Staff Duties at National Defence Headquarters in 1920. From 1923 to 1926, he was Deputy Chief of General Staff and became a Major-General and Chief of General Staff in 1929. He was an adviser to the Canadian delegation at the Imperial Conference in London in 1930, and at the Conference on the Limitation of Armaments in Geneva in 1932. From 1935 to 1939, he served as President of the National Research Council. In 1939, McNaughton became GOC, 1st Canadian Division and, the following year, Lieut.-General commanding VII Corps. In 1941, he was appointed to command the Canadian Corps in organization, and from 1942 to 1943, he was GOC in Chief of the 1st Canadian Army, (overseas). He became a general in September, 1944, and retired from the army two months later.

General McNaughton was appointed Minister of National Defence in November, 1944, and resigned nine months later, having failed twice to win election to the House of Commons. From 1945 until 1949, he served as Chairman of the Canadian section of the Canadian-United States Permanent Joint Board on Defence. In 1946, he was the Canadian representative on the United Nations Atomic Energy Commission, and, from 1946 to 1948, he was President of the Atomic Energy Control Board of Canada. General McNaughton was a permanent delegate from Canada to the United Nations and the representative of Canada on the Security Council in 1948 and 1949, and, in 1950, became the Chairman of the Canadian section of the International Joint Commission.

<sup>2</sup> Higgins papers, a taped interview with Michael Barkway conducted by the Canadian Broadcasting Corporation.

<sup>3</sup> Higgins interview, March 2, 1968.

<sup>4</sup> Barkway, taped interview for the C.B.C.

<sup>5</sup> Southam News Services, "Columbia Pact -- McNaughton Says Canada Sold Out," Ottawa Citizen, April 6, 1962.

<sup>6</sup> Bruce Phillips, Southam News Services, "McNaughton Claims Power Pact Sellout," Hamilton Spectator, April 7, 1962.

<sup>7</sup> Ibid:

8

Upper Columbia Power Development (Washington: United States Government Printing Office, 1956), p. 12. A report from a sub-committee headed by Neuberger to the Senate's Committee on Interior and Insular Affairs.

9

Minutes, March 19, 1953, p. 257.

10

Ibid., pp. 257-58.

11

Ibid., May 12, 1954, p. 172. McNaughton's early recognition of the potential for diversion is related in Higgins to author, December 8, 1968.

12

Debates, February 24, 1955, p. 1490.

13

Ibid., February 11, 1955, p. 1106.

14

Minutes, March 9, 1955, p. 33, and, March 11, 1955, p. 113.

15

Ibid., March 9, 1955, p. 33.

16

Ibid., pp. 39-40.

17

Ibid., March 11, 1955, p. 113, and, March 9, 1955, p. 39.

18

Ibid., March 11, 1955, pp. 114-16.

19

Ibid., March 10, 1955, p. 105.

20

Ibid., March 9, 1955, p. 44.

21

Ibid., May 12, 1955, pp. 466, 469.

22

Ibid., March 11, 1955, p. 125.

23

Ibid., June 1, 1955, p. 635.

24

Ibid., March 10, 1955, p. 104.



25 Ibid., June 14, 1956, pp. 406-07.

26 Ibid., December 12, 1957, p. 251.

27 Ibid., p. 256.

28 Ibid., p. 252.

29 Ibid., December 16, 1957, pp. 292-93.

30 Ibid., December 12, 1957, p. 253.

31 Ibid., pp. 253-, 258-59.

32 Quoted in Ibid., December 16, 1957, p. 297.

33 Debates, February 10, 1955, p. 1040. Quoted in Minutes, December 13, 1957, pp. 278f.

34 Minutes, December 12, 1957, p. 265, and, December 16, 1957, p. 297.

35 Higgins interview, April 6, 1968.

36 Minutes, December 16, 1957, p. 297. The "accumulating evidence" cited by General McNaughton was published in Ibid., December 12, 1957, "Appendix H."

37 Ibid., December 12, 1957, p. 263.

38 Ibid., August 11, 1958, pp. 296, 313, 316-17.

39 Ibid., April 23, 1959, pp. 212, 216, 221-22.

40 Herridge papers, "Address to the Association of Professional Engineers of Alberta at Calgary on Saturday, March 23, 1963 by A.G.L. McNaughton" (mimeo), pp. 3-4. Emphasis in the original. Hereafter cited as "Address at Calgary."

41 Minutes, March 18, 1960, pp. 174-76. The U.S. Army Corps of Engineers, the engineering contractors for the Congress, is a powerful agency in the planning and carrying out of large federally-funded projects such as dam construction for power, irrigation and flood control. Traditionally at odds with the Department of the Interior, Harold Ickes, who served under Franklin Roosevelt as Secretary of the Interior, described the Corps as "the most powerful and most pervasive lobby in Washington." Writing in 1951, Ickes charged that the Corps operated on the theory of the pork barrel:

The harder the people scratch to pay their taxes, the more money there will be for the Corps of Army Engineers to scratch out of the Treasury with the aid of Congress in order to maintain its control of that body by building, or promising to build, more or less justifiable or downright unjustifiable projects in the various states and districts for which senators and representatives may claim credit during the next election campaign. (...) If the people of the country were but half aware of the general subservience of their representatives and senators in the Congress to this insubordinate and self-seeking clique, they would quickly demand that the Congress reassume its dignity and prestige which have been borrowed surreptitiously by the Army Engineers within which to masquerade.

("Foreword," Muddy Waters: The Army Engineers and the Nation's Rivers, Arthur Maass [Cambridge, Massachusetts: Harvard University Press, 1951], pp. ix, xi-xii.)

The indictment of 1951 by Ickes lends credence to the notion that the Corps of Engineers held tenaciously to the Libby Dam proposal from 1952 which, though uneconomic, represented perhaps the last large-scale construction of its kind in the Pacific Northwest region of the United States.

42 Minutes, March 25, 1960, p. 221

43 Ibid., p. 225.

44 Ibid., March 18, 1960, p. 178.

45 Ibid., March 25, 1960, p. 230.

46 Ibid., pp. 230-32.

47 Ibid., p. 223.

48 Ibid., p. 226.

49 Ibid., June 14, 1961, pp. 243-44.

50 Higgins papers, McNaughton to Higgins, May 2, 1961.

51 Davidson papers, Higgins to Davidson, June 2, 1962.

52 Debates, April 13, 1962, p. 2964.

53 Higgins papers, "Tape 1-Larratt Higgins, 1966," (mimeographed transcript of a tape recorded interview by the Canadian Broadcasting Corporation), p. 1, and, Davidson papers, Higgins to Davidson, June 2, 1962.

54 Higgins papers, "Tape 1-Larratt Higgins," pp. 1-2.

55 Ibid., See also, Higgins papers, "McNaughton's Last Campaign. A talk to the Seminar on Canada-United States Relations at the University of Windsor by Larratt Higgins, January 30, 1967" (mimeo), pp. 9-10. Hereafter cited as "McNaughton's Last Campaign."

56 Higgins interview, March 9, 1968.

57 Higgins papers, Higgins to McNaughton, April 26, 1961.

58 Higgins papers, McNaughton to Higgins, May 2, 1961 and May 6, 1961.

59 Debates, January 16, 1961, p. 1057.

60 Higgins papers, Higgins to McNaughton, May 15, 1961.

- 61 "Your World Notebook," May, 1961, p. 17. Emphasis in the original.
1961. 62 Higgins papers, Higgins to McNaughton, May 15.
- 63 Higgins papers, Higgins to Walker, May 14, 1961, copies. to Lester Pearson and Hazen Argue.
- 64 "Columbia River Treaty," May 13, 1961. A similar letter appeared in the Toronto Daily Star: "Let Canada Not Rush Into Columbia Power Pact," May 15, 1961.
1961. 65 "The Case Against the Columbia Treaty," June 1,
- 66 Higgins Interview, March 9, 1968.
1961. 67 Higgins papers, McNaughton to Higgins, May 23,
1961. 68 Higgins papers, Higgins to McNaughton, June 19,
1961. 69 Higgins papers, Higgins to McNaughton, August 13,
- 70 Waterfield papers, McNaughton to Waterfield, August 16, 1961. The correspondence released was George Hobbs to McNaughton, January 13, 1961, and, McNaughton to Hobbs, January 17, 1961.
1961. 71 Higgins papers, McNaughton to Higgins, August 9,
1961. 72 Higgins papers, Higgins to McNaughton, August 13,
- 73 Higgins interview, March 9, 1968.
- 74 "The Columbia River Treaty," an editorial.

75 "The Columbia River Treaty," a letter.

76 "Columbia vs. the Peace," a letter.

77 "Power Play in the Rockies: How Ottawa Can Cope With Bennett," L. T. Higgins, Saturday Night, v. 72, September 16, 1961, pp. 15-16.

78 Higgins papers, Higgins to McNaughton, September 20, 1961. The article accompanying Higgins' article was Stuart Keate, "The Smile of the Tiger: Why Bennett Took Over B.C. Power," pp. 11-14.

79 Higgins interview, March 9, 1968. Also, Higgins papers, "'Enquiry' Programme on the Columbia River October 10, 1961-10 p.m." (mimeographed transcript of the broadcast).

80 "From Ottawa: Only a Slender Hope Now Remains For the Columbia," Victoria Daily Times, October 21, 1961.

81 V. 16, no. 4, Autumn, 1961, pp. 399-404.

82 Higgins interviews, April 6, 1968, and, August 24, 1968. See also, "Conception, Investigation, and Design of Arrow Dam," Keith A. Henry and P. Nigel Grant, Journal of the Power Division Proceedings of the American Society of Civil Engineers, May, 1968, pp. 41-65.

83 Waterfield MS, p. 224, and, Minutes, April 24, 1964.

84 Higgins papers, McNaughton to Byrne, October 31, 1961, a copy.

85 Higgins papers, Higgins to McNaughton, October 29, 1961.

86 Higgins interview, March 9, 1968.

87 Higgins papers, Higgins to McNaughton, December 12, 1961.

88

Ibid. The article was "How Chaos Came to the Columbia," Saturday Night, v. 77, May 26, 1962, pp. 25-27. Higgins' article was matched by one in fulsome praise of provincial policy by John A. Irving, "Bennett's Design for B.C. Progress," pp. 18-20, 23-24.

89

Higgins papers, McNaughton to Higgins, March 13, 1962. Bourne's article was "The Columbia River Treaty: Another View, v. 17, no. 2, 1962, pp. 137-40. Higgins' reply was "The Columbia River Treaty: A Reply to Professor Bourne," pp. 141-44.

90

Higgins interview, March 2, 1968.

91

Higgins papers, "McNaughton's Last Campaign," p.13.

92

Waterfield papers, McNaughton to Waterfield, May 10, 1962.

93

Higgins interview, April 6, 1968.

94

Higgins papers, "Excerpt from an address by H. L. Keenleyside in Saanichton, 12th May, 1962, to the Annual Dinner and Reunion of the C.E.F., Imperial and Other Veterans who served the Empire prior to 11th November, 1918" (a pamphlet, no publisher cited), 4 pp. Hereafter cited as "Address to the Veterans of Saanichton."

95

Columbia River for Canada Committee papers, Herridge to Wood, August 30, 1963.

96

Published as "Aspects of the Background of Columbia River Projects in Canada," The Engineering Journal, v. 45, no. 10, October, 1962, pp. 47-54.

97

Herridge papers, "Address to E.I.C: Comment on Paper By R.C. McMordie, Montreal, June 13, 1962" (mimeo), pp. 1-6. Emphasis in the original. Published as "Discussion by General A.G.L. McNaughton," The Engineering Journal, v. 46, no. 4, April, 1964, pp. 46-48.

98

Higgins interview, March 9, 1968.

99

"The Columbia River Treaty," Engineering and Contract Record, v. 75, September, 1962, p. 33. The serious weaknesses discerned by Ripley included: too much storage was to be built too soon for the amount of revenue received; flood control payments were too low; the treaty required Canada to provide secondary flood control and put no restraint on the United States in calling for flood control; the period of the treaty was too long; the treaty under-estimated the value of water for consumptive, non-power purposes, and the treaty was too detailed in naming projects, procedures, and schedules and should have only set out principles with operative details to be established by national entities.  
p. 25.

100

"Should Columbia Treaty be Re-negotiated," v. 71, September, 1962, pp. 50-54, 86.

101

Engineering and Contract Record, v. 75, November, 1962, p. 28.

102

Davidson MS, p. 25.

103

Ibid., and, McDonald papers, Higgins to McDonald, May 27, 1963.

104

Davidson MS, p. 25, and, Higgins interview, August 24, 1968.

105

Deane papers, Deane to McNaughton, undated (c. summer, 1962). On Deane's introduction to McNaughton through Herridge, see, Herridge papers, Mather to Deane, July 12, 1962, and, Herridge to Deane, July 18, 1962.

106

Deane papers, Deane to McNaughton, October 4, 1962.

107

Deane papers, McNaughton to Deane, October 2, 1962.

108

Deane papers, McNaughton to Deane, February 5, 1963; copy to Byrne. Emphasis in the original.

109

"Memorandum re Effect on Agriculture of Construction of Reservoirs on Columbia and Kootenay rivers between

Luxon and Dorr." Quoted by Gordon MacNabb, Water Resources Branch, Department of Northern Affairs and National Resources Branch, Department of Northern Affairs and National Resources, in Minutes, April 10, 1964, p. 223.

Larratt Higgins further identified the author of the memorandum as S. C. Barry, Deputy Minister of Agriculture, and notes that it was transmitted to the Canadian section of the IJC on June 14, 1960, during the international negotiations on the treaty. Higgins adds:

The reason for this report being called for, and also another one from G.L. Mackenzie, Director PFRA [Prairie Farm Rehabilitation Administration] (June 6/60) was to answer objections to the Dorr dam and east Kootenay flooding which were raised in the Policy Liaison Committee. The PFRA report [on subsoil conditions at the proposed damsite] was on the feasibility of building the Dorr dam; it concluded that this was so.... The upshot of this was that [Ray] Williston [British Columbia's Minister of Lands and Forests] had to retreat on June 19, 1960 to a position where he refused to flood the East Kootenay, regardless of engineering or economic feasibility. That is to say, the matter was decided on purely (local) political criteria. Fulton's error in judgment was to swallow this. (...) At any rate, AGLM's case was pretty solidly supported.

(Higgins to author, February 9, 1969.)

Gordon MacNabb argued on behalf of the federal Government that agricultural benefits to be drawn from the east Kootenay diversion scheme apparently foundered on economics (Minutes, May 20, 1964, p. 1392.). To counter the agricultural report on the east Kootenay, the federal Government presented the Committee on External Affairs with a report on the Arrow Lakes valley which indicated "limited possibilities for the further development of the land for agricultural purposes." ("A Preliminary Report On the Agricultural Potential of the Area Affected by the Proposed High Arrow Lake Dams Project, February, 1962. Published as "Appendix D" in Minutes, April 10, 1964, pp. 268-74.)

110

"Mr. Bennett's Red Herring," an editorial, May 8, 1962.

111

"Let's Hear Gen. McNaughton," an editorial, August 27, 1962.



- 112 Deane papers, Perrault to McNaughton, July 18, 1962. Published in Johnston's Journal (Revelstoke, B.C.), v. 1, no. 2, August 25, 1962 (campaign literature). Emphasis in the original.
- 113 Deane papers, McNaughton to Perrault (no date), published in Ibid.
- 114 Columbia River for Canada Committee papers, McNaughton to Braaten (no date).
- 115 "McNaughton Charges Columbia Pact Sellout," Globe and Mail, December 8, 1962.
- 116 John R. Walker, Southam News Services, "McNaughton Again Attacks Columbia Treaty With U.S.," Hamilton Spectator, December 13, 1962.
- 117 Herridge papers, "The Columbia River Treaty of 17 January 1961 by A.G.L. McNaughton. Released 7 December, 1962," "Statement on Proposed Columbia River Treaty made to Senators and M.P.'s in the House of Commons Committee Room at 8 PM Wednesday, 12 Dec., 1962 by A.G.L. McNaughton," "Comments by Gen. A.G.L. McNaughton on letter of 17 September 1962 from the Hon. E. Davie Fulton to James G. Ripley" (mimeo), Columbia River for Canada Committee papers, Braaten to McNaughton, December 19, 1962, and, McNaughton to Braaten, December 22, 1962.
- 118 Columbia River for Canada Committee papers, McNaughton to Braaten (a telegram), February 3, 1963.
- 119 Davidson to author, March 27, 1968.
- 120 Davidson to author, February 11, 1968, and, March 27, 1968.
- 121 "Everyone is out of step but our general....," an editorial, December 13, 1962.
- 122 Waterfield papers, McNaughton to Waterfield, December 20, 1962. Emphasis in the original.

123

Davidson MS, p. 25, and, Davidson to author,  
April 7, 1968.

124

Davidson to author, April 7, 1968.

125

Waterfield papers, Perrault to Waterfield,  
February 26, 1963.

126

Davidson papers, McNaughton to Davidson,  
December 29, 1962.

127

"The Proposed Columbia River Treaty," International  
Journal, v. 18, no. 2, Spring, 1963, pp. 148-65.

128

Herridge papers, "Address at Calgary," pp. 8-9.  
Emphasis in the original.

129

Davidson papers, McNaughton to Davidson, April  
3, 1963.

130

Davidson to author, March 6, 1968.

131

Waterfield papers, McNaughton to Waterfield,  
December 20, 1962.

132

Higgins papers, Higgins to Davis, April 21, 1963.

133

"The Columbia River Treaty," a letter, May 9,  
1963.

134

Canadian Press news agency, "Changes Expected,"  
Globe and Mail, May 11, 1963.

135

Sherman, p. 264.

136

Davidson papers, McNaughton to Davidson, May 29,  
1963.

137

Columbia River for Canada Committee papers,  
Braaten to McNaughton, June 18, 1963.

- 138 Columbia River for Canada Committee papers, Herridge to Wood, June 24, 1963.
- 139 Walter Gray, "U.S.-Ottawa Parley Set Next Week," Globe and Mail, July 11, 1963, and, Tim Creery, Southam News Services, "Agreement on Columbia River Sparks Angry House Reaction," Hamilton Spectator, July 11, 1963.
- 140 Higgins interview, March 9, 1968, and, Higgins author, December 8, 1968.
- 141 Minutes, April 20, 1964, p. 498.
- 142 Published in Ibid., April 7, 1964, "Appendix 'B'," p. 92.
- 143 Davidson papers, McNaughton to Davidson, August 1, 1963.
- 144 Minutes, April 7, 1964, pp. 92-93, also, Preliminary Remarks by A.G.L. McNaughton, Meeting, 18 July, 1963," Ibid., "Appendix 'B'," pp. 91-92.
- 145 Published in Ibid., pp. 94-95.
- 146 Herridge papers, McNaughton to Herridge, August 1, 1963, Emphasis in the original.
- 147 Davidson papers, McNaughton to Davidson, September 1, 1963, Emphasis in the original.
- 148 Published in Minutes, April 7, 1964, pp. 95-97.
- 149 Published in Ibid., pp. 97-103. Emphasis in the original.
- 150 Published in Ibid., pp. 103-111.
- 151 Published in Ibid., pp. 111-115.

152 Published in Ibid., pp. 115-16.

153 Published in Ibid., pp. 117-20. Emphasis in the original.

154 Published in Ibid., p. 121.

155 Published in Ibid., pp. 121-22.

156 Davidson papers, McNaughton to Davidson, January 24, 1964.

157 "Is the Columbia River Treaty a Sellout?" January 14, 1964, and, "Second Deal on Columbia," January 15, 1964. Revised and reprinted in full in Information: United Steelworkers of America, v. 12, no. 1, February, 1964, pp. 12, 18, 33.

158 "Parliament and Politics," John Saywell, Canadian Annual Review for 1963 (Toronto: University of Toronto Press, 1964), p. 81.

159 Davidson to author, March 22, 1968.

160 "Columbia River Treaty," a letter, February 21, 1964. See Jack Davis' reply "Columbia River Treaty," a letter, February 26, 1964. A rejoinder sent to the newspaper by Higgins dated February 29, 1964 (Higgins papers), was not published.

161 "The long, lonely battle of General McNaughton," Financial Times, January 20, 1964.

162 Deane papers, McNaughton to Barkway, February 7, 1964, a copy. Emphasis in the original. Higgins sent essentially the same opinions to H. W. Herridge. Higgins papers, Higgins to Herridge, February 2, 1964.

163 Columbia River for Canada Committee papers, McNaughton to Braaten, February 24, 1964.

- 164 Published in Minutes, April 7, 1964, "Appendix 'B'," pp. 122-23.
- 165 Published in Ibid., p. 123. Emphasis in the original.
- 166 Davidson papers, McNaughton to Davidson, March 10, 1964.
- 167 Minutes, pp. 67-68.
- 168 Higgins interview, March 9, 1968.
- 169 V. 77, April, 1964.
- 170 "The Columbia Scandal: Our Terrible Treaty," May 11, 1964.
- 171 Minutes, May 12, 1964, p. 1162.
- 172 Ibid., May 20, 1964, pp. 1348-53.
- 173 Ibid., April 20, 1964, p. 498.
- 174 See, for example, Ibid., May 15, 1964, pp. 1327-29, 1335-40. Also, Higgins interview, April 6, 1968.
- 175 Minutes, May 15, 1964, p. 1318.
- 176 Davidson papers, McNaughton to Davidson, June 9, 1964.
- 177 Can. Senate Debates, June 10, 1964, p. 711.  
See Senator John Connolly's statement on a committee study, June 2, p. 624.
- 178 Waterfield papers, McNaughton to Waterfield, June 17, 1964.
- 179 Deane papers, McNaughton to Martin, June 3,

1964, a copy.

180 Higgins papers, Martin to McNaughton, June 14, 1964, a copy, and, McNaughton to Martin, August 4, 1964, a copy.

181 Minutes, May 21, 1964, p. 1438.

182 Higgins papers, Higgins to Martin, May 22, 1964.

183 "'Sold Down the River,' He Insists," an editorial, June 19, 1963.

184 Columbia River for Canada Committee papers, McNaughton to Yorke, November 24, 1964. Emphasis in the original.

185 The United States and Canada, Report of the Western Canadian American Assembly, Harrison Hot Springs, British Columbia, August 20-23, 1964, p. 4.

186 Higgins papers, "Address to the Canadian Club of Montreal 4 October 1965 by A.G.L. McNaughton (mimeo)," p. 3. Published in Canadian Audubon, January-February, 1966.

## THE OPPOSITION IN PARLIAMENT

### 1. Introduction

Parliament was the source of much of the public debate on the Columbia River Treaty from 1961 to 1964. The record shows that MP's, Senators, the Government and the public service became the targets of representations by opponents of the treaty. Of the seats of government in Victoria and Ottawa, only Parliament contained a minority government and opposition groups whose political fortunes could rise or fall suddenly as a result of an unexpected crisis and whose debates, therefore, were closely managed beforehand and carefully scrutinized afterwards. Since the British Columbia legislature has no Hansard, only Parliament provided citizens with a daily record of the debates which could be readily and widely distributed by the hundreds of copies to inform and influence public opinion.

In the case of the Columbia River Treaty, Parliament received more attention than the provincial legislature from the opponents as they defined the agreement with the United States as a "sell-out of natural resources," a "give-way of part of the national birth-right," an "abandonment of Canada's national interest." It was also apparent to

opponents of the treaty that, given the distribution of legislative power between Parliament and the provincial legislatures under the British North America Act and the policy enunciated by the federal Government in the International River Improvements Act of 1955, Parliament held a whip-hand over the province of British Columbia in a strict legal sense. The BNA Act gives the provinces exclusive right to make laws related to

Local Works and Undertakings other than ...  
 Works and Undertakings ... extending beyond  
 the Limits of the Province [and] Such Works  
 as, although wholly situate within the  
 Province, are before or after their Execution  
 declared by the Parliament of Canada to be  
 for the general Advantage of Canada or for  
 the Advantage of Two or more of the Provinces.

In 1955, Parliament passed the International River Improvements Act which the Minister of Trade and Commerce said was designed "to ensure that the long term national interest is safeguarded and is not prejudiced by development planned to serve immediate local purposes that may be inconsistent with the longer view."<sup>2</sup>

Finally, opponents of the Columbia River Treaty focused much of their attention on Parliament in anticipation of the customary examination of the treaty by the Committee on External Affairs of the House of Commons, prior to ratification. In particular, the opposition looked forward to the presentation by the most prominent figure in their ranks, General A. G. L. McNaughton. During the 1950's, McNaughton had appeared regularly before the Committee on



External Affairs as Chairman of the Canadian section of the International Joint Commission to outline developments in the IJC regarding the development of the Columbia River basin in Canada. After his retirement by the Government in 1962, McNaughton made public his opposition to the treaty arrangements of 1961 and other opponents of the treaty attempted to rally support around him. As one critic of the treaty said privately in 1961, while McNaughton was still at his post in the IJC, and before his opposition was publicly known: "The matter will be resolved in Ottawa, and I'm putting my faith in the general and his towering prestige."<sup>3</sup>

## 2. Reaction in the 24th Parliament:

### The Fourth Session, 1961

During 1961, the opposition in Parliament was sporadic on the Columbia River Treaty. While H. W. Herridge dramatically led the New Democratic party in opposition to High Arrow and in support of General McNaughton's views, important differences with his party's leadership in British Columbia became public knowledge. Liberal statements were always less challenging than Herridge's. Pearson's first full policy statement in October was as cautious as the party's pronouncements in the Commons earlier in the year.

When the treaty-signing ceremony was announced by the Prime Minister in the House of Commons on January 16, 1961, the leader of the 49-member Official Opposition

declined comment on the treaty until its terms were made public. Pearson noted that customary practice in Canada required the treaty to be referred to the Committee on External Affairs, and reminded the Government, particularly its members from British Columbia, that the implementation of the treaty could not be made effective without the cooperation of the Government of that province.<sup>4</sup> Speaking for the eight-member caucus of the CCF-New Party, Herridge objected to the "unnecessary and unseemly haste" in signing the treaty. He noted that Premier Bennett had ordered an investigation of both the Columbia River and Peace River projects two weeks earlier and that the interim report would not be available until March 1. Herridge quoted the provincial Minister of Lands and Forests as saying that provincial hearings for water licences would be held before the province made any decision. He told the Commons there were "numerous organizations and thousands of persons opposed to or affected by the proposed building of the High Arrow Dam" in his constituency. Besides hearing from the citizens of the Kootenays and their consulting engineers, Herridge hoped that the Committee on External Affairs would also hear from "the impregnable General McNaughton who is the Rock of Gibraltar on Columbia development."<sup>5</sup>

A short time later, Herridge unsuccessfully moved adjournment of the Commons under the provision for an urgent debate on a matter of national importance, the Columbia

River Treaty. The motion did not have support from the Liberal party and the Speaker accepted the Government's assurance that the Commons would have an opportunity to study and debate the treaty before it became effective through ratification.<sup>6</sup> The following day, Herridge received an opportunity in debate "to give the house some idea of the organized opposition [to] the building of the high Arrow dam." Although he noted his family would lose a beach, and possibly a log house, he maintained that his was "a completely non-partisan presentation" of a majority view in his constituency. He described the expected effects of the flooding in the Arrow Lakes Valley and recounted the organization of the area's Water Resources Committee and the acquisition of F. J. Bartholomew, of Vancouver, and Boyd Affleck, of Nelson, as consultants. He reported on the Committee's meeting in Victoria with Ray Williston, (Minister of Lands and Forests), and he listed some of the opponents of the High Arrow Dam, including business, labour, farm, recreation organizations, and the municipality of Revelstoke. These organizations, Herridge noted, were not opposed "to the development of the Mica creek dam or the development suggested by General McNaughton but to this high Arrow dam."<sup>7</sup>

Throughout January and February, the positions of the two opposition parties remained unchanged. The CCF-New Party group objected to the treaty, particularly with the provision for the High Arrow Dam, while the Liberal party awaited parliamentary consideration of the treaty. The

opposition groups in the Commons were united in their oft-repeated questioning related to the time of such consideration as well as the apparent federal-provincial disagreement on the development.<sup>8</sup> The silence of the Official Opposition on the treaty arrangements was not ignored by the treaty's critics. "Mr. Pearson has not stated the official Liberal opinion on the matter," a constituent wrote Herridge. "I hope he forgets his valued American friends for a while and supports you on the High Arrow issue." Herridge recognized that Pearson had been "strictly non-committal," but assured his correspondent that he had had "a lengthy talk the other evening with his Exec. Assistant and supplied him with some material."<sup>9</sup>

Following a ministerial statement in the Commons on the interim report of the B.C. Energy Board, Pearson revealed that he was not anxious to have Parliament consider the treaty before an agreement was reached between the federal and provincial Governments. He told the Commons on March 3:

If we proceeded in this house before ... matters had been concluded with the provincial government which are essential to the implementation of the treaty, we might find ourselves in very grave difficulties indeed.

For the GCF-New Party, Herridge expressed a hope that the delay occasioned by the federal-provincial disagreement would cause "a modification in this treaty which will make it possible for Canada to enjoy the greatest power potential

without the unnecessary flooding" in the Arrow Lakes district  
 "as General McNaughton said in his evidence before the external affairs committee." 10

In April, Herridge took the floor again during debate on departmental estimates to criticize the treaty and record more objections from organizations in the Kootenays. During a supply debate in May, Herridge spoke again and was followed by Pearson. For his part, Herridge made an attempt to broaden the basis of his argument. He told his colleagues:

In the first instance, people thought it was only natural that the group of 1,500 or 1,600 small farmers who would be flooded out would object. That is understandable, but this is not the whole case. These objections are being raised on a wide basis.... no one would object if this [High Arrow Dam] was absolutely necessary, or if there were not another way of producing this power. These people object because they think it is an unnecessary destruction of Canadian natural resources.

Although Herridge detected that "a nation wide interest in this matter is developing," the impression he created was still that of the private member arguing primarily a local issue. If the opposition to the treaty that he expressed was more broadly based, it was still confined essentially to the question of conservation of natural resources. He concluded his address in the usual manner, invoking the name of General McNaughton, the Committee on External Affairs, and the desirability of altering the treaty. 11

While the leading members of the Liberal party in the Commons were not ignorant of General McNaughton's testimony to the Committee on External Affairs in past years, they intended to reserve their opinion on the treaty until after they had heard from him again. In Pearson's words:

So far as the terms of the treaty are concerned, we on this side will reserve our views on that point until the treaty has been submitted to the committee on external affairs, after we have listened to experts, and especially General McNaughton.

Pearson recognized that this would mean an indefinite delay in a policy statement by the Official Opposition. He observed that the development of the Columbia was now related to "other power developments" in British Columbia and noted "the feeling in certain quarters" that it would be imprudent if both the Peace and Columbia developments proceeded simultaneously unless it were possible to export some of the resulting power that may not be required in the province. He recalled the actions of past Liberal Governments to safeguard Canadian interests from "the dangers and difficulties" encountered from the export of power and hoped there would be no departure from the policy laid down in the past. He concluded:

Our position is that we in this country should not have got ourselves into a situation where the federal government has signed a treaty and accepted an international obligation ... before it was certain that it would have the co-operation of the provincial government concerned, without

which co-operation the treaty cannot be carried out. (...) We hope these difficulties can be resolved without delay, at least to the point where ... this treaty ... can be submitted to the committee on external affairs where the doubts which have arisen in certain quarters about the feasibility, the advantage, of this treaty to Canada can be considered and where experts such as General McNaughton can be consulted.<sup>12</sup>

During the remaining months of the fourth session of the twenty-fourth Parliament, MP's were primarily concerned with the forced retirement of the Governor of the Bank of Canada and there was no protracted debate on the Columbia River Treaty. During this time, neither of the two opposition groups in the House of Commons altered its position or its presentations. For the CCF-New Party, Herridge asked questions and commented on the High Arrow Dam and the state of negotiations between the two Governments.<sup>13</sup> The Liberals repeatedly asked questions on the correspondence between the two Governments and made several efforts to have the correspondence tabled.<sup>14</sup>

In the middle of May, Larratt Higgins had begun his early solo campaign against the treaty. He had told General McNaughton that in order to sweep aside the euphoria that appeared to exist over the treaty, he had written several newspapers and periodicals and members of Parliament. He sent copies of his letter to his Conservative MP, 57) to the leaders of the opposition groups. Hazen Argue, parliamentary leader of the CCF-New Party, told Higgins that his letter had been referred to Herridge.<sup>15</sup> Higgins, who was apprised

of the parliamentary debate to date on the treaty, wrote Argue that, while opposition to the High Arrow Dam was justifiable, "the building of Libby Dam is the capital crime." Opposition to the High Arrow Dam could be justified on political grounds, he said, because it was of use to Canada only in terms of diminishing downstream benefits and, afterwards, represented a poor bargaining position for Canada. The building of Arrow, Higgins noted, reduced the value of the dam at Mica Creek. There were also social grounds for opposing the High Arrow Dam, he added, but he advised Argue that the party should stress the unacceptable implications of the treaty for all of Canada and not just the "beleaguered constituents of Kootenay West."<sup>16</sup> Herridge promptly replied that the High Arrow Dam was a "particular concern" of his constituents. He felt no need to defend his position in the Commons, however, for it was a necessity to represent their point of view.<sup>17</sup>

Like other members of the caucus, Herridge remained in Ottawa during the summer not only for a prolonged sitting of Parliament, but also to attend the founding convention of the New Democratic party, held from July 31 to August 4. Hazen Argue had long been a candidate for the leadership of the New Party which was a movement sponsored jointly by the CCF and the Canadian Labour Congress. It had been long expected that T. C. Douglas, the CCF Premier of Saskatchewan, would also contest the leadership of the New Party. Douglas



announced his candidacy for leadership on June 28 and was overwhelmingly the choice of the convention. In a provincial convention in Saskatchewan three months later, Woodrow Lloyd, the Minister of Finance in Saskatchewan, was chosen to succeed the Premier; in time, the opposition of the Lloyd Government to the Columbia River Treaty, combined with General McLaughton's opposition, provided the federal NDP with its case against the treaty.

While Douglas was being elected leader of the NDP in Ottawa, Premier Bennett boldly robbed his NDP Opposition in British Columbia of its favourite plank by expropriating B.C. Electric and effectively assigning all power development in the province to the public sector. Shortly after Douglas was elected leader, Robert Strachan, the provincial CCF leader in British Columbia, sent Douglas a statement of his group's position in the provincial legislature on the Columbia River Treaty. Strachan informed Douglas on September 7 that in view of the "confiscation" of B.C. Electric and the final report of the B.C. Energy Board which was "loaded" in favour of the development of the Peace and against the development of the Columbia River, "Bennett's plan at the moment appears to be to sell all of our cheap Columbia power to the U.S. and thus force the B.C. consumer to purchase the higher cost Peace power." Strachan observed, however, that "Peace development, although uneconomic, would be politically economic for Bennett in the North." He felt, nevertheless, that the

publication on the Peace project of figures on unit costs, capital expenditure and projected load requirements for the province meant that "our long-time stand of 'Columbia development first' has been more than justified." He added:

We can still argue as we have done all along that the High Arrow Dam on the Columbia is not in the best interests of B.C. and that what is known as the McNaughton plan for Columbia development would provide more efficient development.<sup>18</sup>

Following the founding convention of the provincial NDP in British Columbia in October, however, the Vancouver Sun reported: "Strachan Backs Treaty," Strachan was reported to have said: "If it comes to a choice between the present treaty, or no Columbia agreement, we will take the present agreement."<sup>19</sup> According to Edwin Bolwell, of the Globe and Mail, the two issues which resulted in spirited debate at the founding convention in British Columbia were the right of appeal in government expropriations and the Columbia River Treaty. On the development of the Columbia, a group supported by Herridge backed a resolution condemning the inclusion of the High Arrow Dam in the treaty proposals. Other delegates, fearing that an attempt to re-negotiate the treaty with the United States might destroy the development and its benefits in construction and employment, argued for an immediate start on existing plans. According to Bolwell, the convention approved a compromise resolution that the provincial NDP "would prefer to scrap the High Arrow Dam if possible, but would settle for the current treaty as better

an nothing."<sup>20</sup>

Both Herridge and the M.E.A. for Revelstoke, George Hobbs, took umbrage at the post-convention report in the Vancouver newspaper as well as the interpretation of the resolution offered by Bolwell. Herridge was upset by Strachan's reported statement which was made "after [the] convention re-considered the Policy statement he favoured and adopted our point of view without a dissenting voice."<sup>21</sup> The adopted resolution read:

Our cheapest source of power must be developed first. Available statistics suggest that this can be developed on the Columbia River. The New Democratic Party favours the McNaughton Plan which would eliminate the High Arrow Dam project and the flooding of thousands of acres of valuable B.C. land. This low cost power must be used in British Columbia to create new industries and the thousands of new jobs which are required to expand our industrial production rapidly and to end mass unemployment in our province. No firm or long-term contracts should be made for the export of power or sale of downstream benefits from British Columbia.<sup>22</sup>

The differences within the provincial party had not been settled at the convention and a lively internecine battle was waged in the caucus during November. George Hobbs wrote Strachan that the High Arrow Dam was "so downright rotten and repugnant that even the entire Boards of Trade of South Eastern British Columbia ... that were favouring it with reservations at first are now unable to stomach it." The political implications of Strachan's statement, according to Hobbs, were disastrous for the party. He told Strachan:

Up to this time, and because of the trend of events, to deliver Kootenay East and Okanagan Revelstoke Federal Ridings to the New Democratic Party was within our grasp.

W, however, "organization work here has halted. Warm and every reception has been replaced by coolness and defiance,"<sup>23</sup>

Eleven days later, Hobbs addressed a letter to his colleagues after several "harmonious and fruitful" meetings with Strachan. An "understanding" would be made known in a few days, and in the meantime he asked his colleagues in the caucus "to put this matter out of their mind."<sup>24</sup> Strachan issued a note the same day, agreeing to "4 points consistent with policy enunciated":

1. Will oppose high arrow and press for McNaughton plan.
2. Could require renegotiation of section of treaty, but renegotiation need not be delayed nor lengthy.
3. Party opposed to export of power except on a reciprocal or interruptible basis.
4. If treaty ratified before we form government, we would be obliged to carry out terms, especially if construction commenced.<sup>25</sup>

Despite Strachan's conclusion to his note that "Happy days are here again," Herridge was still concerned that Strachan and the provincial party "were very milk and water on the treaty."<sup>26</sup> The disagreement within the provincial party did persist, and the strain of the fight may have hastened the death of George Hobbs who died of a heart attack in the midst of another show-down in the party the following year.<sup>27</sup> Herridge remained a figure advised on the one side by those fearful of losing what development the

treaty provided in terms of job opportunities, and those who felt that no development was better than the treaty development.

As indicated in the Hobbs-Strachan exchange, the NDP was particularly concerned about divisions in its ranks, since there had been rumours of an impending federal election all year. By the autumn of 1961, the election campaign was actually under way, although the Prime Minister had given no indication as to when the election would be held. Parliament had met again in September, but, as the Canadian Annual Review records, MP's were "anxious to finish the session and get back to the real work on the hustings. Party spokesmen lived out of suitcases, and even the press could not cover the many speeches being made every day."<sup>28</sup>

One of these speeches was an address in Vancouver on October 2 by Lester Pearson who described the present as a time to appreciate "the interdependence of provinces and the central government in our federal system" and "with other nations, particularly ... the southern one." He added:

The impact of this federal-provincial interdependence is particularly strong in matters such as resources and energy development. These are matters which ... cannot be determined by the Central Government alone. They require close and constructive co-operation.... The continental nature of so much of our economy, the importance of our exports across the line, the refusal of nature to recognize our international boundaries, and the necessity of both Canadians and Americans to adapt themselves to this refusal; all these in the develop-

ment of our resources, cause our relations with the U.S.A. to rank in importance to those between the provinces and Ottawa.

Pearson said he knew of no better example to illustrate this interdependence than the Columbia River Treaty. Describing federal-provincial co-operation as "not only essential, but axiomatic," he criticized both Governments for their lack of co-operation on the Columbia River Treaty. He asked:

Should not the Provincial and Federal governments get together to see whether there can be found an agreed basis on which renegotiation with the U.S.A. could be requested to make the treaty more acceptable to Canada while remaining fair to the U.S.A.

He suggested some possible changes:

Canada should be free to build the more expensive treaty projects on her soil when we need them. (...) The present rigid construction schedule for Canada ... should also be made more flexible. We must establish in advance of Treaty ratification the export price of energy, not leave it to be negotiated afterwards. (...) Power export ... should be governed by two considerations. (...) There should be no shortage for our own national development in the foreseeable future. At the same time we must realize that increased exports to the U.S.A. ... are a vital necessity for our progress and development. A "dog in the manger" attitude on the export of any commodity, energy included, would in the long run harm us more than it would the U.S.A.

Despite this seeming approval for Premier Bennett's proposed sale of downstream benefits, Pearson chided: "I do not see any advantage in using public funds to build power and storage dams merely for the purpose of making electrical energy available at exceptionally low rates in the U.S.A."

"Renegotiation" of the treaty, then, had become the desired goal of the Liberal party "if it were found possible" within the framework of "sincere and constructive co-operation between the province, Ottawa, and Washington." There was to be no "dog in the manger" attitude on power export and the only stated objection to the physical aspects of the treaty was the construction schedule of the dams. No direct mention was made of General McNaughton's views, although Pearson observed, apart from his remark on "the continental nature of so much of our energy," that "we should be primarily concerned with the selective and steady development of our own power and other resources in order to build up industry -- especially power consuming industry -- in this country."<sup>29</sup>

On November 28, after the NDP of British Columbia appeared to have solved their internal differences regarding the development of the Columbia and six days after the conclusion of the hearings of the Comptroller of Water Rights of the province on applications for licences to build the treaty projects, Davie Fulton delivered his unexpected and blistering attack in Prince George on Premier Bennett and the American Secretary of the Interior, Stewart Udall. George Hobbs had concluded that Paget's hearings constituted "only an act" and that it was "now more than probable that nothing will be done ... before the next Federal Election." Regardless of what party won the next election, Hobbs said, it will be a minority government [and] represent a heaven sent

opportunity" for opponents of the treaty. "If we got rid of Diefenbaker & Co. we could get rid of High Arrow, and one or a combination of the other two [parties] would clobber the boys from Victoria back in their corner where they belong."<sup>30</sup>

### 3. Reaction in the 24th Parliament:

#### The Final Session, 1962

There appeared to be no change in any party's position on the Columbia River Treaty in the final session of the twenty-fourth Parliament. The Government maintained silence on the treaty until forced to reply to General McNaughton's critical remarks made upon his retirement in April. Herridge gave an impressive display of NDP support for McNaughton's view, although there were further indications that others in the party from British Columbia were anxious that some development be under way. The Liberal party did not follow up Pearson's speech on the treaty of October, 1961, but exploited McNaughton's opposition to the treaty to portray the Government as an inefficient and high-handed administration unwilling to submit its actions to parliamentary scrutiny.

Early in 1962, Herridge had to report to Hobbs that the party was not united against the treaty even in the small federal caucus, half of which were MP's from British Columbia. At a meeting of caucus in January, before the opening of the last session of the twenty-fourth Parliament, Herridge had discovered support for a 15-year sale of the downstream benefits by members from British Columbia. "I had no



hesitation in saying where we stood," he told Hobbs. "As a result, they toned down somewhat, but ... there are forces working within our movement in B.C. in opposition to the rank and file decision." He said he would place the provincial party's position and the B.C. Federation of Labour's view on the record.<sup>31</sup>

The record was Hansard and the occasion was the debate on the address in reply to the Speech from the Throne. After outlining the opposition expressed at the hearings of the Comptroller of Water Rights in the interior of British Columbia, Herridge read the resolution on power adopted by the founding convention of the provincial NDP and excerpts from a brochure adopted by the B.C. Federation of Labour the previous autumn which opposed the High Arrow Dam and supported the McNaughton Plan.<sup>32</sup> Herridge quoted from a telegram to Davie Fulton in November from the Federation, opposing the export of power which "will only lead to the further industrial development of the United States Pacific northwest and is tantamount to exporting jobs and industrial opportunities."<sup>33</sup> Herridge also read excerpts from a press release of November by Strachan which demanded federal action "to propose alteration of the treaty to eliminate High Arrow, and to develop the Columbia for the benefit of Canadians, if necessary, entirely under federal auspices."<sup>34</sup>

For its part, the Official Opposition did not play out any of the new themes offered by Pearson in his address in Vancouver in October. Instead, Liberal spokesmen jibed at

the Government for its failure to obtain an agreement with the province before signing the treaty and the spectacle of Davie Fulton picking a quarrel with a cabinet secretary of the United States.<sup>35</sup> Pearson himself, made no comment on the treaty during his speech in the debate. In an interview televised in British Columbia, however, he spoke in February of re-negotiation of the treaty, including "an alteration in the time schedule of the construction of dams." Either Mica or High Arrow should be postponed, he said, but he refused to be involved with criticisms made by the leader of the provincial Liberal party. He was unwilling to give an opinion "without getting the most expert advice ... that was available."<sup>36</sup>

At the federal-provincial conference on a national power grid in March, the CCF-NDP Government of Saskatchewan entered the Columbia River dispute with a brief urging delay in ratification of the treaty unless the right to divert eastward onto the prairies was protected. The brief presented by the Minister of Industry suggested four different plans for putting water from the Columbia into the Athabaska or Saskatchewan Rivers, and advocated that studies be made of the possibility of diverting water from the Fraser and the Peace. The provincial Government argued that only a small portion of the Columbia's flow would be needed to generate as much power on its way across the prairies to Hudson Bay as it would have on its way to the Pacific Ocean;

the effect on the development of the Columbia, it was said, would be negligible if an equal amount of water were diverted from the Kootenay into the Columbia. Although enormous and expensive engineering projects would be involved, the brief from the Government of Saskatchewan listed benefits to all three prairie provinces from diversion from the Peace, Fraser, or Columbia Rivers. The provincial Government argued that federal participation was necessary:

If power development in Canada were to be left entirely to the individual and separate actions of the provinces, much of the national power program we have envisaged could not be carried out and the benefits that would accrue, both to the provinces and to the nation as a whole, would not be forthcoming. 37

The remarks at the conference by the Government of Saskatchewan had been presaged in an address by David Cass-Beggs, General Manager of the Saskatchewan Power Corporation one month earlier. In February, he had outlined the potential hydro resources of Canada and argued that low-interest rate money would enable power from the Columbia River to be moved to Ontario economically, and that "there will be increasing advantages in due course... from a complete coast-to-coast tie, and it is important that the advantages be evaluated." Cass-Beggs discussed the expected water shortage on the prairies and pressed for the diversion of water from the rivers of British Columbia, as well as the power produced from them. He said:

It is fully accepted today that there are more uses for water than generating hydro-electric power. Indeed, in the Prairie Provinces consumptive uses of water must undoubtedly take precedence, and the overall prospect is that there will be an acute water shortage in the Prairie Provinces within one or two generations. It is essential that plans for power development take into account the problem of making sufficient water available for consumptive uses.

After discussing the possibility of diverting the Fraser, Peace and Athabasca Rivers into the North and South Saskatchewan Rivers, he noted "certain possibilities of diverting water through the mountains from the Columbia and Fraser Rivers. [which] while they are expensive ... are not necessarily uneconomic in the long run." Cass-Beggs noted that possibilities existed for replacing water taken from the Columbia with water from the Kootenay River. He saw, however, that the Columbia River Treaty posed a problem. He told his audience:

It may well be contended that the right to divert Columbia water, which Canada undoubtedly has today, should not be signed away until it has been established that all Canada's long-term water needs can be satisfied without the use of Columbia River water.

Cass-Beggs said a diversion to the South Saskatchewan of less than 10 per cent of the Columbia flow across the international border would double the flow of the South Saskatchewan. The effect of such a diversion on downstream power generation, according to Cass-Beggs, might easily be negligible, and flood control benefits would not be adversely

affected. He noted:

The fundamental problem is the conservation for Canadian use of the high altitude water of the eastern Rockies which is capable of diversion across the Divide into the Great Plains. (...) The proposal to dam the Kootenay and divert the water into the Columbia should be urgently re-examined. <sup>38</sup>

Another development at the conference in March related to the Columbia River Treaty was the Prime Minister's unexpected resurrection of the three year-old policy of allowing long term surplus power exports. The National Energy Board Act of 1959 had officially ended the long-standing prohibition of long term contracts, but the old prohibition remained practically in effect. Premier Bennett hailed the "new policy," while federal Ministers recalled its origin three years earlier. <sup>39</sup> The Prime Minister's announcement on March 19 of the possibility of long term export of surplus power was apparently made with a diplomatic note in hand from the United States encouraging ratification of the treaty. Herridge had received a curt "no" from Diefenbaker three days earlier when he asked if a note had arrived from Washington with the suggestion that if ratification did not come soon alternative sources of power for the Pacific Northwest would be sought. <sup>40</sup> On March 22, the Prime Minister acknowledged that a message -- its contents not to be disclosed by him --- had been received since the earlier question was asked. <sup>41</sup>

During the last session of the twenty-fourth Parlia-

ment, in early 1962, comment on the Columbia River Treaty came mostly from Herridge, who, since Hazen Argue's defection to the Liberal party in February, was selected House leader of the NDP. Besides references in the debate on the address in reply to the Speech from the Throne, Herridge also questioned the Government on related treaty matters, and criticized the treaty in speeches during debate on departmental estimates in February and March.<sup>42</sup> Apart from references in the debate on the address in reply to the Speech from the Throne, the only mention of the treaty by liberal spokesmen consisted of remarks on the advisability of televising the next set of negotiations with British Columbia, and questions on discussion of the treaty in the Commons prior to ratification and the desire of the United States to have the treaty implemented promptly, and the threat that it would renege on the pact.<sup>43</sup>

Early in this last session, parliamentary observers had concluded that with little or nothing it wished to bring before the Commons, the Government was presumably ready for an election. By the end of February, the Canadian Annual Review recalls, "the commons had disintegrated. (...) Backbenchers disappeared into the hustings in their turn, while those present waged the election campaign from the floor."<sup>44</sup> The election campaign being conducted in the House of Commons was concerned with the Columbia River Treaty following the indictment of the treaty and the Canadian

negotiating team by General A. G. L. McNaughton, the retiring Chairman of the Canadian section of the IJC, in Washington on the morning of April 6.

The Commons was considering an item on the Water Resources Branch in the estimates of the Department of Northern Affairs and National Resources in the afternoon of April 6 when Herridge rose to read General McNaughton's reported charges into Hansard from the Ottawa Citizen. "These are very serious charges coming from a person who has had the longest acquaintance with proposals for the development of this river," he said. Did the Government have any comment?<sup>45</sup> Following the disclosure in Ottawa of McNaughton's statement, Davie Fulton had released the Government's version of events. In his reply to Herridge, Donald Fleming, Minister of Finance, repeated that McNaughton had accepted the proposals which were developed as a substitute for the ones he preferred. Pressed by Herridge, Fleming said "the government of British Columbia certainly entered into this."<sup>46</sup>

The Official Opposition would not let the item in the estimates pass. However, the two former Liberal Ministers who followed Herridge addressed the Commons on other topics: later, the debate of the two opposition groups focused on the treaty. The Liberals offered no recognition of General McNaughton's criticisms, but continued to object to the "unseemly wrangling" between the federal and provincial Governments. J. W. Pickersgill charged:



This welching on our word to the United States, and this whole deplorable mess, is one of the worst bumbles in the whole history of our relations with the United States and of the relations of the federal government with the provinces.<sup>47</sup>

When the debate concluded in the afternoon, the item in the estimates was still to be passed.

Three days later, the leader of the Opposition moved adjournment of the Commons to discuss the statements of General McNaughton, which, for the Liberal party, were now an urgent national question. "When a man in General McNaughton's position says that Canada was sold out, and that the Columbia river treaty amounts to servitude in perpetuity of our vital rights and interests," Pearson argued, "that statement should be debated in the house at once." Speaking for the NDP, Herridge agreed. The statements, he said, had rocked the country and were rocking the Government, and because of the imminent dissolution of Parliament, "the house will have no other opportunity ... to discuss this question." The Speaker, however, rejected the motion, arguing that the treaty could not be implemented until Parliament had examined it and no public interest would suffer if General McNaughton's criticisms of the treaty were not debated that day.<sup>48</sup>

On April 12, the opposition in the Commons unsuccessfully sought to return to the item on the Water Resources Branch in the estimates of the Department of Northern Affairs and National Resources. Dissolution of Parliament was ex-



pected at any time, and the Government's intention to bypass the item produced cries of closure and contempt of Parliament from the opposition side.<sup>49</sup> The Government apparently decided afterwards that debate on the Columbia River Treaty in the Commons would be less embarrassing than charges of closure and contempt levelled on the hustings, and the Commons returned to the item the following day.

As the Government had expected, the opposition chose to debate General McNaughton's outburst against the treaty. Speaking for the Official Opposition, Paul Martin compared the dispute between the Government and General McNaughton with the dispute the previous summer between the Government and the Governor of the Bank of Canada, James Coyne. The question for the Liberal party, Martin said, was not whether General McNaughton's remarks that the treaty represented a sell-out were true, but that the "charges having been made, it [sic] should have come to parliament ... for assessment as to its validity." In both the matter of the treaty and the dispute with the Bank's Governor, the Opposition had sought Committee consideration which the Government had delayed. Addressing the Commons with the overtones of an election speech, Martin said:

The people of Canada will indict this government for what they did and the manner in which they dealt with the Coyne affair. We now have a second Coyne affair which arises out of the charges made by General McNaughton. (...) General McNaughton has made a serious charge. That charge should be heard. As he is not a member of this house, he cannot speak....

Consequently, he should be afforded the opportunity of going before a parliamentary committee. 50

H. W. Herridge announced support from the NDP for the Liberal suggestion, and criticized the Government for "a rather shabby procedure" in announcing McNaughton's retirement "through a short and ... very inadequate press release" unaccompanied by a statement in the Commons. 51

Howard Green, Secretary of State for External Affairs, came to the Government's defence. Presenting his credentials as a son of the Kootenays, Green assured his colleagues that neither he nor Davie Fulton, another British Columbian of distinguished background, ever had "the slightest intention" of subjecting the Kootenays to any "unfair deal"; the federal Government, however, had met an immovable force in Premier Bennett. Green explained:

Originally we negotiated with the United States on the basis of a dam being put in the east Kootenay river. (...) With the consent of the government of British Columbia and with their approval, we got the Americans to agree that that dam could be put in east Kootenay in Canada. I think that was very much to the surprise of British Columbia. But then they turned right around and changed their minds completely, and said, "We will not stand for a dam in east Kootenay," and the result was that the term of the agreement had to be that the dam would be at Libby in Montana. General McNaughton wanted the dam in Canada; so did the Canadian negotiators.

Green said he had kept McNaughton "right in the picture" during the negotiations, and that "apparently he is more antagonistic toward the treaty now than he was at the time of

its recommendation to the federal Cabinet." In any event, Green assured the Commons, the treaty would be submitted to the Committee on External Affairs before being ratified by Canada.<sup>52</sup>

For the first time since the signing of the treaty, another member of the small NDP group spoke in debate on the development of the Columbia River. Like other speeches in the Commons at this time, however, the remarks by Harold Winch (Vancouver East) are best understood as an election speech rather than a manifestation of party solidarity against the development proposed in the treaty. Indeed, Winch began,

As a member of this House of Commons from British Columbia ... I am interested in only one thing [:] a situation which, because of ... a tirade of abuse between governments, has resulted in no action over the years in the development of hydro power resources in my province, with particular reference to development in the Columbia river basin.

"This matter transcends politics," he said. "It transcends speeches on the hustings"<sup>54</sup> [a view to be echoed later by the Conservative Globe and Mail<sup>53</sup>]. Winch pronounced a plague on the houses of both governments, but particularly that of Premier Bennett.

Lester Pearson, absent during Martin's speech, had subsequently entered the chamber and rose to repeat that the merits of the treaty were not the matter at issue at this particular moment. He clearly stated that the Liberal party's position in the debate was to obtain a study of the treaty in committee. He explained:

The committee on external affairs is the place where some of this confusion we would hope could be removed, and where we could be given the opportunity of finding out what actually has happened, not only in connection with General McNaughton's charges against the government and the negotiation of this treaty, but also in connection with the treaty itself.<sup>55</sup>

"Once again," a report in the Globe and Mail stated the following day, "the Liberals refrained during a stormy debate from giving outright backing to General McNaughton's views."<sup>56</sup> Less than one week later, the twenty-fourth Parliament was dissolved, and the election campaign which had been conducted in the House of Commons for at least six months was underway throughout the country.

#### 4. The 25th Parliament: The Opposition Enhanced

During the short twenty-fifth Parliament, the Government was vacillating between Davie Fulton's hard line against Premier Bennett's policy and the desire to get provincial agreement so the treaty could be ratified. Fulton's demotion in August, and resignation in November, and the Government's unenthusiastic arrangement of international power sales talks in the autumn of 1962 were indicative of the Conservative dilemma. No Government spokesman participated in a debate on the treaty in December. Meanwhile, a strengthened parliamentary opposition appeared to make for a strengthened opposition to the treaty. Opponents of the treaty were disconcerted by a statement by Lester Pearson in Washington during the election campaign; but Larratt

Higgins, for one, felt that subsequent exchanges between himself and Jack Davis, and with Pearson, too, gave reason for optimism. The position of the New Democratic party was more definitely formulated at this time. Not only did the party have the views of Larratt Higgins, but the caucus, with its new leader, the former Premier of Saskatchewan, was also made aware of the views of the head of that province's Power Corporation.

In the general election campaign of 1962, the two opposition parties in the last Parliament maintained the general theme that they had been developing in the Commons: economic slowdown, Conservative bungling and mismanagement, and loss of international prestige. In addition, the New Democrats emphasized a non-nuclear defence policy, economic planning, and a government-sponsored medical insurance program. The Government itself created an issue when it devalued the dollar on May 2 to counter a heavy flight of currency from the country. Although both opposition parties addressed themselves to the need for a new approach to federal-provincial relations, neither party emphasized the Columbia River Treaty which was recognized to be of some regional concern in Canada. During the campaign, the liberal leader also recognized that the treaty was of some concern to the United States.

An announcement by the Government of British Columbia on May 11 that tenders would be called for construction of

the treaty projects led some observers to conclude that an agreement had been reached between the Canadian and British Columbian governments, especially in light of the messages and telephone conversations which occurred during the last days of the twenty-fourth Parliament.<sup>57</sup> Speaking in Prince George on May 28, Prime Minister Diefenbaker spoke well of the Peace River development project and of the export of power in contrast to remarks by his Minister of Justice in the same city less than one year earlier.<sup>58</sup>

Lester Pearson's first reported statement on the Columbia River Treaty during the election campaign was made in Washington on April 29. A correspondent had told Herridge earlier in the month that "many of us have tried to get a statement out of L.B.P. regarding the High Arrow, but he is completely non-committal, and will only say he favours a renegotiation of some sort."<sup>59</sup> Pearson had also told the Chairman of the Water Resources Committee in the Arrow Lakes district recently that the Committee's interests "will be consulted by a new Liberal Government before a final decision is reached."<sup>60</sup> In Washington, Pearson had had a "personal, private and social" meeting with President John Kennedy before a presidential banquet for winners of Nobel prizes in the western hemisphere.<sup>61</sup> Later, Pearson told Canadian correspondents at a press conference that changes in the Columbia River Treaty which would be suggested by a Liberal Government would not remove the cause of General McNaughton's complaint against the treaty. Pearson told newsmen that it would

ably not be necessary to alter the Columbia River Treaty already signed. George Bain wrote that renegotiation defined by Pearson "would be to add protocols to the treaty it now stands."<sup>62</sup> In line with his address in Vancouver on October, 1961, and in his televised interview in British Columbia in February, 1962, Pearson said two objectives to be met in the protocol would be the stated price for power which might be sold to the United States from Canada's share of downstream benefits and a timetable for works to be undertaken in Canada, to allow for postponement of either the Mica or High Arrow Dams. The option given the United States to proceed with the Libby Dam would not be altered. Bain wrote at the time:

To a question about the relationship between the changes he proposes, and Gen. McNaughton's complaint, Mr. Pearson acknowledged that different things were involved. The Liberal leader said that Gen. McNaughton had concentrated on the Libby Dam provision; he himself had not mentioned it. He conceded that it would be difficult to change. Strong support exists in Congress for the Libby Dam.<sup>63</sup>

Speaking in Cranbrook, British Columbia, three days later, Pearson eschewed the word "renegotiation" and spoke instead of the need to "re-examine the treaty." He spoke of the objections he had already raised and described the proposed re-examination as a principle "on which a new Liberal Government would try to get out of the mess." Co-operation with British Columbia and the United States, he said, would be another principle of the re-examination.<sup>64</sup>

The Columbia River Treaty was not an important issue for the NDP nationally, provincially or even locally in the Kootenays. Despite the presence of Premier Bennett and Ray Williston in Kootenay West on separate occasions during the campaign to spread good news about the benefits to be derived from the High Arrow Dam, Herridge has acknowledged that the treaty and the treaty projects were of small import in the election.<sup>65</sup> In fact, as months were passing without any action, not even an election campaign could sustain popular interest in the treaty and the High Arrow Dam.<sup>66</sup>

The election on June 18 resulted in a House of minorities in which the Conservatives retained power, and the Liberals were a strengthened Official Opposition. NDP representation rose, and the Social Credit party returned to the House of Commons following their debacle in 1958. Most of the Social Credit MP's came from Quebec and owed their allegiance to the party's deputy leader, Real Caouette. The Liberal party representation outside Newfoundland was primarily an urban group from Ontario and Quebec as the Conservatives maintained supremacy in rural areas of the country. Once again, the bulk of the NDP caucus -- 10 of the 19 elected candidates -- came from British Columbia. The Liberal party had improved its position in British Columbia, too. Like Herridge in Kootenay West, James Byrne, who had been defeated in 1958, was returned in neighbouring Kootenay East. On the lower mainland, Arthur Laing, a former leader of the provincial party, was elected in Vancouver South and



Jack Davis, a former director of research for B.C. Electric, was returned in Coast Capilano. In Saskatchewan, the Conservatives made a clean sweep of the constituencies, including the one contested by the leader of the NDP, the former Premier of the province. A dispute in 1960 between the medical profession and the provincial Government following the introduction of a public, universal, medical insurance program had apparently taken its first electoral victim. Later, Douglas contested a seat vacated by a colleague in British Columbia.

As a result of the election campaign, and particularly the speech by the Prime Minister in Prince George, there was a "great hope of a compromise between Ottawa and Victoria and Canadian ratification of the treaty" in the United States.<sup>67</sup> As a result of the election campaign, and particularly reports of the press conference held by Pearson in Washington, opponents of the treaty were variously anxious. Like General McNaughton, Larratt Higgins felt that the construction of the Libby Dam was the major "crime" of the treaty, through which the United States would effectively become the upstream power on the Kootenay River, and prevent the possibility of a diversion from the Columbia Basin, either to the Fraser River or across the continental divide. Pearson, Higgins knew, would not have been unaware of these objections to the Libby Dam. Besides having the testimony of General McNaughton before the Committee on External Affairs,

Pearson had been apprised of Higgins' views in an interview the previous October, and Higgins' criticism had been published the previous autumn in the International Journal.

Higgins, nonetheless, maintained his pressure on the Liberal party -- he had worked successfully on behalf of his Liberal candidate for the defeat of the Minister of Public Works<sup>68</sup>

-- and wrote Pearson the day his remarks in Washington were reported.<sup>69</sup> H. W. Herridge was inclined to think that in

the atmosphere of Washington, the diplomat in Pearson had got the better of the politician. "It would have been natural," Herridge felt, "for Pearson to assure Kennedy that everything could be worked out smoothly and quietly, without much fuss."<sup>70</sup>

A few days after the election, Prime Minister Diefenbaker announced the introduction of an austerity program. Parliament did not meet until September, and, in the meantime, the Cabinet was shuffled in an attempt to regain some esteem in the business community. In the process, Davie Fulton was divested of the Justice portfolio and demoted to Minister of Public Works. One month before the opening of Parliament, Premier Bennett and Fleming had conferred privately in Ottawa. There seemed little doubt at the time that the Premier had obtained the federal Government's acceptance, if only half-heartedly, of the sale of the downstream benefits of the Columbia River Treaty.<sup>71</sup> In the Speech from the Throne in September, the Governor-General announced his Ministers' "conclusion that large scale, long

term contracts for the export of power surplus to Canada's needs ... should now be encouraged."<sup>72</sup>

Following his meeting with Fleming in August, Premier Bennett visited Pearson's office to impress upon him the province's position on the treaty.<sup>73</sup> Although he remained silent in Ottawa, Bennett assured an audience during the provincial by-election campaign in Revelstoke that both Fleming and Pearson "have risen above party politics."<sup>74</sup> Prior to the by-election campaign in which the widow of George Hobbs sought to retain her husband's seat for the NDP, the provincial Liberal party had invited General McNaughton to speak in the province at the party's expense.<sup>75</sup> In 1961, Ray Perrault was reported to have "made it perfectly clear that the Liberal party in B.C. wants the Columbia developed as soon as possible, and that it wants the plan proposed by General A. G. L. McNaughton, not the high Arrow which is only the Kaiser dam under a new name."<sup>76</sup> On August 23, four days before the Premier's meeting with Fleming and Pearson in Ottawa, Perrault disclosed his correspondence with General McNaughton a month earlier. Perrault had written:

I am asking you to make available to the people of this province your views on this most important matter so that public opinion will be rallied against the undesirable or disastrous features of the Treaty in its present form.<sup>77</sup>

The first talks on the sale of the downstream benefits were

held in Washington two weeks after the Bennett-Fleming meeting and before the conclusion of the by-election campaign in Revelstoke where the NDP barely retained the seat in the face of a strong campaign by the Government, and in which the liberal candidate received a smaller vote than the party received in the general election of 1960.<sup>78</sup>

In the debate on the address in reply to the Speech from the Throne, neither the Prime Minister nor the leader of the Opposition mentioned the policy statement on the export of power or the Columbia River Treaty.<sup>79</sup> Speaking for the next largest group in the Commons, Robert Thompson spoke of the pleasure of the Social Credit party that "it has finally been decided to go ahead with the development of the Columbia River project."<sup>80</sup> Herridge followed for the NDP to decry "the tragic desertion of principle and capitulation to the premier of British Columbia." Herridge added:

This [is] one illustration of the government's lack of purpose, policy and program.... Never before in Canadian history have we had cabinet ministers telling the public a few months ago that such a course of action would betray the interests of the Canadian people, who then turned around later and did just that.<sup>81</sup>

Two days after Herridge's speech, MP's heard a new voice raised in criticism of the treaty. While he was employed by B.C. Electric, Jack Davis had been seconded to the Royal Commission on Canada's Economic Prospects of the mid-1960's which had been chaired by Walter Gordon, now a Liberal colleague in the House of Commons. Paddy Sherman has des-

called Davis as "the young economist and engineer" whose efforts were "largely responsible" for the recommendation for long term power exports.<sup>82</sup> In his "maiden address" in the Commons, Davis did not depart essentially from the themes established by Pearson in his speech in Vancouver one year earlier. Davis did, however, stress the economic aspects of the development which, he said, "as interpreted by the present government ... must be characterized as nothing short of a fiasco." He argued without hesitation for the sale of the downstream benefits and the need to obtain a good price to offset the growing construction costs in Canada which would make the cost of power "five to six times as much as the cost of the power that the United States will obtain under the treaty." His criticism was reminiscent of the principle of liberal policy of a decade earlier. He added:

[If this treaty] is not selling Canada down the river, it is selling Canada short. We will never be able to strike rates in this country which are attractive to industry.... In effect, we are helping our neighbours too much. We are not looking after our own interests in a businesslike way.

Lester argued that the sale of downstream benefits was "the only conceivable way" in which the treaty could be rescued "in anything like its present form." He also suggested a revised flood control payment from \$64 million to "something in the order of \$500 million." These economic matters were Lester's major concern for, having a contract in hand, the Government should bring the treaty to Parliament "with a

view to hearing expert opinion and to tidying up some of the details which have been bothering Canadians." Davis identified one "notable" detail in the need to give Canada "latitude in respect to the completion of the major treaty projects." According to Davis: "This is the sort of improvement which I think might well be acceptable to the United States which could conceivably be made in the treaty."<sup>83</sup>

Although his speech did not transgress the party policy as stated to date, Davis attracted the attention of the treaty's critics because since the election he had become the chairman of the party's caucus Committee on Power and Energy Development. The Committee had been formed on the prompting of Davis and James Byrne.<sup>84</sup> Byrne's constituency was to be the site of major diversion projects on the Kootenay and Columbia Rivers under Sequence IXa of the ICRER and, during his four years of political retirement, Byrne had taken a public role as a supporter of the McNaughton Plan.<sup>85</sup> In October, 1961, Byrne had written McNaughton and received a full statement of his views on the development of the Columbia.<sup>86</sup> In the federal election campaign, Byrne had been a supporter of the McNaughton plan<sup>87</sup> which Jack Davis had disclaimed to be.<sup>88</sup> Byrne, nevertheless, remained isolated from the organized campaign of opposition to the treaty and Davis became a prime target of attention. The Committee, an informal study group, was also composed of Donald S. McEld, Perry Ryan, and James Stewart.<sup>89</sup>

Higgins had met Davis at the Kingston Study Conference sponsored by the Liberal party in 1960, and had subsequently corresponded with him.<sup>90</sup> Higgins was satisfied that the

election of the former director of research for B.C. Electric provided an opening for the treaty opponents to bore into the Official Opposition group. Following Davis' first speech in the House of Commons, Higgins renewed his correspondence and suggested to Davis that there was no political difficulty in abandoning a Conservative-Social Credit treaty which could not enhance the Liberals one whit.<sup>91</sup>

Davis replied bluntly that he was not a McNaughton Plan supporter and that "there must be a note of optimism struck somewhere." He also said there was adequate reason to proceed carefully, "a step at a time ... rather than to come clanking out and fire all barrels at once"; the question of a hotkey diversion would be discussed in the caucus committee, he added, and requested Higgins' opinions.<sup>92</sup>

Higgins sent his advice on October 23. On the question of power export, Higgins recommended that "development of the Canadian resources for export should not be distorted from their optimum foreseeable design to meet Canadian requirements." He included regulated flow on the Columbia as an important Canadian resource. On the Columbia River Treaty, Higgins suggested an interim agreement pending the implementation of a renegotiated treaty. Marketing and economic aspects of the development suggested to him that

the amount of construction required under the treaty was not needed at once. Consequently, he recommended that the construction of the non-controversial dam at Mica Creek should begin at once to provide most of the requirements of the United States under the treaty. The proposed High Arrow Dam could be left outstanding, while the merits of a high versus low dam and the Kootenay to Columbia diversion with the concomitant flooding in the east Kootenay could be debated. Higgins offered the same advice to Pearson.<sup>93</sup>

On October 29, Higgins received a reply from Pearson which satisfied him that his lobbying of the Liberal party had not been fruitless. In addition to the sale of downstream benefits, Pearson recognized that other issues involved were "(a) Libby and Canada's freedom to divert rivers flowing in Canada; (b) which projects should be built by Canada; and (c) How Canada is to be paid for the flood control benefits which it creates."<sup>94</sup> A few days earlier, Higgins had received an invitation from Davis to appear before the caucus committee.<sup>95</sup>

On November 1, Davis confirmed Higgins' appointment with the caucus committee. He suggested to Higgins the idea of proposing an immediate start on the Mica Dam and negotiations on other power and flood control aspects of the development. He suggested that "the new Columbia River Treaty ... be confined essentially to a statement of principles."<sup>96</sup> After his meeting with the Liberal group, Higgins



summarized his presentation in a paper entitled "The Columbia River: A Way Out of the Wilderness" which he sent to Davis from Toronto. Higgins also suggested an immediate start on the Mica Dam and proposed that Canada then proceed with an extensive evaluation of alternatives that might take five years to complete. Following Higgins' presentation to the Liberal group, Davis circulated the position he had stated to Higgins in a paper entitled "Action on the Columbia."<sup>97</sup> During the remainder of November, Higgins and Davis exchanged ideas on an elaboration of Davis' proposal.

Higgins' lobbying in Ottawa was not confined to the Liberal party. On September 20, he made another attempt to encourage the New Democratic party to broaden its concern over the treaty. He wrote Toronto MP's Andrew Brewin (Greenwood) and David Lewis (York South) and referred them to the address by David Cass-Beggs in February.<sup>98</sup> Lewis replied that T. C. Douglas had seen Higgins' "The Intelligent Person's Guide to the Columbia River Treaty" and had been impressed with the analysis.<sup>99</sup> Higgins remained dissatisfied, however, for in the debate on the address in reply to the Speech from the Throne, Herridge had spoken again for the party on the Columbia and Higgins thought other MP's should speak up. He wrote Herridge that he might appear to be pleading a special interest and standing "in the way of Progress."<sup>100</sup> In his reply, Herridge recognized the problem, but made no further comment.<sup>101</sup>

Higgins need not have worried, however, about the party's lack of knowledge about Cass-Beggs' reservations about the treaty. Not only were the latter's views known by the former Premier of Saskatchewan, but, early in September, before the opening of Parliament, Cass-Beggs had discussed his views in Ottawa with another official of the New Democratic party. Subsequently, Cass-Beggs' views were transmitted within the caucus to members from British Columbia, who represented more than one-half of the group.<sup>102</sup>

In reply to Higgins' letter, Andrew Brewin assured him in October that the party intended to take the treaty seriously, but that while the MP's as a whole were informing themselves on the matter, there was a natural deference towards members from British Columbia.<sup>103</sup> To assist the educative process within the caucus of the NDP, Higgins replied with suggestions for a curriculum including General McLaughlin's testimony before the Committee on External Affairs, the IJC's statement of principles, the ICREB's report, the September issue of Engineering and Contract Record and "The Intelligent Person's Guide to the Columbia River Treaty."<sup>104</sup>

In October, T. C. Douglas was campaigning in the Vancouver area constituency of Burnaby-Coquitlam seeking election to the House of Commons. At the same time, Mrs. Davidson and members of the recently formed Columbia River for Canada Committee were considering ways and means of

campaigning for public support against the treaty. The by-election in Burnaby-Coquitlam became a focus of agitation against the treaty by the Committee, and the impression received by Mrs. Davidson of Douglas' interest in the treaty at the time was that "it was very strong, but that he was unsure that he had all the information necessary to answer detailed questions on the hustings." Douglas discussed a range of issues during the campaign, "and however much he himself might consider the treaty to be a most important issue, the voters in the main did not, or at least not the details of its terms."<sup>105</sup> On October 27, the electorate which had given the incumbent Erhart Regier a majority of 9,699 votes over the Liberal candidate in June, sent Douglas into the House of Commons with a majority of 8,130 over the same Liberal contender.

On November 1, Brewin acknowledged Higgins' list of required reading on the Columbia River Treaty, but observed that the Government was demonstrating no rush towards hearings on the treaty or any other subject.<sup>106</sup> Throughout October and November, and into December, the treaty was raised in questions put orally to the Government. Rarely did these questions elicit any information from the Government; many were obviously put for partisan motives and some blatantly argumentative questions were promptly declared out of order. In the debate on interim supply in November, well-worn criticisms were voiced again; for the Liberals, Chevrier criticized the delay in bringing the treaty to

Parliament, and, for the NDP, Herridge described the lack of approval between the federal and provincial Governments prior to the signing of the treaty as "a great blunder."<sup>107</sup>

Evidence of the work of the Liberal party's Committee on Power and Energy Development was visible in the public record at this time in the form of questions put on the order paper. Jack Davis received replies to questions on such matters as the estimated cost of the Canadian storage projects in the treaty, federal representation at the talks between British Columbia and the United States on the sale of downstream benefits, on the estimated size of those benefits and the safety of the proposed High Arrow Dam. Another member of the Committee received answers to questions on the signature of the federal-provincial agreement prior to the signing of the treaty.<sup>108</sup> During the autumn, however, the Committee experienced difficulty convincing the leadership of the party that the treaty was worthy of a full-fledged debate in the Commons. According to James Byrne,

It was a complicated subject with a distinct regional quality and it was hard to convince others of its value as a national political issue. The Columbia River was 3,000 miles away, and it was really impossible to convince others that the treaty was not for the general advantage of Canada.

The lack of progress from 1961, Byrne said, was finally the aspect of the issue which attracted the party's leadership.<sup>109</sup>

Pearson moved adjournment of the Commons on December 7 for a debate on a matter of urgent national importance --

"the deadlock that now exists in respect of the international treaty for Columbia River development." "Since the Minister of Public Works will be leaving us so shortly," Pearson argued, "it is a matter of great urgency to have this matter discussed... in his presence." For the first time, Her-ridge was not the spokesman for the NDP on the treaty. It might have had more to do with the form than substance of the debate, however, that it was the leader of the NDP who rose to support Pearson's request. For the Government, Donald Fleming denied there was either urgency or a deadlock on the treaty. "Talks are continuing," he said, "and plans exist for a continuance of talks." The Speaker accepted the Government's defence, and, on the question of Davie Fulton's departure, noted that "the Chair is not aware of the event happening."

For the next week, the opposition's tactics in Parliament reverted to the usual pin-pricking during the question period. Outside Parliament, however, the tactics of some of the treaty's opponents were, if not original, at least extraordinary. As Brewin had told Higgins in November, the Government seemed unlikely to move on the treaty for some time. As noted earlier, General McNaughton had decided by mid-November that if the treaty was not referred to the Committee on External Affairs before the adjournment at Christmas, he would make another public statement. Following the dismissal of the Opposition's request

for an emergency debate on the treaty, McNaughton held a press conference and released letters to the leaders of the Liberal and NDP groups in which he suggested that the presentation of the treaty to Parliament might be delayed until injurious arrangements were made to implement the treaty. Five days later, General McNaughton appeared before a meeting of opposition MP's and Senators in a meeting which was a prelude to the final large-scale parliamentary debate in 1962.

The Government had not introduced a budget in 1962 and was surviving financially on interim supply which necessitated monthly debates in which the Government was exposed to any opposition criticism. On December 12, the Minister of Finance duly rose to ask for another 30-day supply to carry the government's operations through January. Replying for the Official Opposition, Jack Davis spoke on the Columbia River Treaty. He repeated his view that the treaty ought to be renegotiated because of the cost of power to Canada, the diminishing nature of Canada's downstream benefits, and the "lump sum, all-out and forever settlement" for flood control. Davis also repeated his opposition to the rigid and expensive construction time-table and his position favouring the sale of the downstream benefits. However, he also introduced objections which he had not raised before. He was concerned about the requirement to provide flood control to the United States in perpetuity.

and about the generally defined purpose of the treaty. On the latter point, he said:

Throughout the treaty the criterion of maximization applies to both countries -- not the maximization of benefit for Canada, but on the greatest benefit for Canada and the United States. Consequently, I myself have reservations and I should like to hear ... how Canada can be sure in each instance of its own maximum advantage in this connection, while also sharing in the great gains made by the United States.

Davis told his colleagues that he had heard the opinions of "General McNaughton, various engineers, and economists in eastern Canada, and others in western Canada including members of the Vancouver Board of trade [and] engineering consultants." From his subsequent remarks, it was evident that Davis appreciated the essential criticisms of McNaughton and Higgins. Davis told the Commons:

There are certain projects which are contentious. Certainly the Libby project, which captures part of the Canadian flow, I contend forever, should be postponed, if not eliminated entirely. Certain projects involving flooding in Canada are contentious. These should be postponed. Then we should get back to the principles which were agreed upon under the international joint commission when it advocated the principles for the negotiation of such a treaty.

Davis advocated an immediate start on Mica Dam which, he said, would provide all of the necessary flood control and perhaps three-quarters of the power required by the United States. The treaty, then, he said,

should be renegotiated in the matter of principles only, naming the entities responsible for the development on each side of the border, and naming the procedures, the sequences and the principles under which the results can be divided. But no more than that, and not naming projects, because we are getting into difficulties over the individual projects.

Davis discerned several advantages in "a general treaty expressed in terms of principles followed by a step by step development":

The benefits to each country can be more accurately forecast if the major projects are undertaken one at a time. Certainly the alternatives open to us under those circumstances, and at a later date, would be much better known than they are today. Second, most advantageous projects could be undertaken first [and] instead of being obligated to build three big projects [,] we would get the greatest yield on our investment... Third, the construction of individual projects can be timed in such a way as to fit much more properly into our needs in western Canada... Fourth, it certainly permits the bargaining process to take place in stages. We need to learn a great deal about the United States side of the line, the power systems and the developing economy there, in order to bargain intelligently.... Fifth, ... this general approach ... improves the chances of immediate action by putting off until a subsequent stage decisions on such controversial projects as the High Arrow dam where there is considerable flooding in Canada and the Libby dam with its implications of the United States being able to hold on forever to the flows of the upper Kootenay originating in Canada. Sixth, some loss of sovereignty is implicit in any international undertaking. However, by proceeding a step at a time, this loss may be minimized. At least its consequences for Canada will be more easily understood.



All these ideas, Davis concluded, should finally be studied in a Committee of the Commons "in advance of a great international commitment of this kind."<sup>111</sup>

Speaking next for the New Democratic party, H. W. Herridge congratulated Davis on his speech. He acknowledged that some people had regarded himself "as a pleader for special interests" but he insisted that the issue had been studied in caucus from all points of view with the assistance of "competent professional and technical advisers." Omitting McNaughton from the list, Herridge included Francis Bartholomew of Vancouver, Richard Deane and J. D. McDonald of Rossland, Boyd Affleck of Nelson, and Larratt Higgins of Toronto. Herridge outlined the objections including the loss of control over Canadian water, the loss of jobs to Canadians, and the unnecessary destruction of land and living space, recreational resources, fish and wildlife.<sup>112</sup> During the debate, James Byrne recalled his opposition to the Kaiser Dam in 1955 and described the Columbia River Treaty as "a poorer arrangement for Canada than was the old Kaiser deal."<sup>113</sup>

Before the debate was concluded, six more MP's mentioned the treaty in addresses to the Commons. During his remarks, T. C. Douglas noted that the debate had been sparsely attended by Ministers, despite the opposition's demands for answers to questions on the treaty. In particular, Douglas wanted to know whether there would be sufficient authority

retained by Canada "to divert sufficient water to meet our expanding needs for irrigation and for domestic and industrial consumption." This was important, he said, not only for the people of British Columbia, but "would be of immense value to the farmers in the three prairie provinces." He said it was amazing that with the exception of an interjection by Fulton, "no minister from the government has stood up in order to clarify the government's position."<sup>114</sup>

The session was adjourned for the Christmas holidays following the passage of the motion for interim supply. While the Columbia River Treaty had finally been the subject of a debate, albeit one-sided, in the House of Commons, the major concern of parliamentarians in the autumn had been the Sino-Soviet conflict in the Himalayas and the confrontation between the United States and the Soviet Union over the presence of nuclear missiles in Cuba in October. When Parliament met in mid-January, a smouldering dispute over Canada's defence policy flared up and resulted eventually in the resignation of the Minister of National Defence. On February 4, Leveson moved lack of confidence in the Government and, when the Commons divided the next day, the Government was defeated.

#### 5. The First Session of the 26th Parliament:

##### Toward Ratification

The first session of the twenty-sixth Parliament lasted six months. Even before Parliament was summoned on

May 16, however, it was apparent to the opponents of the Columbia River Treaty that they had misjudged the mood of the Liberal party and the strength of Jack Davis within the parliamentary group. By the opening of Parliament, Pearson had been to the United States as Prime Minister now where he had essentially "made good" on his statement in Washington one year earlier. By mid-July, a signed agreement was obtained between British Columbia and Ottawa and the two Governments spent the remainder of the year negotiating a water and power sales agreement with the United States. The swiftness with which an agreement was negotiated with British Columbia by Paul Martin, the Secretary of State for External Affairs, took the treaty's critics by surprise. They seemed little to do now but carry through as a matter of fact. At this time, however, the Government of Saskatchewan's opposition to the treaty was made explicit and the foundation laid for the New Democratic party's final stand against the treaty.

During the campaign which culminated in the election of a minority Liberal Government in 1963, the Columbia River Treaty was hardly featured at all. Opponents of the treaty, however, had seen reason for elation in the occasional treatment given the treaty by Liberal candidates. In Anthony Datt, James Byrne sought re-election successfully and was still a supporter of the McNaughton Plan.<sup>115</sup> Earlier he had been instrumental in the abortive attempt by the

Kootenay West Liberal Association to have General McNaughton stand for the party against the successful NDP incumbent, H. W. Merridge. The greatest interest was generated among the treaty's critics, however, by Jack Davis, re-elected in Coast Capilano, who was named parliamentary secretary to Prime Minister Pearson.

In March, Davis reportedly had given a group of businessmen in Portland, Oregon, "half a dozen reasons why his party does not accept the Columbia River power treaty and wants it renegotiated ... in the matter of principles only." The speech had been preceded in the campaign by the publication of five articles on energy development by Davis in the Vancouver Sun. Repeating the substance of his earlier views and suggestions which he had made in the Canadian Interpreter, Davis described the treaty as "embarrassing," "not good enough," and "a sell-out of our Canadian resources." On the question of a Kootenay to Columbia diversion, he wrote that

The existence of a \$300 million dam at Libby would stand in the way of these diversions. It would constitute a "vested interest" and, politically, would make it difficult for Canada to recapture these flows for its own use.

Regarding the McNaughton Plan, he recognized that Canada's diversion rights were definitely established, more on-site power would be produced in Canada, Canada's claim on downstream benefits would be increased and the economics of an

eventual diversion to the Fraser River system were improved. Davis noted, however, that British Columbia was opposed to flooding in the Lake Windermere area, the United States was opposed because Libby would become uneconomical, and, generally, "a major departure from the present treaty is involved" in the McNaughton Plan. Davis appealed again for "a new treaty phrased in terms of 'principles' followed by approval of individual projects."<sup>117</sup>

Two days after the Government was appointed, a visit by Pearson with President Kennedy at Hyannisport was announced for May 10 and 11. Larratt Higgins wrote Davis on April 21 stressing the importance of the impending meeting between the two heads of government. He suggested to Davis that Pearson should offer terms to Kennedy as Davis had recommended and that an immediate start on the construction of the dam could be announced as part of the Government's program of "Sixty Days of Decision."<sup>118</sup> Davis replied one week before the meeting that he was "impressing these twin objectives on Mr. Pearson" -- renegotiation of the treaty and a start on construction at an early date. He noted, however, that he was encountering considerable opposition from the civil service which was "very much wedded to the treaty in its present form." According to Davis, officials of the Departments of Finance, and Northern Affairs and National Resources were giving their Ministers a "brain

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Before leaving for the conference, Pearson acknowledged that he would propose "improvements" in the treaty, but, as one commentator observed, "Mr. Pearson has never been very forthcoming about the kind of amendments his party believes must be made to provide increased protection for Canadian interests." Newsmen, however, delved into Hansard to extract the words of Jack Davis who was expected to "play a key role in development of the Liberals' Columbia River policy from his position as parliamentary secretary to the Prime Minister."<sup>120</sup> In Washington, the prospects for the treaty looked gloomy. One commentator reported that the United States expected Canada would be "listening to Mc-Nabb" but that Senator Mike Mansfield of Montana, the majority leader in the Senate, publicly refused to tolerate the elimination of the Libby Dam from the treaty. Two years later, however, Mansfield insisted he had always been willing to "sacrifice" Libby if the result were a good treaty.<sup>121</sup>

Three days before the meeting at Hyannisport, Davis still expressed his preference to a correspondent for "the approach which involves the construction of the non-controversial Treaty Dams first" and "an arrangement whereby the main project ... could be postponed perhaps indefinitely."<sup>122</sup> This was advised before the meeting with President Kennedy, but was announced after its conclusion that a timetable was set for settlement of the development and that both heads of government had agreed to "certain clarifications and

"adjustments in arrangements proposed earlier."<sup>123</sup>

It was apparent now that despite the open campaign of Jack Davis for renegotiation for a new treaty, the Government intended to settle the matter within the framework of the present arrangements. On May 16, the twenty-sixth Parliament was summoned for its first session and parliamentarians were told that the Government proposed "to undertake discussions with the government of British Columbia and the United States, aimed at securing action on the development of the Columbia river."<sup>124</sup> On the same day, Davis sent Higgins a copy of an administration memorandum on the incorporation of some of Davis' views which did not require a re-negotiation of the treaty.<sup>125</sup> The following day, Pearson sent Premier Bennett a copy of the undisclosed proposals he had left with Kennedy and suggested that all of them be incorporated in a protocol that would "extend, clarify, and in a number of respects, modify the treaty."<sup>126</sup>

The federal-provincial negotiations were scheduled for early June and Davis was to be part of the federal team.<sup>127</sup> In acknowledging receipt of a technical critique from J. I. McDonald, of Rossland, Davis recognized that "we will either have to modify [the treaty] substantially or tear it up and start all over again." He told McDonald that his paper, which advocated elimination of High Arrow, an immediate start on Mica, and the use of Libby as a bargaining point,<sup>128</sup> would be passed among members of the Liberal

party's "working group." He also asked McDonald for information about the unflooded value of the Arrow Lakes Valley and information he might have about maintaining a controlled leak structure at the High Arrow dam site.<sup>129</sup>

By the time McDonald replied to Davis, the two Governments had concluded their meetings with a proposed agreement. McDonald wrote Davis on June 10 that there was no up-to-date assessment of the value of the Arrow Lakes Valley and that "a detailed study should have been made before the negotiators bargained the valley away." McDonald lacked information on the High Arrow dam site, but evidence demonstrated "that the problems are far tougher than ever anticipated."<sup>130</sup> Davis also passed this letter "to interested Ministers and Departmental officials" and, in addition, showed McDonald how the case against High Arrow was even stronger than McDonald had argued.<sup>131</sup>

During the debate on the address in reply to the Speech from the Throne, Pearson defended his actions in asking the United States if it were agreeable to changes in the treaty; he had been attacked earlier by John Diefenbaker for obeisance to the United States.<sup>132</sup> The only other references to the treaty in the debate came in the form of blessings from both Conservative and Social Credit groups for the subsequent federal-provincial negotiations and sustained criticism of the treaty from H. W. Herridge, for the M.C., in a rerun of his speech of December, 1962.<sup>133</sup>



When Paul Martin, the Secretary of State for External Affairs, reported to the Commons on the draft agreement reached between the federal and provincial Governments, including the sale of the downstream benefits, only the New Democrats expressed opposition. In general, Douglas noted, the treaty ought to be re-examined in terms of the best use of water resources. He told the Commons:

The whole question of power has obscured the much more important question of the best use of our water resources.... The prairies are particularly interested in this matter of water flow. I am told that even a 10 per cent. diversion of the Columbia river could double the flow of water in the Saskatchewan river. This is certainly important in a country where irrigation and water conservation are matters of growing urgency. 134

When pressed later by H. W. Herridge to make no final decision until interested parties had been consulted, Martin replied:

There will be no ratification by Canada of the treaty until this matter has been discussed in this house and referred to the external affairs committee. That does not remove responsibility from the government for taking a decision as a government. This government believes it has a responsibility and it will take decisions in accordance with that responsibility. 135

The text of the federal-provincial agreement was published in Ottawa on July 10, two days after it was signed.

Once again, the role of harsh critic was reserved for the New Democratic party, and Herridge had eloquent criticism for all concerned. He addressed the Commons:

This most important statement just made by the Secretary of State for External Affairs is without a doubt the result of the influence of a genial political engineer who is anxious to soothe President Kennedy's feelings, and that master of financial, economic and resource manipulation, the premier of British Columbia, whose policy throughout the years has clearly been demonstrated to be one of discounting the future of British Columbia for the political needs of the present. 136

Jack Davis maintained silence in the Commons on treaty matters during the rest of 1963. James Byrne spoke on the subject only twice -- to suggest in July that the federal-provincial agreement be printed in Hansard, and to ask Martin what the Minister termed "a very appropriate question" on the state of international negotiations in December.<sup>137</sup> In July, however, Davis was still addressing himself to opponents of the treaty in correspondence, although by now he had to concede that no alteration in the treaty projects was to be made. The blame, he told one correspondent, lay squarely with the provincial Government:

The only power which Ottawa has ... is that of a veto. The Federal Government, in other words, can say that a Treaty, which includes the High Arrow project, is not satisfactory from a national point of view. It cannot, however, exclude the High Arrow project and include provisions for flooding in the East Kootenay. This would be interference with Provincial rights.

But in the final debate on approval the Liberal party was not even critical of the High Arrow Dam; indeed their official enthusiasm for the treaty would even surpass that of a former

Conservative Minister, and the question of federal-provincial jurisdiction would be raised only by the New Democrats. Davis, however, was still able at this time to encourage opponents of the treaty in the Arrow Lakes district. He intimated to one correspondent that Premier Bennett might not obtain the desired price for the downstream benefits and he encouraged representation before the Committee on External Affairs despite the fact that the major decisions would have been made. "The present Liberal Government is in a minority position," he wrote. "It cannot drive legislation that it wants through the House of Commons. (...) The evidence which various people, including General McNaughton, present to the Committee will have its effect, so we cannot be sure of the outcome." 138

Herridge confessed his inability at this stage to understand what was transpiring within the Liberal party. He told a correspondent in the Kootenays:

First Mr. Pearson informs me that the B.C. Liberals are very concerned that he will give in to Bennett and that Bennett will get the best of the deal. This he assured me was not so. Then Davis in private agrees with our point of view, then Laing, [Minister of Northern Affairs and National Resources, and MP from British Columbia] tells me they know Bennett cannot get his price or the Money, Martin does not know anything much about the effects of the Treaty and Talks out of both sides of his mouth for political purposes. Byrne, who campaigned in support of the McNaughton Plan, has reversed his position. I think in response to some leading people in Kootenay East. 139

According to James Byrne, the Liberal party's Committee on Power and Energy Development had heard from administration officials in 1962:

The Committee had departmental officials before it to explain the departmental point of view and give us technical data. During the study, we began to see that the departmental plan had a better chance of being carried than the McNaughton Plan. I don't know when the consensus changed.

During the twenty-sixth Parliament, the caucus Committee was "making quite a study" simultaneous with the meeting in Hyannisport and the subsequent federal-provincial negotiations.  
140

During the remainder of the year, treaty matters were the subject of many questions and occasional speeches in the House of Commons. On one occasion, Herridge criticized Arthur Laing for circulating the four-page review of the Columbia River development by Paddy Sherman of the Vancouver Province "as an objective and accurate report in all important respects." Paul Martin replied that the article was "in its essentials, an accurate account of the situation."<sup>141</sup>

Following a brief recess, the parliamentary session was resumed on September 30. On the same day in British Columbia, Premier Bennett's Government was sustained in office in a general election which featured the complete rejection of the Conservative party's candidates, including its new leader, Davie Fulton. The election had been preceded a few days by a final settlement on the expropriation of

B.C. Electric which had been declared illegal two months earlier. In Ottawa, Pearson reported to the Commons that "important changes" in the Columbia River Treaty had been agreed upon by Canada and the United States, and that only "one outstanding matter" -- presumably the contract for the sale of the downstream benefits -- remained to be negotiated between British Columbia and the United States. <sup>142</sup>

During October and November, working groups travelled the west coast of the United States examining the factors involved in setting a price. <sup>143</sup> In the Commons, the Minister of Trade and Commerce announced the national power policy of the Government which, according to John Diefenbaker, "was made by us several years ago." Discerning a connection between the policy statement and the Columbia River Treaty, T. C. Douglas expressed his group's opposition to the export of power which could be of advantage in Canada, and appealed again for a parliamentary study of the treaty prior to a commitment by the Government. <sup>144</sup>

In the remaining months of the first session, the price negotiations were a prime topic of questions to the Government. At the same time, the New Democrats began to emphasize a theme which would become the prominent feature of their policy of opposition to the Columbia River Treaty. On November 19, Herridge asked Paul Martin,

whether serious consideration is being given to the proposals made by the Government of

Saskatchewan for diversion of 6,000 cubic feet per second of water from the Columbia to meet the near future consumptive needs of the prairie provinces before Canada loses the right to divert such a quantity of water under the proposed treaty. 145

The Premier of Saskatchewan, Woodrow Lloyd, had conducted correspondence on this point with the Conservative Government ~~in 1962~~ and raised the matter again following the appointment of the Liberal Government in 1963. 146 In his correspondence with Paul Martin, Lloyd observed that if Canada were permitted to divert water from the Columbia River basin to the Saskatchewan River for consumptive purposes,

the United States government should have no objection to having such diversion rights expressed more definitely in the treaty or the attached protocol. (...) We feel it is important to establish that diversion by Canada ... will not be precluded simply because the water must flow through hydro-power stations now established, on the headwaters of the Saskatchewan system. 147

A reply from Martin was not sent until October 3, after the arrival of a subsequent letter from Lloyd and the publication of both letters by Lloyd. In his reply, Martin asserted that the treaty "expressly confirms and recognizes Canada's right to make diversions for consumptive purposes." 148 The position was repeated by Martin with the observation that irrigation was considered a consumptive use under the treaty when on November 12 he replied to Herridge's question. 149

In a response to Martin on November 13, Lloyd noted

that consumptive use defined in the treaty specifically excluded the generation of electric power and that the water from the proposed diversion would necessarily pass through generation plants before reaching the point of ultimate consumption. It could be argued, Lloyd wrote, that the purpose of the diversion was for the generation of power and that it was desirable "to eliminate any possibility of doubt that future attempts to divert water from the Columbia Basin into the prairie region could be effectively blocked by the United States."<sup>150</sup>

The concern of the provincial Government was recognized by Arthur Laing who spoke of the "warning signals" being sounded about the waste of water resources in an address to the Saskatchewan River Development Association on November 1. He referred specifically to the proposals of Cass-Beggs to divert water across the continental divide to the prairies which might "smack of popular mechanics" to many Canadians, but which "may deliver us from the droughts [which] at this moment are threatening great areas of the continent." General McNaughton privately described Laing's speech as "padding to build up an impression he had of the value of water for consumptive purposes." Despite his apparent intentions, Laing had linked Cass-Beggs "by reference with a smack of popular mechanics" and implied that his figures were overdrawn. Regardless of Laing's allusions to various possibilities of diversion, McNaughton

observed: "there is not one word about the diversion of the Kootenay river reservoir in Dorr-Bull River basin which is such the least expensive source for the amount likely to be required in the South Saskatchewan in the near future."<sup>151</sup>

In reply to Premier Lloyd's letter of November 13, Martin conceded that the application of the definition of consumptive purposes to some possible schemes of diversion would raise "the problem of proper characterization of the diversion," but that that was merely an acknowledgement of "the inherent problem of any definition drafted in the abstract when the time comes to apply it to a specific situation." In the opinion of "our advisers," the production of power as "a necessary incident of a diversion" for consumptive purposes would not change its characterization.<sup>152</sup>

Premier Lloyd remained dissatisfied; he wanted doubt removed "according to the American interpretation" as well as the Canadian view. "The benefits from consumptive uses alone will never cover the costs ... of a major diversion project," he wrote. "The tendency of American authorities might well be to interpret this definition as narrowly as possible." He asked if the federal Government had ascertained the views of the United States and if the views were similar to the Canadian Government. Finally, if the Government did not take the opinion of the United States, would it ascertain this during the negotiations?<sup>153</sup>



During consideration of the estimates for his department a few days after Lloyd's questions were sent to him, Martin was asked the same questions by H. W. Herridge. Martin replied that the first question was hypothetical, but in the context used by the Premier, "the decision would have to rest ... with the government of British Columbia." He reiterated that diversions would be permitted under the treaty for consumptive purposes as defined in the treaty, and, as confirmation, Martin recalled the testimony of the U.S. Army Corps of Engineers before the Congressional Committee on the treaty in 1961.<sup>154</sup>

In December, a ministerial conference on water resources was held in Regina, Saskatchewan, attended by representatives from the Governments of the three prairie provinces and Arthur Laing. Premier Lloyd later reported to Martin that the "ready consensus" of the meeting was that the South Saskatchewan River would cease to satisfy the demand on its flow in a matter of time and that a study of the water resources of the Saskatchewan-Nelson Rivers basin would be under way in the near future."<sup>155</sup>

Before Martin received this letter from Lloyd, however, he had travelled to Washington where, on January 22, 1964, he was a signatory to the protocol and sales agreement on the Columbia River Treaty. The following day, Lloyd asked for and received further assurance from Martin on the

right to divert under the treaty."<sup>156</sup> Lloyd still held, however, that "any effective and economically feasible diversion of the Columbia River into the South Saskatchewan River system is prevented by the treaty."<sup>157</sup> Subsequent exchanges between the Premier and the Minister represented only a hardening of positions on both sides of the issue prior to the anticipated hearings by the Committee on External Affairs and the debate on ratification in the House of Commons.<sup>158</sup>

#### 6. The Second Session of the 26th Parliament:

##### The Debate on Ratification

With a protocol and power sales agreement signed between Canada and the United States, all that remained for the government was a mopping up exercise. It was, however, an exercise that could have been embarrassing to the minority Liberal Government. The Government prepared its case carefully with a publication of a "green book" in February containing related documents and summaries of engineering reports on the development of the Columbia, and a "blue book" in April containing the Government's position on the development. The long-awaited parliamentary examination of the treaty in the Commons' Committee on External Affairs was the main feature of this exercise for both proponents and opponents of the treaty and protocol. The government politically reinforced its case for approval of the documents by declaring them to be a matter of confidence in the

Government. The minority Government's safety was effectively secured following the successful hearings when the Conservative party announced support for "its" treaty. For the New Democratic party, the final debate on ratification, though only a matter of form, was a matter which the group felt would be important in the long run. In the final parliamentary act, the federal NDP joined General McNaughton and the leadership of the provincial party in Saskatchewan against the leadership of the provincial party in British Columbia in total opposition to the treaty.

The Government declared the documents to be priority items in the second session of the twenty-sixth Parliament<sup>159</sup> and moved to buttress its position by replacing seven of its 12 regular members of the Committee on External Affairs.<sup>160</sup> Following a brief debate on the address in reply to the Speech from the Throne in which H. W. Merridge was the only MP to make the treaty and protocol a major topic of his address,<sup>161</sup> Paul Martin tabled the documents and introduced a resolution on March 3 to refer them to the Committee on External Affairs. Essentially, he said, what the Government's job had been was "to make a basically good treaty better still." He dealt directly with the McNaughton Plan and indirectly with criticisms of the treaty. He raised specific objections to Sequence IXa and outlined the treaty's provisions for permissible diversion, the designation of operating entities, procedures for settling differences,

provisions for restoring the pre-treaty legal position after the treaty's expiration, and limitations on liability for damages.<sup>162</sup>

For the Conservatives, Stuart A. Fleming (Okanagan-Revelstoke) said the Liberal confirmation of the treaty failed to justify vilification the Conservatives had suffered during two general election campaigns. The Conservatives, he said, would not obstruct "their" treaty, but they would reserve the right "to scrutinize all the terms of the agreement, particularly the protocol, with the greatest care."<sup>163</sup> Only the New Democrats were critical of the arrangements. For the NDP, T. C. Douglas described the treaty as "thoroughly bad ... conceived in avarice and born in apathy" and said the protocol did nothing to remove the treaty's worst features. Douglas recalled the earlier criticisms of Jack Davis and James Byrne and observed that the treaty, which once constituted a "sell-out" and a "betrayal of interests" had now become a "basically good treaty." He charged that the treaty was a bad economic arrangement which gave complete control of the Columbia River basin to the United States.

The New Democrats, however, were essentially critical of the treaty in terms of water resources. Douglas told the House:

The Americans have been 40 or 50 years ahead of us in recognizing that the day will come on

this continent when water will be more important than gold. (...) I do not think the Americans are worried about the power ... but what they are primarily concerned about is to control a great volume of water, and this is what we are giving them by turning over to them the resources of the fourth largest river on this ... continent [for money] which is going to ... build storage dams primarily of help to the United States.

He criticized the documents for not allowing for diversion to the prairies in a multi-purpose project, "for power, for irrigation, for domestic consumption, for industry or for recreation." The legal right, he said, is meaningless if the project is made uneconomic through the prohibition of hydro power generation. Douglas described the treaty and protocol as a sale of Canada's "birthright for a mess of pottage, largely to satisfy the vanity of a provincial premier and to meet the needs of a power-hungry and water-hungry neighbour to the south."<sup>164</sup>

Before the resolution to send the treaty and protocol to the Committee was unanimously accepted, twenty more MP's spoke on the treaty in a five-day debate. Jack Davis spoke on the treaty in the Commons for the first time since the election 11 months earlier. He acknowledged that he had been an outspoken critic of the treaty, but held that the protocol made "important modifications and clarifications" by eliminating the prospect of nuisance calls by the United States for flood control, by clarifying Canada's obligation to provide simply a routine of water flow at the border

without instructions regarding specific reservoirs, and by determining the downstream benefits on an extended basis of water flow. Davis agreed with Douglas that the consumptive use of water for irrigation, industry and pollution control would be more important than for power generation; he was confident, however, that the United States would agree to a diversion to the prairies which involved necessarily the consumption of energy.<sup>165</sup>

James Byrne, the other former critic in the Liberal party, was "categorically ... in favour of this treaty ... as it is amended." He claimed that he had never been an "outstanding exponent of the McNaughton Plan" and that his change of opinion had come "after having been apprised of the facts." Byrne told his colleagues candidly that to have been an outstanding supporter of the McNaughton Plan "would have meant political extinction for me in the east Kootenays."<sup>166</sup>

Referring to General McNaughton as one of his advisers for the first time in the Commons, H. W. Herridge contrasted his team of advisers favourably with the experts of the federal administration. He was critical of Davis whose articles in the Vancouver Sun in 1963 demonstrated a "fundamental disagreement" with the treaty. Herridge referred to an allegation by Davis that high cost figures had been purposely "leaked out ... with a view to influencing our negotiations with the United States." In reply to the

allegation, Ray Williston and an anonymous source close to the negotiators for the United States said separately that Canada had relatively insufficient background and engineering experience to leak inaccurate figures to the United States. For Herridge, this was clear proof that the Canadian negotiating team had been taken into camp by the United States. Herridge also criticized the sale to the United States of "the cheapest power in British Columbia" with consequent "unfair competition from United States industry and ... loss of employment for Canadians," and "the gift of water to the United States" with its consequent "unnecessary destruction of public and private investment in farm, forest lands, industry" and recreation facilities. <sup>167</sup>

John Diefenbaker, Canadian signator to the treaty of 1961, repeated his party's contention that the Conservative Government had been vindicated "after the vilification of two election campaigns." He described the protocol as "a series of explanatory notes," "a cascade of words" signifying no change in the treaty. The Liberal position, he declared, was "a wonderful exercise in pretence." <sup>168</sup> A less defensive and more forthright statement came from the former Minister of National Defence, now at odds with his party leader. Douglas Harkness told the Commons:

I think there is no question that we could have secured a better treaty ... than the one now under consideration. (...) I myself was convinced that a general plan of develop-

mont very much along the lines of the proposal put forward by General McNaughton would have resulted in greater long term advantages to Canada than any of the other plans.... The province of British Columbia absolutely refused to agree to any scheme which would involve the flooding [of the valley of the Kootenay and the Columbia up to Windermere valley]. This was the basic reason why the McNaughton plan ... was not proceeded with.... We had to search for the next best thing, and as a result, the plan embodied in the present treaty was evolved. (...) Instead of spending a great deal of time now dealing with what the advantages of the McNaughton plan were, I think we would be much better off to address ourselves to the realities of the situation and deal with the only plan on which it was possible to get agreement. 169

Following remarks by other members, Martin closed the debate on March 9. He said:

The major accomplishment of the government was to get things moving. (...) Not only have we taken a treaty that was basically sound and given it effectiveness, but we have been able to arrive at a clear agreement with the province of British Columbia. (...) If we had waited much longer, we might have lost the opportunity of getting this unearned increment for the good of British Columbia, and for the good of Canada, while at the same time promoting friendly relations with our neighbour. 170

Preparations for the hearings in the Committee on External Affairs had proceeded apace since the signing of the protocol in January. Although press reports had suggested that the Government forces would be led by Jack Davis,<sup>171</sup> John Turner, parliamentary secretary to Arthur Laing, supervised the Government's representation on the



Committee and John Matheson was chosen Chairman of the Committee and the steering committee.<sup>172</sup> H. W. Herridge, Colin Cameron and Andrew Brewin, of the New Democratic party, formed the opposition block within the Committee and Herridge, in particular, counselled critical witnesses on matters ranging from the contents of their briefs to their accommodations in Ottawa.<sup>173</sup> Herridge also kept interested people informed during the course of the hearings with mimeographed memoranda.<sup>174</sup>

At the opening of the deliberations, Martin told the Committee that the Government would "stand or fall" on the approval of the documents and that the function of the Committee was "to indicate whether you approve of what the government has done." There was to be no "improvement" on the treaty, otherwise "this government would no longer be in office."<sup>175</sup> With these terms of reference suggested, the Committee began an intensive and exhaustive series of public hearings. One week later, the NDP MP's complained of the daily "morning, noon, and night" sessions which were being held instead of the usual procedure of two meetings a week. The Committee rejected Colin Cameron's objection that the procedure was "making a mockery of the whole examination."<sup>176</sup>

Herridge's early fears about a "milk and water" approach by the B.C. Federation of Labour came to fruition on May 13. Far from offering a ringing denunciation of the treaty and protocol, E. P. O'Neal, the Federation's secretary,

presented six provisions which "might be used as criteria in weighing [their] merits." When reminded by Herridge of earlier policy statements denouncing the treaty and supporting the McNaughton Plan, O'Neal said: "We are now faced with a situation where the Peace river is going ahead. I think in the light of this we have to look at our policy again."<sup>177</sup>

The following day, the Committee heard the view of the Government of Saskatchewan that the treaty and protocol "seriously impairs Canada's right and probably nullified Canada's future ability to divert from the Columbia basin to the Prairies" for a multi-purpose project. David Cass-Beggs, Barry Strayer, an associate professor of law at the University of Saskatchewan, and J. W. MacNeill, executive director of the South Saskatchewan River Development Commission, recommended that to keep the option of a diversion open, the treaty should be subject to a further protocol providing for a diversion up to 6,000 cubic feet per second or five million acre-feet annually for beneficial use on the prairies. The definition of "consumptive use" should also be modified to include the generation of electric power, both in the process of diversion and at any point when the water was surplus to the consumptive demand as now defined.<sup>178</sup>

As the provincial delegation presented testimony during the day, the Committee room occasionally acquired that court room atmosphere which prevailed from time to time.

during the appearances of General McNaughton. Following a stiff examination by John Turner of Strayer's academic credentials, Herridge charged that legal officers from the Departments of External Affairs and Northern Affairs and National Resources had been priming Turner.<sup>179</sup> Strayer's testimony had attracted most of the attention of the MP's; whereas the other spokesmen for Saskatchewan argued the need for provisions for a diversion, Strayer presented a legal case that the treaty and protocol seriously jeopardized Canada's position established by the Boundary Waters Treaty and that a province did not have a prior right on the use of water within its borders "where there were other elements involved, such as a widespread need for water ... essential to the welfare of a large portion of the country."<sup>180</sup>

Cass-Beggs, who had drawn Jack Davis as a sparring partner, rebutted recent studies by the Montreal Engineering Company which concluded that "any thought of diverting the Columbia river to the Saskatchewan river for economic generation of power can be described as an impractical and unrealistic concept." Cass-Beggs agreed, but reminded Davis that the proposal by Saskatchewan was primarily for consumptive purposes. He also questioned the terms of reference given the Montreal Engineering Company by the federal Government for it had selected the biggest pump lift (highest elevation) of the several schemes Crippen Wright had examined for the Government of Saskatchewan.<sup>181</sup> MacNeill also dismissed

the conclusion of the Montreal Engineering Company that the need for such a diversion in the foreseeable future was improbable; the firm, he argued, had incorrectly assumed a positive correlation between the size of the population and water use in a semi-arid agricultural area.<sup>182</sup>

Next to the objections of General McNaughton, the testimony for the Government of Saskatchewan appeared to have made the biggest impression on commentators. The fact of opposition by a provincial Government was sufficient to attract attention in the press even before the hearings had commenced.<sup>183</sup> The immediate effect of the testimony had undoubtedly been dulled, however, by the defeat of the CCF-NDP Government of Saskatchewan three weeks before the testimony was given. Indeed, earlier in the deliberations in Ottawa, the authority of the testimony to be received from the provincial Government was questioned by a Liberal MP in view of the impending provincial election.<sup>184</sup>

The Committee on External Affairs heard testimony in fifty public hearings during April and May. Although the New Democrats formed a definite minority group in the Committee, the Government was concerned to maintain its full complement of members throughout the hearings at all times. The NDP was never satisfied that the treaty and protocol were legislative faits accomplis and were "always looking for an opportunity to force something" despite a likely Government filibuster lasting until it regained control of

the meeting.<sup>185</sup> The New Democratic party continued its opposition during the final meeting of the Committee held in general where the members rejected seven amendments suggested by the NDP and one by A. D. Kindt (Progressive Conservative, Macleod, Alberta). The NDP wanted the Committee to propose amendments clarifying the term "conservative use" and asking for a further protocol to provide for a diversion suggested by the Government of Saskatchewan. The group also recommended repudiation of the "dangerous and unconstitutional doctrine" of the provincial veto in the ownership of the resources of an international river and the practice of submitting important treaties to Parliament after the Government had committed itself to a distinct course of action. Separate amendments to eliminate the High Arrow and Libby Dams were also rejected by the Committee, as was the recommendation that the federal Government set certain standards of compensation for the people affected from the Government of British Columbia. Finally, the amendment suggested by Kindt that the United States be asked to eliminate the flood control problem by removing population and industry to higher ground was also defeated.<sup>186</sup>

On May 28, the Committee on External Affairs reported to the House of Commons that the Committee had considered and approved the treaty and protocol.<sup>187</sup> Only the New Democrats remained in opposition, issuing a press release the next day expressing their "vigorous dissent" and invoking



the opposition of General McNaughton, the Government of Saskatchewan and the "early" Jack Davis.<sup>188</sup> On May 20, Andrew Brewin had told a correspondent that, although the opposition would not succeed in "our battle against ratification," nevertheless the battle was worthwhile, "so that in the future some of the mistakes made in this Treaty can be avoided."<sup>189</sup> H. W. Merridge was less phlegmatic; he told correspondents:

During my 19 years as a Member of Parliament, I have never witnessed such partisanship in a committee and such violent attacks on witnesses giving evidence against the Treaty. Furthermore, during the whole of the hearings, senior officials of the Department of External Affairs and the Water Resources Branch sat behind the Committee and continually handed notes containing questions to ask witnesses, or to embarrass witnesses to the Liberal members of the Committee.<sup>190</sup>

During the preceding few months, opponents of the treaty had tried to persuade the Conservatives to oppose ratification.<sup>191</sup> Following the introduction of a motion to oppose the treaty and protocol in Parliament, and a brief statement in the Commons by Paul Martin, the Official Opposition announced that the "assurances which we sought have been given" and "we are able to support ratification of this treaty."<sup>192</sup> Only the New Democrats would "oppose this resolution with all the vigour and determination that we can muster" in the hope that "the serious errors in judgment contained in this treaty ... will not be repeated."<sup>193</sup>

Arguing that the underlying issue was "the future importance of water," Brewin supported Saskatchewan's contention that the treaty impaired and probably nullified Canada's ability to divert water to the prairies, and argued that the McNaughton Plan which disposed of the Libby Dam and High Arrow Dam established "maximum flexibility and control of Canadian water in Canada." Brewin also raised the constitutional objections made in the final meeting of the Committee on External Affairs, and, concluding his remarks, introduced an amendment requesting further negotiations to clarify Canada's right to divert five million acre-feet of water annually "for the beneficial use of the prairie regions, and for multiple-purpose use."<sup>194</sup>

John Turner presented the Government's constitutional and procedural objections to the proposed amendment. Several MPs spoke on the question before the Speaker finally ruled in the Government's favour. The amendment, he said, had a negative effect and "our rules provide a way to negative a motion, and this must be done ... by simply voting against the main proposal."<sup>195</sup>

With the exception of a statement by Martin to close the debate, no Government MP spoke on the resolution. The final statement of opposition from the NDP was made by T. C. Douglas on June 5. After contrasting the voluble criticism of the treaty from certain Liberal MP's in the past with their present silence, he devoted most of his final speech

on the question to criticism of the treaty as bad water policy.<sup>196</sup> The NDP statement was not, however, the final statement in opposition to the treaty. Martin had risen to conclude the debate when the Speaker recognized instead C. O. Cooper, a Conservative MP from Saskatchewan who had been an executive officer of the Saskatchewan River Development Association since 1943. Cooper told the Commons that he agreed with the NDP criticisms regarding diversion to the prairies and would not support the treaty.<sup>197</sup>

The Commons divided following Martin's final remarks, and the motion to approve ratification of the treaty was carried, 108<sup>2</sup> votes to 16, with less than one-half of the MPs recording a vote. Cooper joined fifteen New Democrats in opposition. John Diefenbaker supported the motion in a division that was unattended by Lester Pearson. No Social Credit MP from Quebec voted, but the western Social Crediters supported the motion. At least two other Liberals prominent in this matter were also absent during the vote. Speaking loud enough to be heard by the Hansard reporter, H. W. Herriot informed the Speaker: "I heard someone here say that the hon. Member for Kootenay East was paired with the hon. member for Coast Capilano."<sup>198</sup>

There was some hope among opponents of the treaty that the Senate might deal a blow to the Government motion which had been introduced on June 2. The Government leader in the upper house had said at the time that, from talking



to interested senators, "I think the treaty should be considered also by the Senate Committee on External Affairs."<sup>199</sup>

The debate began one week later and took up less than the business of one day. Senator Thomas Reid (Liberal), of British Columbia, wanted to hear from General McNaughton; Senator Arthur M. Pearson (Conservative), of Saskatchewan, wanted the question of diversion to the prairies discussed in Committee; Senator Austin C. Taylor (Liberal), of New Brunswick, said he was opposed to the destruction in the Arrow Lakes Valley of "some of the best land under heaven." Speaking for the Government, Senator A. K. Hugesen concluded the debate, reminding his colleagues that "this is, after all, a friendly treaty with a friendly country." No mention was made of a committee study and no division was recorded.<sup>200</sup>

One senator who did not take part in the debate wrote a correspondent in British Columbia later that there was a "disposition on the part of the Government, plus the Tories as well, to rush this Treaty through." Many senators, he added, "take the position that the experts have gone into this very thoroughly and they recommend the Treaty's adoption."<sup>201</sup>

The hearings of the Committee on External Affairs had been permanently staffed by one news outlet, the Canadian Press news agency.<sup>202</sup> This lack of interest shown by press coverage (with the exception of coverage of the testimony of General McNaughton and the Government of Saskatchewan),

and by the small vote recorded at the conclusion of the debate in the House of Commons indicate that the Columbia River Treaty never became a national issue for a large part of the public. As if to ensure that the press and public had other thoughts to concern them during the final consideration of the treaty, the Government presented the proposed Canadian Pension Plan to Parliament on March 17 and became embroiled in another federal-provincial dispute. In another area that attracted much public attention at the time, the Prime Minister presented a recommended design for a Canadian flag to the public on May 17, and, a few days after the Commons disposed of the Columbia River Treaty, the "flag debate" was on.

Instruments of ratification were not exchanged between Canada and the United States until September, during the presidential election campaign in the United States. In the meantime, the New Democratic party had received some comfort as a result of its uncompromising position during the debate -- uncompromising despite last minute appeals by the party in British Columbia to propose amendments, but not to oppose final approval.<sup>203</sup> Tim Creery, a journalist who had spent part of the last few years in Washington for the Southam press, but who was now in Ottawa during the debate on ratification of the Columbia River Treaty in 1964, observed:

Over the longer term, the hub of the NDP argument represented what will probably be the predominant concern in water resource development. They stressed water-as-water ahead of water-as-power -- the importance of water to drink, to irrigate, to clean, to cool, to support life, over its importance to provide power for turbines. With a new technology of electric power generation making rapid strides, and with the water-thirst of people in their cities, industries, and farms coming more to the forefront, there was no doubt around Parliament Hill that the party had got its message across.

The development of the Columbia River basin in Canada, which had been studied for 20 years, was seen almost exclusively in terms of power generation and flood control. Creery continued:

It seems safe to predict that the use of water for other than power purposes will become a more important concern in future consideration of either Canadian, or joint Canadian-American development of water resources.

204

H. W. Herridge, whose concern now became the question of adequate compensation for his constituents who would be affected by the treaty projects, received a number of letters complimenting him and his colleagues in the NDP on their position. One of the letters came from a Conservative Minister of the Government which had signed the treaty in 1961. "You have put up an excellent fight on this question and there are many people who realize that the public has been heavily propagandized," Herridge was told. "Some day there will be an awakening!"<sup>205</sup>

Footnotes

<sup>1</sup> The British North American Act of 1867, VI, Distribution of Legislative Powers, Exclusive Powers of the Provincial Legislatures, 92.10.

<sup>2</sup> The Hon. C. D. Howe, Debates, February 4, 1955, p. 871.

<sup>3</sup> H. W. Herridge. Quoted in Waterfield MS, pp. 282-83.

<sup>4</sup> Debates, January 16, 1961, pp. 1057-58.

<sup>5</sup> Ibid., pp. 1058-59.

<sup>6</sup> Ibid., p. 1063.

<sup>7</sup> Ibid., January 17, 1961, pp. 1147-49.

<sup>8</sup> Ibid., January 18, 1961, p. 1166, and, February 14, 1961, p. 2019.

<sup>9</sup> Herridge papers, Harold A. Simpson, Needles, British Columbia, to Herridge, February 3, 1961, and, Herridge to Simpson, February 16, 1961.

<sup>10</sup> Debates, March 3, 1961, p. 2623.

<sup>11</sup> Ibid., May 11, 1961, pp. 4649-51.

<sup>12</sup> Ibid., pp. 4652-53.

<sup>13</sup> See, for example, Ibid., May 27, 1961, p. 5451; June 21, 1961, p. 6832; June 30, 1961, p. 7302; July 4, 1961, p. 7473, and September 7, 1961, p. 8056.

<sup>14</sup> See, for example, Ibid., May 22, 1961, p. 5140; May 24, 1961, p. 5293; May 25, 1961, pp. 5330-33; May 26, 1961, p. 5404, and July 3, 1961, p. 7396.

- 15 Higgins papers, Argue to Higgins, May 17, 1961.
- 16 Higgins papers, Higgins to Argue, May 22, 1961.
- 17 Higgins papers, Herridge to Higgins, May 24, 1961.
- 18 Herridge papers, R. M. Strachan to Hon. T. C. Douglas, September 7, 1961 (mimeo).
- 19 "Strachan Backs Treaty," Vancouver Sun, November 1, 1961.
- 20 Edwin Bolwell, "'Quite a Shack' for B.C. Wedding," Globe and Mail, November 3, 1961.
- 21 Herridge papers, Herridge to Hobbs, November 13, 1961.
- 22 Herridge papers, a copy.
- 23 Herridge papers, Hobbs to Strachan, November 11, 1961, a copy.
- 24 Herridge papers, Hobbs to Friends, November 22, 1961 (mimeo).
- 25 Herridge papers, Strachan to Colleagues, November 22, 1961 (mimeo).
- 26 Herridge interview, November 13, 1967.
- 27 Waterfield to author, March 25, 1968; Davidson to author, March 22, 1968, and, Higgins interview, March 9, 1968.
- 28 Canadian Annual Review for 1961, John T. Saywell (ed.) (Toronto: University of Toronto Press, 1962), p. 91.

29

Office of the Privy Council, "Partial text of address by Hon. Lester B. Pearson Leader of the Liberal Party at a meeting of the Men's Canadian Club of Vancouver, Vancouver, October 2, 1961" (mimeo).

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Herridge papers, Hobbs to C. Spicer and Donald Waterfield, December 14, 1961, a copy.

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Herridge papers, Herridge to Hobbs, January 18, 1962.

32

"Power Resources Belong to the People." Quoted in Debates, January 23, 1962, p. 117.

33

R. R. Smeal, president, and E. P. O'Neal, Secretary-treasurer, to Fulton, November 24, 1961. Quoted in Ibid.

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Quoted in Ibid., p. 118.

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Ibid., January 23, 1962, p. 100, and, January 25, 1962, p. 186.

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Donald McGillivray, Southam News Services, "Saskatchewan Seeks Future Diversion Rights," Hamilton Spectator, March 20, 1962.

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Braaten papers, "The Future of Power in Western Canada. Address to Annual Meeting of the Association of Professional Engineers of Saskatchewan, February 23, 1962, revised March 3, 1962" (mimeo), pp. 6, 12, 23-24, 26.

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Charles King, Southam News Services, "Early Columbia Agreement May Follow Private Talks," Hamilton Spectator, March 20, 1962.

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Debates, March 16, 1962, p. 1867.

<sup>41</sup> Ibid., March 22, 1962, p. 2051. Notice of this communication came from "diplomatic sources and such" (Herridge interview, November 13, 1967). Herridge was equally circumspect with his colleagues in the campaign against the treaty; it is readily assumed, however, that Herridge benefited from a close and friendly relationship with another veteran of World War One and "son of the Kootenays," Howard Green, Conservative Secretary of State for External Affairs (Higgins interview, March 9, 1968).

<sup>42</sup> See, for example, Herridge's addresses in Ibid., February 7, 1962, pp. 632-33, February 23, 1962, p. 1210, March 2, 1962, p. 1424, and, March 29, 1962, pp. 2325-26, and his questions, March 13, 1962, p. 1735, March 14, 1962, pp. 1787, and, April 2, 1962, pp. 2389-89.

<sup>43</sup> Ibid., January 20, 1962, p. 348; March 21, 1962, p. 2020, and, April 2, 1962, p. 2433.

<sup>44</sup> Canadian Annual Review for 1962; John T. Saywell (ed.) (Toronto: University of Toronto Press, 1963), p. 6.

<sup>45</sup> Debates, April 6, 1962, pp. 2586-87.

<sup>46</sup> Ibid., p. 2587.

<sup>47</sup> Ibid., p. 2591.

<sup>48</sup> Ibid., April 9, 1962, pp. 2609, 2614, 2619.

<sup>49</sup> Ibid., April 12, 1962, p. 2906.

<sup>50</sup> Ibid., April 13, 1962, pp. 2959-60.

<sup>51</sup> Ibid., p. 2961.

<sup>52</sup> Ibid., pp. 2963-65.

<sup>53</sup> "Columbia Not an Issue," an editorial, Globe and Mail, May 1, 1962.

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55 Ibid., p. 2967.

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58 Charles King, Southam News Services, "Diefenbaker Hints Ottawa Won't Block Power Project," Hamilton Spectator, May 29, 1962.

59 Herridge papers, Spicer to Herridge, April 5, 1962.

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63 Ibid.

64 Office of the Privy Council, "Notes of Address by Hon. J. B. Pearson at Cranbrook, B.C., 2nd May, 1962" (mimeo). Also, Edwin Bolwell, "Liberals Would Mop Up Columbia Problems, Promises Pearson," Globe and Mail, May 2, 1962.

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69. Higgins papers, Higgins to Pearson, April 30, 1962.
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77. Perrault to McNaughton, July 18, 1962, loc. cit.
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1963.

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May 27, 1963, pp. 303-04.

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135 Ibid., p. 674.

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and, Martin to Lloyd, January 24, 1964, Ibid.; p. 85.

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Martin, February 21, 1964, and, Martin to Lloyd, March 31,  
1964, Ibid.; pp. 86-90.

159 Canadian Press news agency, "Put River Pact on  
Priority List of House Session," Hamilton Spectator,  
January 24, 1964.

160 J. R. Walker, Southam News Services, "Change  
7 Members to 'Treaty Squad'," Ibid., February 19, 1964.

161 Debates, February 27, 1964, pp. 302-07.

162 Ibid., March 3, 1964, pp. 467-88.

163 Ibid., p. 490.

164 Ibid., pp. 495-500.

165 Ibid., March 5, 1964, pp. 580-85.

166 Ibid., pp. 607-08.

167 Ibid., pp. 599, 600, 604. One month earlier,

Jack Lewis had written in a letter to a correspondent:

You mention a cost estimate of \$157 million for  
the High Arrow project. This is a new figure  
as far as I am concerned. High figures have

have purposely been "leaked out" by the Canadian and B.C. governments with a view to influencing our negotiations with the United States.

(McDonald papers, Davis to Richard Deane, February 5, 1964, a copy.) Williston's reaction was reported in the Vancouver Province, February 28, 1964, and quoted by Herridge in Debates, March 5, 1964, p. 600. The American source was also quoted from an article in the Province of February 28, 1964, by Herridge in the same address in the Commons.

168<sup>a</sup> Ibid., March 9, 1964, pp. 694-95.

169 Ibid., March 6, 1964, p. 644.

170 Ibid., March 9, 1964, pp. 711-12.

171 John R. Walker, Southam News Services, "Change 7 Members to 'Treaty Squad'," Hamilton Spectator, February 19, 1964.

172 Minutes, March 19, 1964, p. 7, and, Higgins interview, March 9, 1968.

173 See, for example, Herridge papers, Herridge to Eric Adams, economic consultant, United Electrical Workers, district five council, Toronto, January 31, 1964; Higgins to Herridge, February 29, 1964; McDonald papers, Herridge to McDonald, February 8, 1964.

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175 Minutes, April 7, 1964, pp. 67-68.

176 Ibid., April 15, 1964, p. 393.

177 Ibid., May 13, 1964, pp. 1201, 1207.



178 Ibid., May 14, 1964, pp. 1218-19, 1226.

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180 Ibid., p. 1271.

181 Ibid., pp. 1275, 1277.

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183 See, for example, E. N. Davis, "Report on Canada: Saskatchewan: Plan Envisages Water from Rockies Irrigating Arid Prairie Areas," Globe and Mail, March 16, 1964. And, John R. Walker, Southern News Services, "River Rights Threatened by Columbia Pact: Saskatchewan," Hamilton Spectator, May 14, 1964.

184 Donald Macdonald. Minutes, May 6, 1964, p. 989. The provincial legislature had been dissolved on March 18, and the Government was defeated in the election on April 22 and resigned on May 22.

185 Herridge interview, November 13, 1967.

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187 Ibid., May 28, 1964, p. 1485.

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189 McDonald papers, Brewin to McDonald, May 20, 1964.

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191 Higgins interview, March 9, 1968, and McDonald papers, McDonald to Diefenbaker, February 22, 1964.

178 Ibid., May 14, 1964, pp. 1218-19, 1226.

179 Ibid., pp. 1256-59.

180 Ibid., p. 1271.

181 Ibid., pp. 1275, 1277.

182 Ibid., p. 1299.

183 See, for example, E. N. Davis, "Report on Canada: Saskatchewan: Plan Envisages Water from Rockies Irrigating Arid Prairie Areas," Globe and Mail, March 16, 1964. And, John R. Walker, Southam News Services, "River Rights Threatened by Columbia Pact: Saskatchewan," Hamilton Spectator, May 14, 1964.

184 Donald Macdonald. Minutes, May 6, 1964, p. 989. The provincial legislature had been dissolved on March 18 and the Government was defeated in the election on April 22 and resigned on May 22.

185 Herridge interview, November 13, 1967.

186 Minutes, May 27, 1964, pp. 1459-61.

187 Ibid., May 28, 1964, p. 1485.

188 Herridge papers, "Press Release of Colin Cameron, H. M. Herridge, Andrew Brewin, May 29, 1964" (mimeo), 2pp.

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192 Debates, June 3, 1964, p. 3903.

193 Andrew Brewin. Ibid., p. 3905.

194 Ibid., p. 3907, and, June 4, 1964, pp. 3932.

195 Ibid., June 4, 1964, pp. 3955-56.

196 Ibid., June 5, 1964, pp. 4000-05.

197 Ibid., p. 4006.

198 Ibid., p. 4010. According to James Byrne, he had already been delayed in departing for an official engagement in British Columbia and if he had delayed any further his appearance on behalf of the federal Government at the opening of a trade school in the interior of the province would have had to be cancelled (Byrne interview, November 14, 1967).

199 Senator John J. Connolly. Can. Senate Debates, June 2, 1964, p. 624.

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201 McDonald papers, Senator Donald Cameron to McDonald, June 17, 1964.

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204 Tim Greery, Southan News Services, "House Passes Corollia Act," Hamilton Spectator, June 6, 1964.

205 Private research source.

## PATTERNS OF OPPOSITION TO THE COLUMBIA RIVER TREATY

1. Introduction

Parliamentary government in Canada involves the performance of two functions through a highly disciplined party system. The primary function of Parliament is to make laws and the obligation of the members of the Government party is to support the Cabinet; the second function of Parliament, which is performed principally by members of the other parties, is to examine critically and occasionally challenge the Cabinet's proposals and actions. The party system in Canada usually ensures the existence of organized support for and opposition to the Government and recognition of this continual debate is given in the designation of the second largest group in the House of Commons and the provincial legislatures as the official and loyal Opposition.

Liberal democratic theory recognizes the desirability of both majority rule and the protection of minority rights. The legitimacy of the two roles of supporting and opposing public policy. In his preface to a study of political oppositions in Western democracies, Robert Dahl describes the right of an organized opposition to appeal for votes against the government in elections and in parliament" as a

"wholly modern" and "highly developed form" of political institution.<sup>1</sup> This may be true with respect to the organization of political parties, but, as a British Minister noted during a debate in 1937 to provide a salary for the leader of the Opposition from public funds,

The conception that you were discharging a public duty when you were opposing is one of the oldest conceptions in the history of British politics.<sup>2</sup>

Thus, as Allen Potter has observed of Great Britain,

The legitimacy of opposition is incorporated in the structure of constitutional conventions and understandings, so that the conditions preserving legitimate opposition are in Great Britain the conditions preserving its constitution.<sup>3</sup>

The concept of opposition as a public duty represents a traditional element legitimizing extra-parliamentary opposition as a public duty; for in Canada, a large number of organizations have been created under various conditions to promote various causes, including opposition to public policy. The tendency has been to maintain a distinction between these groups as extra-parliamentary lobbies and the political parties of the legislature. However, not all extra-parliamentary opposition is considered acceptable; some forms of external criticism will be regarded as interfering with the due political process. Extra-parliamentary representation on public policy is currently rationalized on the modern assumptions that a democracy should allow for a considerable freedom of association and that representation

from groups with specialized knowledge in an area of governmental action is a valuable supplement to the traditional structure of decision making. The Canadian political system does, however, manifest a more traditional view of the formulation of public policy described by Bagehot as "government by discussions" within the executive, administrative and legislative process.

In the interval between the signing of the Columbia River Treaty by Canada and the United States in January, 1961, and the ratification of the agreement by Canada in September, 1964, the duty of opposition to public policy was forcefully performed in Canada. Opposition to public policy was clearly visible not only in national opposition parties, but in provincial Governments and among the public, in representations made to the Cabinet and civil service, and in attempts to influence public opinion, especially through the mass media of communication. In assessing the skill and effectiveness of these representations, students must take into account that the Canadian Cabinet dominates the policy making process, and that permanent senior advisers in the civil service have often been credited with extraordinary influence on the Prime Minister and the political heads of departments. One must also remember that the issue was a highly technical one within an area of divided public jurisdiction in Canada and which had important ramifications in terms of Canada's external relations with the United

States. This assessment will note first the quality of the opposition -- its organization and goals.

## 2. The Diversity and Diffusion of the Opposition

Although the Columbia River Treaty was signed by Canada and the United States, the delay in ratification was due primarily to the "opposition" of the Government of British Columbia. The policy of the provincial Government was not one of opposition to the terms of the treaty, but to the manner of disposal of the downstream power benefits which accrued to the province from the international development under the treaty of a provincial resource. British Columbia had played an important role in the negotiation of the treaty; indeed, the provincial Government had played a crucial role in the selection of projects in the co-operative, international development of the Columbia River basin in Canada by refusing to tolerate the flooding which would result from the plan of development then being discussed by the negotiators for both countries. Rather than denoting any general opposition to the terms of the treaty which to an important extent had been drafted according to its wishes, British Columbia's position, which at one time even countenanced indefinite postponement of the development, was a reflection of the Government's infatuation with the development of the Peace River for hydro-electric power generation.

As a consequence of the policy of the provincial

Government, it has been generally thought by critics of the treaty that the position taken by the province during the international negotiations was deliberately designed to hinder the development of the Columbia River for power generation at Canadian sites. The willingness, therefore, of the federal Government to accede to a sequence of development involving the construction of the Libby Dam in the United States and the High Arrow Dam in the Arrow Lakes district of British Columbia and the rejection of the Dorr-Bell River-luxor diversion scheme in the east Kootenay is said to indicate a concern at the federal level in Canada to bring an international agreement "at any cost."<sup>4</sup> Although a distinct difference existed between the opposition of the Government of British Columbia centring on the distribution of the downstream power benefits and the opposition of the critics to the terms of the treaty, the latter did not accept this indirect co-operation from the federal Government in the form of the delay in ratification of the treaty by Canada. The delay would provide some opportunity to advance their case.

The question of a co-operative, international development of the Columbia River basin in Canada had been referred to the International Joint Commission in 1944. Residents in the southeastern interior of British Columbia who were likely to be affected by any development became, in time, aware of their interests and concerned about the proposed



development. When the projects contemplated in the proposed treaty were made public in 1960, opposition to the High Arrow Dam in the Arrow lakes district of the Kootenays was soon organized into a Water Resources Committee to express the objections of local business, farm, labour, hunting and conservation interests. The Committee had the services of a consulting engineer and the vocal support of local members of the provincial legislature and of the House of Commons.

The other major source of opposition in British Columbia was from the Columbia River for Canada Committee. Operating primarily in Vancouver, the Committee was a loose organization formed in July, 1962, and led by an executive group of seven which met frequently, held public meetings from time to time and carried on an advertising campaign in the press. The Committee's leadership continually stressed the organization's non-partisan political position; it received financial support, however, largely from locals of socialist trade unions and various district labour councils in British Columbia, Alberta, Saskatchewan, and Ontario, and the leaders were associated with either the New Democratic party or the Communist party in British Columbia.

During the campaign in opposition to the treaty, the Columbia River for Canada Committee sought to act as a catalyst by dealing directly with other interested groups and individuals to establish a mutually agreeable strategy

and to expedite a coherent campaign. The Committee, however, was unable to "interest prominent people in the community to actually join... and play a leading part in its activities."

It was, nevertheless, in regular contact with other critics of the treaty, including General McNaughton, and especially with F. J. Bartholomew, the engineering consultant to the Water Resources Committee who resided in Vancouver. Although, for example, leading members of both Committees exchanged ideas, information, and advice on each other's activities, no member of the Water Resources Committee became a member of the Columbia River for Canada Committee. A local branch of the Columbia River for Canada Committee in the Kootenays was formed and did carry on a campaign under the auspices of the area's local of the Mine, Mill and Smelter Workers' Union. In the final statement of the Columbia River for Canada Committee, the lack of unity in opposition to the treaty was singled out as a weakness in the campaign. This, the Committee concluded, was one of the "major lines of the struggle":

To prevent the continuation of the policy of "selling-out" Canadian resources it is absolutely indispensable that all social forces, regardless of political affiliation, who oppose the policy, must UNITE organizationally on a national scale on the basis of the particular issue involved and be prepared to conduct the struggle in a widespread public fashion.

The provincial New Democratic party and the R.C.

Federation of Labour were targets of specific criticism by the Committee. The federal NDP was said to have waged "the most principled fight" against the treaty along with sections of the trade union movement in the province, whereas

... the B.C. Federation of Labour remained content to pass resolutions [and] the provincial N.D.P. in effect acted to stifle effective opposition action, because it mistakenly felt that it was politically unwise to oppose a development in B.C. that would bring some temporary economic gains.<sup>7</sup>

The Columbia River for Canada Committee made no final observation on the position of the national labour organization. While the federal New Democratic party remained opposed to the treaty throughout the debate despite late appeals from the provincial party's leadership to recommend that not to oppose the treaty, the Canadian Labour Congress, which was one of the party's founding sponsors and a source of financial and organizational support, made no statement or representation on the treaty. H. W. Herridge, the New Democratic MP for Kootenay West, has suggested that the silence of the CLC was maintained out of respect for its international affiliations.<sup>8</sup>

By the time the Columbia River for Canada Committee was formed and enthusiastically planning a public campaign, the leadership of the Water Resources Committee had lost interest in such activities. The Committee in the Arrow Lake district had apparently reached the crest of its activity during the hearings of the Comptroller of Waters

Rights on the applications of the B.C. Power Commission to construct the treaty projects. In April, 1962, the licences were granted conditionally and during the federal election campaign held at that time, it was obvious that the treaty and the issue of the High Arrow Dam had become conversational bores within the district. In October, 1962, the Columbia River for Canada Committee asked Donald Waterfield, a Conservative and long-time farmer in the Arrow Lakes district who served as Chairman of the Water Resources Committee, for his opinion on the holding of mass meetings at Castlegar. Waterfield's reply was indicative of both the disunity on the campaign in the province against the treaty and the ennui which had overwhelmed the opponents in the interior. Waterfield writes:

It would be a failure, people are fed up with Columbia locally, also it would cut no ite with Ottawa.... I am sure you would carry more weight by working through your own labour groups than by mass appeal to the "Public" which mostly doesn't exist and couldn't care less. We did a lot of this stuff two years ago... but it was mostly a waste of time. (...) However, if you can get support from both M.M. and S and the Pulp Workers and intend to go ahead I should, of course, cheer loudly and help if I could.

"Sellout," "betrayal" and "surrender of national interests" are common phrases in the rhetorical jargon of militant trade unionism; but in 1962 they came unexpectedly from a critic of the Columbia River Treaty described by one commentator as being of "unquestioned integrity and exper-

tise."<sup>10</sup> General A. G. L. McNaughton had been the Chairman of the Canadian section of the International Joint Commission during the 1950's and it had been his duty to assist in the formulation and defence of the Canadian position on the joint development of the Columbia River basin in Canada. From his testimony before the Committee on External Affairs of the House of Commons during these years, it was clear what position he was advocating. After the draft treaty was made public and signed, McNaughton preferred to remain silent until the treaty was before a parliamentary committee. The federal Government, however, was not to endure criticism of the treaty by the Chairman of the Canadian section of the IJC. McNaughton, who had kept his position on a year-to-year basis, was forced into retirement at the age of 75 in April, 1962, under a provision of the Judges Act. When he finally appeared before the parliamentary committee in 1964, he was no longer an active senior civil servant, but a retired 77-year old pensioner.

Although he was convinced that it was necessary "to bend our minds to getting these matters before the public, so that we may have an informed public opinion,"<sup>11</sup> McNaughton declined to associate himself with any public campaign by refusing invitations from the Water Resources Committee, the Columbia River for Canada Committee, as well as the provincial Liberal party, to go to British Columbia to explain his position. In February, 1963, he



refused an offer to stand as a Liberal candidate in the federal election of that year in Kootenay West. Although he freely replied to inquiries for his views, he stoutly maintained that "the proper forum to make my information and my views known is the External Affairs Committee of the House of Commons."<sup>12</sup> While he evinced concern to create an informed public opinion, McNaughton failed to appreciate that the public was judging the controversy within the framework of official opinion. In British Columbia, in particular, this was a decided advantage held by the provincial Government.

McNaughton's reluctance to appear in British Columbia, because of the potential threat to his health of such an extended experience, or the presence of Communists among the opposition there, or an exaggerated concern for parliamentary propriety, was a major weakness in the structure of the opposition campaign in British Columbia. Mrs. E. H. Bell, a lifelong Liberal who kept critics of the treaty informed of each other's activities, has written that with McNaughton's presence in the province, "there could have been impressive organized activity." Without him, the opposition in the province "never managed to effect any organization."<sup>13</sup> According to a former official of the Conservative for Canada Committee, McNaughton "felt his duty was to be that of the civil servant to the end."<sup>14</sup>

The leadership of the Committee recognized, however, that both General McNaughton and F. J. Bartholomew were reluctant to associate themselves publicly with the Committee's activity, although they worked with and assisted the Committee privately.

In British Columbia, the Communist party had taken an interest in the development of the Columbia River basin prior to the Koffer-B.C. agreement in 1955 and prominent Communists were joined with supporters of the New Democratic party in the leadership of the Columbia River for Canada Committee. Bruce Yorke, who worked for the Committee and presented a brief in Ottawa in 1964 for the International Union of Mine, Mill and Smelter Workers, asserts that neither McNaughton nor Bartholomew was afraid of "red baiting." McNaughton told Yorke in 1964 that during consultations with Paul Martin in 1963, Martin had urged McNaughton "to distance himself from the 'Communist' opponents of the Treaty."<sup>15</sup> (This was rather gratuitous advice from a member of the ruling Government which had accepted Communist support for McNaughton's candidacy in the Grey-North by-election campaign in 1945, and a man who at one time personally placed the Liberal organization of Windsor, Ontario, into an electoral alliance with a Communist-dominated union.)<sup>16</sup> In Yorke's view, McNaughton and Bartholomew,

never did see the necessity of engaging the support of the labor movement if the

Treaty were to be defeated. They placed their reliance on professionals and certain business circles, who, in fact, proved to be "weak" in the extreme. (...) [Their strategy involved] simply an over-estimation on their part of the integrity of the class of people they were basically appealing to and a corresponding under-estimation of the real POWER of the working class once put into motion. 17

The opposition to ratification of the treaty expressed by the federal New Democratic party was described by Mrs. Davidson as "the most consistent, energetic opposition,"<sup>18</sup> and (as noted above) by the Columbia River for Canada Committee as "the most principled fight" against the treaty. In both instances, the member of Parliament forootenay West has rted special mention. While H. W. Herridge performed an invaluable service by spearheading the campaign in the party and in the House of Commons, there was legitimate concern during the campaign by some colleagues that he was carrying too much of the burden within the NDP. Ernest Higgins, in particular, obtained the impression that the MP was morally behind Herridge, but that the MP did not have the group's full backing. 19

It can be readily understood that with little representation in the Commons, the party relied on Herridge to speak on treaty matters, particularly since his constituency was involved. Other critics of the treaty felt, however, that the fact of Herridge's personal involvement was reason enough for other members in the caucus to speak out and



broadened the attack on the treaty. The critics' concern was justified. Herridge's opposition was vigorous, but despite his claims of boundless support and his posture of identification with the national interest, which are the conventional and successful techniques of the lobbyist, his remarks were usually reported in the context of his being an aggrieved property owner in the Arrow Lakes district. It was also public knowledge that the NDP in British Columbia was not wholeheartedly in support of outright condemnation of the treaty in spite of Herridge's success in having sympathetic resolutions adopted at party conventions. The generally accepted public view of the treaty was one of local interest only, and the federal NDP's willingness to let Herridge present the party's view on most occasions indicates that this view was probably shared by members in the federal caucus. By late 1962, however, the opposition of the provincial NDP Government of Saskatchewan began to be felt at the federal caucus.

The Government of Saskatchewan had acquired an interest in the development of the Columbia River basin in Canada in the early 1960's as a result of studies by the Saskatchewan Power Corporation and the South Saskatchewan River Development Commission on sources of water for power, industrial development and domestic consumption on the prairies. These studies, which were also considered by the Government's Economic Planning Board, indicated that water stored by the

Commission did not represent an adequate reserve and that the province would be a water-deficient area in the "not distant future." Consequently, the Government of Saskatchewan evolved a policy toward the Columbia River Treaty described as follows by W. S. Lloyd, who succeeded Douglas as Premier of Saskatchewan in 1962:

Our objectives were in fact an attempt to advise the public and to influence the federal government so that the treaty would not be completed. (...) Mr. Douglas and other members of the federal party were kept informed of our correspondence with the federal government and were kept supplied with some of the results of our scientific and economic research. I am sure that we also kept the leaders of our party in the western provinces informed.<sup>20</sup>

In the final stages of the dispute over the treaty, the federal NDP provided the most effective organized opposition to the treaty. The New Democrats expanded the basis of their attack from the undesirable consequences of the High Arrow Dam to include General McNaughton's criticism about the loss of control over Canadian resources in two important rivers. The federal NDP was able to use Saskatchewan's criticism as a specific example of how the treaty jeopardized the future of a significant portion of the country and its economy and therefore represented an example of poor water usage. In this process, the Government of Saskatchewan acted as a factor impelling the federal NDP to accept the treaty as a national issue with apparently dire consequences beyond the confines of British Columbia. Saskatchewan's

opposition came too late, however, to have any effect on the federal-provincial dispute or the campaign in opposition to the treaty. Although the Columbia River for Canada Committee was beginning its public campaign in mid-1962, opposition to the treaty in the interior of the province waned following the granting of conditional licences to construct the treaty projects in April and the provincial leadership of the NDP in British Columbia remained apprehensive that continued opposition to the treaty would result in no development at all.

While the Conservatives formed the Government in Ottawa, the Official Opposition was represented by the Liberal party. In British Columbia, the provincial Liberal leader had expressed opposition to the treaty and called for its re-negotiation in consideration of General McNaughton's objections. In the summer of 1962, Ray Perrault had invited McNaughton to come to British Columbia at the party's expense to present his views. The leadership of the federal Liberal party, however, remained non-committal with the exception of a statement by Lester Pearson in Washington in April, 1962, which was extraordinarily explicit, but which was not repeated in two subsequent federal election campaigns. In general, the Liberals expressed concern for the continuing federal-provincial feud and its effect on relations with the United States; in 1961, Pearson called for re-examination to determine if the treaty could

be made "more acceptable to Canada while remaining fair to the U.S.A.;"<sup>21</sup> in Washington, in April, 1962, however, he said that a Liberal Government would seek to add protocols to the treaty as it stood. The changes encompassed by the protocols would not remove General McNaughton's complaint against the treaty.<sup>22</sup> With this important exception, the Liberal leadership, while in opposition, used the federal-provincial dispute over the treaty to discredit the Conservatives in general terms as a governing party. The protracted dispute over the implementation of the treaty was just another indication, according to the party line, of poor management by the Conservatives of domestic affairs and a careless attitude toward external relations with the United States.

The federal Liberal caucus doubled in size as a result of the election of 1962 in which the great Conservative majority was reduced to a minority in the Commons. Post-electoral manoeuvres in the Liberal party included the creation of a caucus Committee on Power and Energy Development chaired by Jack Davis, MP for Coast-Capilano. While James Byrne, the MP for Kootenay East, a prime mover along with Davis in the establishment of the Committee, was known as a supporter of McNaughton's plan for development, it was soon evident that Davis, while not subscribing fully to the scheme of development advanced by McNaughton, nevertheless

was a critic of the present arrangements in the treaty. In a speech in the Commons in December, 1962, and during the general election campaign in 1963, Davis moved beyond the limits of general criticism set by the front bench of the Liberal party and expounded a policy similar to one suggested to the caucus group by Larratt Higgins which, according to Higgins, had the support of McNaughton in principle.<sup>23</sup>

Eight months after the election of the Liberal Government, the federal-provincial dispute was resolved and a protocol was signed in Washington involving "clarifications and modifications" of the treaty as Pearson had suggested back in 1962. Indeed, in the final debate on ratification in 1964, the endorsement of the treaty of 1961 by the Liberal Government was more emphatic than the Conservatives' expressed approval. The final outcome was a blow to those critics of the treaty who had rejected a public campaign along lines suggested by the Columbia River for Canada Committee and chosen instead to lobby the Liberal hierarchy. Higgins, who had met Jack Davis at the Liberal Study Conference in Kingston, Ontario, in 1960, was certain that Davis' plan indicated a strong measure of success within the Liberal party. Moreover, a letter from Pearson to Higgins in the autumn of 1962 identifying particular problems associated with the treaty including the Libby Dam and Canada's ability to divert water appeared to confirm Higgins' assessment of his and McNaughton's influence in a

future Liberal Ministry.

Clearly, the influence of Jack Davis within the Liberal caucus had been misjudged; there was also error in appreciating the temper of the Liberal party in dealing with an international commitment which was an embarrassment, if not a serious drawback, in re-establishing friendly relations with the United States. On the basis of Davis' appeals to Higgins for help early in the Liberal administration, there was also an under-estimation of the influence on the new Government of the senior civil servants who had helped write the terms of the treaty and who had continued to defend them which will be discussed in more detail later. It cannot be concluded, however, that the lobby of the Liberal party at that time was a complete waste of effort which should have been spent on an elaborate, organized attempt to create an informed public opinion. The final Liberal position may have had little to do with the quality of representations made to it by opponents of the treaty, such as Higgins. Rather, the decision may have been the result of the Liberals' determination to maintain friendly relations with the United States, British Columbia, and perhaps the civil service, even at the cost of inconsistency in policy, potential discord within the caucus, and the repudiation of a former Liberal Minister and distinguished public servant. It cannot be reasonably argued that a concentrated attack on the treaty directed at the public would, in itself, have

caused the Liberal Government to take another course of action. Though the Liberal Government formed in 1963 was a minority Government, the Conservative party did not represent any real threat on the Columbia River Treaty. The treaty was a product of a recent Conservative Government and not even a highly organized popular campaign against the treaty would find the decimated Conservative leadership in a mood to champion the dissident opinion in Parliament against a treaty it had negotiated and signed.

The opposition to the Columbia River Treaty, then, was characterized by organizational division; and each division seemed to manifest a distinct group mentality. The Columbia River for Canada Committee remained an essentially militant labour-oriented group on the west coast of British Columbia. The Water Resources Committee was an association of local interest groups, primarily property owners, small businessmen, farmers, and conservationists in the Kiew Lakes district of the southeastern interior of the province. In central Canada, the critics tended to form up behind the eminent General McNaughton with no distinctive organization of their own to lobby federal politicians on an individual and personal basis. A consequence of this organizational division was the tendency for each group to develop its own goals, to devise its own strategy and to conduct its own campaign.

### 3. Goals of the Opposition

The opponents of the Columbia River Treaty were united in their objective only after the federal Government reduced the parliamentary examination of the treaty to a question of approval or disapproval in 1964. Until then, the goals of the opponents varied and occasionally conflicted depending on whether the critic appeared primarily concerned with the requirements of conservation or the maintenance of national control over important trans-boundary water flows. This was the major source of difference among critics of the treaty.

The lay and technically trained opponents of the treaty resident in the Kootenays of British Columbia, including the vocal MP, H. W. Herridge, were primarily concerned about the construction of the High Arrow Dam as an unnecessary project injurious to homes, agriculture, wildlife and conservation in general. The frequent allusions, for example, of Herridge to General McNaughton's testimony before the Committee on External Affairs were references primarily to McNaughton's views on the desirability of a High Arrow Dam. Christopher Spicer, a farmer who presented a brief to the Comptroller of Water Rights in 1961 criticizing the High Arrow Dam for reasons mentioned above, told the Columbia River for Canada Committee in 1963:

I do not favour Gen. McNaughton's plan of large scale flooding in the East Kootenay, as my feeling is that ALL GOOD living space



In our province is precious in that it is extremely scarce, and we should do all in our power to improve it rather than put any of it under water for storage. 24

In 1962, Richard Deane, who appeared later before the Committee on External Affairs in 1964 as an engineer concerned about conservation and the "intangible values" ignored by the proponents of High Arrow, had explicitly sought from General McNaughton a plan for "a second line of defence" if the diversion scheme in the east Kootenay were justifiably "ruled out for conservation reasons." 25

General McNaughton and his advisers, Larratt Higgins and James Ripley, were in agreement with the case against High Arrow on principles of conservation and local interest. Fortunately for the critics of the treaty, opposition so motivated was consistent with the technical objections to High Arrow. The primary objective of General McNaughton and his advisers, however, was re-negotiation of the treaty to exclude Libby Dam and High Arrow and to include storages in the east Kootenay to effect the Torr-Bull River-Luxor diversion scheme. Conservation minded opponents of the High Arrow Plan were not inclined to accept McNaughton's alternative which would cause a greater amount of flooding in the east than would occur behind the High Arrow Dam in the west.

While Hugh Keenleyside, for example, argued that the land to be flooded under the McNaughton Plan was more valuable than land to be flooded under the treaty plan in terms of

area flooded.<sup>26</sup> General McNaughton contended otherwise. During the negotiation of the treaty in 1960, a report from the federal Deputy Minister of Agriculture held that 300,000 acres of land along the bench lands of the east Kootenay valley would be potentially arable with irrigation as a result of the flooding. McNaughton consequently felt that British Columbia's rejection of the diversion scheme in the east Kootenay on grounds of land conservation was a fabrication. Barrett Higgins, for example, has written of the "local political considerations" observed by Bennett in the east Kootenay.<sup>27</sup> Though never explicitly stated by the critics, these considerations might include the propensity of the electorate in that area to return Social Credit candidates to the provincial legislature, the long standing support given the Libby Dam proposal by Cominco during the 1960's and the desire to optimize power production on the Columbia system in the United States rather than on the upper Columbia in Canada, and thus protect power from the Peace River from domestic competition.

McNaughton, however, failed to communicate his view on the compatibility of the east Kootenay diversion scheme with principles of land conservation. Of course, his plan would still have encountered opposition from conservationists seeking to protect wilderness areas from agricultural, as well as industrial development; but those conservationist critics in the interior of British Columbia who were concerned

with the future of agriculture in the Kootenays would presumably have accepted McNaughton's position if it had been made clear to them. Their impression of McNaughton, however, was that of a man concerned primarily with the optimum development of the basin for power production and the necessity to maintain Canadian control with land conservation a secondary or tertiary interest. "We must be sure," McNaughton told Richard Deane, "that the upstream storage on the Kootenay ... and on the Columbia remains both physically, as well as legally, under Canadian control."<sup>28</sup> The Columbia River for Canada Committee echoed this statement when it declared in its pamphlet "Develop the Columbia River for Canada": "Every complicated issue in the final analysis can be reduced to a simple alternative. (...) Either we first put this great resource to use for Canadians or we surrender it to American interests."<sup>29</sup>

It is thought by some that particularly because the development of the Columbia River basin in Canada involved the United States, General McNaughton "was not being completely rational." This is the view of James Byrne, a liberal supporter of the McNaughton Plan as late as the election campaign of 1963. McNaughton, according to Byrne, "had a fixation about Americans."<sup>30</sup> A senior federal official has said that McNaughton brought his military orientation to the IJC where he considered the Canadian staff as his army and the United States as "the Enemy."<sup>31</sup> In his

confrontation with the United States in the IJC, McNaughton had been clearly the victor with the United States' acceptance of certain principles of negotiating the treaty. Despite years of foot-dragging and barely disguised incivility on the part of the American section of the IJC towards McNaughton, negotiations on the Columbia River Treaty began on the basis of the sequence favoured by McNaughton. McNaughton had been in the Kootenays before World War One, and although the technology of dam construction was not sufficiently developed, the possibilities of diversion occurred to him then. It was this background that enabled him to see Libby immediately as a threat to Canada's optimum development of the basin under the Boundary Waters Treaty of 1909.<sup>32</sup> It was Sequence I to which McNaughton had argued for prior to the negotiations of the treaty and which he would continue to propose later with a single mindedness construed by Byrne as "a fixation about Americans" or by the senior official in Ottawa as "a personality problem."

During the election campaign of 1963, Jack Davis continued to publicize both in Canada and the United States a plan of action which, as noted above, carried General McNaughton's approval in principle. In 1964, the two Liberal MP's accepted the treaty and protocol arrangements, and the Liberal Government's assessment that its major accomplishment had been "to get things moving" before losing a treaty which stood for the good of British Columbia and

Canada, and the maintenance of friendly relations with the United States. It appears that the maintenance of friendly relations with the United States was a particularly high priority item for the Liberal Government in 1963. "What else could we have done with this treaty with the United States which was causing us so much embarrassment?" Byrne remarks. "It was essential that we come to an agreement...."<sup>33</sup>

The federal New Democratic party urged re-negotiation of the Columbia River Treaty in accordance with General McNaughton's wishes. From 1961, the lone spokesman for the party on treaty matters, H. W. Herridge, expressed agreement with McNaughton's criticisms of the High Arrow Dam and support for the McNaughton Plan. At the same time, however, Herridge encountered dissatisfaction both in the party's federal caucus and in the provincial party in British Columbia over the protracted dispute which was delaying and jeopardizing the large scale power development in the province. In the debate in 1964, the support of the NDP for the McNaughton Plan was reiterated, but the party emphasized a view of the treaty as an example of poor water use and stressed the need for water for domestic and industrial competitive purposes as well as for power production. Specifically, the party advocated further negotiations to ensure the right to divert a specific amount of water from the Columbia River basin each year for multi-purpose projects on the prairies, including the generation of power.

The position of the federal NDP during the final parliamentary debate on the treaty and protocol was complementary to General McLaughton's views, but was, in essence, an accurate reflection of the position stated by the Government of Saskatchewan before the hearings of the Committee on External Affairs in 1964. From 1962, the Premier of Saskatchewan had corresponded with the federal Government "about the adequacy of the flow in the Saskatchewan river system to supply future demands in the prairie region, the need for an early study of possible diversions from other basins ..., and any terms in the proposed Columbia treaty that might preclude certain diversions."<sup>34</sup> In February, 1967, the concern of the provincial Government had been made known in an address by the General Manager of the Saskatchewan Power Corporation and, one month later, in a presentation to the federal-provincial national power conference in Ottawa. On the evidence in the public records in 1963 and 1964, the CCF-NDP Government of Saskatchewan and the federal NDP were closely aligned in the aims and articulation of their opposition to the Columbia River Treaty.

Until 1962, however, Herridge's advocacy of re-negotiation in Parliament was essentially a plea against the construction of the High Arrow Dam in his constituency. Although this had been his major concern since the 1950's, he was certainly not opposed to the party's criticism of

the treaty along the lines of opposition stressed by the NDP Government of Saskatchewan; indeed, such assistance from other segments of the New Democratic party were a welcome change from the constant necessity to ward off rearguard attacks on him from within the party and the leadership of the B.C. Federation of Labour which, like the Liberal Government, feared the loss of any development of the Columbia River basin.

The change in emphasis in the federal NDP from the High Arrow Dam to McNaughton's concern about rights of diversion and Saskatchewan's concern about the supply of water on the prairies strengthened the campaign in opposition to the treaty. Despite the length of parliamentary experience in Victoria and Ottawa and his active participation in debate for the party on many issues, Herridge, an MP for more than fifteen years at that time, was still considered a "local" figure, a spokesman primarily for interests in the Westways. This was not an identification which he would have discouraged, but it made his attacks on the treaty in the national interest difficult to accept. Not until General McNaughton's outright opposition was publicly expressed and joined with the concern on the prairies for water was the NDP able to make the Columbia River Treaty a credible national issue; as suggested earlier, it was likely not until then that the federal group itself accepted the treaty as a credible national issue. The opposition expressed at

that time within the Liberal party, particularly by Jack Davis, the Conservative Government's apparent volte-face on long term exports of power in September, 1962, and federally tolerated international talks on the sale of the downstream benefits that autumn were also relevant in the gradual perception of the treaty as a national issue.

While opposition to the treaty was being enlarged -- with the exception of the flagging interest in the Arrow Lakes district -- the federal Government was weakening in its hard line against further concessions to British Columbia by approving the sale of downstream power benefits. In the interval between the signing and ratification of the treaty by Canada, public discussion of the treaty generally centred on the federal-provincial dispute. The Government of British Columbia was seen incorrectly in this perspective as the foremost opponent of the treaty. What the province sought publicly was the sale of the downstream power to pay for the construction of the treaty projects in Canada; of greater concern, though, was the availability of the domestic market for power produced from the Peace through the exclusion of the downstream power on the Columbia.

A diversity in the goals of the opposition to the treaty, then, appeared to exist on the question of whether primacy should be given the principles of land and wildlife conservation or the maintenance of Canadian control over important water flows for optimum power development. If





the opponents of the treaty had attempted a highly organized group representation, these incompatible objectives would have been an obvious weak point to be probed by the proponents of the treaty. Pressed on the point, however, the critics might have improved communication between them and resolved the difficulty on the basis of federal Government's report of 1960 which said the diversion scheme in the east Kootenay would bestow agricultural benefits on the region. Since the opposition campaign to the treaty remained relatively diffuse, the apparent contradiction was never a serious embarrassment. Especially with the apparent demise of much of the organized opposition in the Arrow Lakes district, the objections of the conservationists became secondary in public attention to the concern expressed by General McNaughton and the Government of Saskatchewan. In addition, the differences among the opponents of the treaty were muted by a basic opposition to the treaty and the immense difficulties being encountered in having their objections, whatever they might be, heard above the din of the federal-provincial feud over the sale of the downstream power benefits which the critics felt to be basically an irrelevant issue. It was the ongoing federal-provincial imbroglio, heightened by the frequent intrusion of American officials, that created the conditions within which the opponents of the treaty were forced to wage their campaign.

#### 4. The Political Environment: Federal and International

##### The federal environment

The campaign in opposition to the Columbia River Treaty was conducted within a political system characterized chiefly by a responsible party system of parliamentary government and a federal-provincial distribution of legislative authority. While the latter feature lends itself to fragmented political power, the former does not. In the Canadian parliamentary system, the Cabinet, dominated by the Prime Minister, united by the principle of collective responsibility and sustained by the civil service, is responsible for the formulation of policy and the initiation of legislation. Parliament debates and votes on matters which the Cabinet permits, and, with majority support usually assured in the House of Commons, and acquiescence from a benign upper chamber, the Cabinet dominates the legislative process. In a parliamentary system, there are far fewer pressure points for extra-parliamentary interest groups than, for example, in the American system.

In addition to fragmentation of a federal-state relationship in the United States, the separation of powers and the lack of a responsible party system results in a three-cornered relationship of pressure group, executive bureau and legislative committee; the consequence, according to Donald C. Blaisdell, is pressure group government. Political power unrealized by the political parties, or only

generated occasionally to be later diffused, is taken up by pressure groups.<sup>35</sup>

The responsible party system in Canada does not allow this vacuum for extra-parliamentary groups to move into. In the campaign in opposition to the Columbia River Treaty, the responsible party system of parliamentary government and the fragmentation of political power caused by the federal-provincial distribution of legislative authority were critical environmental factors which the treaty's critics could not alter and which severely limited the effectiveness of their campaign.

The fragmentation of political power under the Canadian federal system was a crucial factor for the opponents of the treaty. Without this fragmentation and the resulting federal-provincial stalemate, there would not have been a delay in Canadian ratification of the treaty during which a campaign could be mounted. And in the resolution of the issue in favour of the provincial position, the distribution of political power was clearly an important factor. Indeed, the outcome of the campaign in opposition to the treaty raises the question whether parliamentary or extra-parliamentary group representation can be brought to bear upon established policy of the federal Government as effectively as opposition from a provincial Government. The strength of the provincial Government in the dispute over the development of the Columbia River basin in Canada is particularly

interesting since the federal Government considered the development a national issue which involved what a senior federal official described as the most important international negotiations and treaty ever entered into by Canada.<sup>36</sup> The function of the federal Government in resolving the national problem was highlighted by the intervention of the Government of Saskatchewan which made the dispute over the water resources of the Columbia River basin inter-provincial, as well as federal-provincial in nature.

Under Section 92 of the B.N.A. Act, a province has vested in it the management of public lands belonging to the province and works and undertakings wholly within the province unless the Parliament of Canada declares them to be for the general advantage of Canada or for the advantage of two or more provinces. Inter-state water disputes brought before the United States Supreme Court are cited in international law, and, on the basis of the Columbia dispute in Canada, there appears to be potential under Canadian law for disputes of some international significance. The political success of British Columbia is no small measure of the effect a provincial Government can have on policy of national significance with important international ramifications. Indeed, the balance of power in the federal-provincial relationship appears to have been altered in 1964 from the position outlined by Jean Lesage, the federal Minister of Northern Affairs and National Resources during the debate on

the International River Improvements Bill of 1955. One commentator in the press wondered aloud in 1964 how Premier Bennett's success, achieved "with remarkable skill, sustained by an equally remarkable absence of scruple," would affect the Government of Quebec whose Premier was then the former federal Minister.<sup>37</sup> Such speculation was not unjustified.

Writing of the attenuation of federal dominance in the Canadian political system in recent years, Donald V. Smiley has said:

The Diefenbaker Conservatives came to power in 1957 largely because of the appeal of the leader and the party's ability to exploit the regional and other grievances that had accumulated over the 22 years of Liberal rule. In such circumstances, the party did not evolve either before the election of 1957 or subsequently a coherent set of policies within the framework of some formulation of the public interest. There was thus no basis for the Diefenbaker government to resist the attenuation of federal power; and the administration's inconsistency and ineptitude in respect to many important aspects of public policy, including federal-provincial relations, contributed to the declining influence of the central authorities.<sup>38</sup>

During the period which included the controversy over the Columbia River Treaty, provincial Governments imposed themselves more actively in economic affairs than they had done in the past, Smiley notes, and British Columbia's expansive plan for hydro-electric power generation on the Peace River was but one manifestation of this trend in Canadian federalism.<sup>39</sup> The Peace River project was jealously guarded from the competitive domestic aspects of

the development on the Columbia which was tainted by federal involvement. The federal Government finally bowed to the provincial position in a manner indicative of the Liberal Government's sensitivity to provincial demands as well as a concern for friendly neighbourhood with the United States, which will be considered below. Some opponents, however, have perceived in the negotiations and subsequent power sales talks, a step toward the granting of an "international personality" to the provinces. For example, Larratt Higgins has written: "Direct representation at international negotiations was one of the early steps towards Canadian independence from Britain. The Columbia settlement was dictated by British Columbia. Could Quebec expect ...

Jan.<sup>40</sup> However, in a paper on Federalism and International Relations prepared for the federal-provincial constitutional conference in Ottawa in 1968 by the retiring Pearson Minister, the Columbia River Treaty was singled out as an example of successful federal-provincial harmony in dealing with a problem of international proportions.<sup>41</sup>

In view of the federal Government's deference to provincial wishes, the opponents of the Columbia River Treaty were put in the position of having to explain why they directed most of their representations to federal rather than provincial authorities. When it became apparent late in 1970 that the High Arrow Dam would be included in the Columbia River Treaty, residents of the Arrow Lakes district

sent messages of opposition to Ministers, MP's and MLA's in both the federal and provincial capitals. J. D. McDonald, of Ketsland, recalls, however, that "rightly or wrongly, we decided that the provincial government would be inflexible.... So we concentrated on the federal groups who should have had final say in the matter anyway."<sup>42</sup>

The view of McDonald and his colleagues clearly implies rejection of the conventional notion that a level of government closer to the people affected would be more amenable to pressure. The provincial Government which supported the High Arrow Dam in 1960 was, after all, the same Government which had said during the debate on the International River Improvements Bill five years earlier that it would not tolerate raising the water level in the Arrow lakes above the normal high-water level. It would not have been unreasonable for the opposition to emphasize this discrepancy in provincial policy and demand reasons for the Government's agreement in 1960 to a proposal to inundate the Arrow Lakes Valley which it would have rejected five years earlier.

At first, the Water Resources Committee did make representation to the provincial Government, which included an unsatisfying encounter with the Minister of Lands and Forests in December, 1960. By then, however, the decision had been made and the Committee would have been well advised

to organize a public campaign involving an open confrontation with the government aimed at raising questions in the public's mind about provincial policy. Unwisely, the Committee expended its strength in preparation for the hearings of the Comptroller of Water Rights, which prominent members of the Committee were willing to concede from the start were primarily an empty "show-piece" of democratic form. Forceful representation at the hearings was important for public consumption at the time, but its value would have been greater as the opening shot in a public provincial campaign rather than a final effort in a formal event the critics themselves thought to be prejudged. This deference to formal, procedural methods of representation was not confined to the critics in the interior of British Columbia. General McNaughton was just as deferential to parliamentary propriety in his esteem of the Committee on External Affairs of the House of Commons as a "responsible forum." Clearly, however, the likelihood of the Comptroller of Water Rights, an agent of provincial authority, denying the B.C. Power Commission, another agent of provincial authority, permission to build public works which had been negotiated and approved by the provincial Government, was nil. Further, the realization of this by the Water Resources Committee makes it difficult to understand why it placed so much emphasis on the hearings that it completely exhausted its organizational strength.



Another reason for deducing provincial inflexibility and concentrating on Ottawa was the contrast in political stability of the two Governments. In Ottawa, where a change of Government could be anticipated, it seemed there was a chance of affecting federal policy on the treaty. In the province, the legislature was under Bennett's firm control. The dominance of Bennett and his Social Credit Government was due largely to his influence in the sparsely populated and little developed interior regions, as opposed to industrialized and urban areas of the province. The Government's refusal to allow the flooding in the east Kootenay under the McNaughton Plan can be partly appreciated in political terms as a reward to a politically friendly area; by contrast, the west Kootenay electors were prone to return CCF-NDP MLA's to the legislature. The base of Bennett's electoral strength, however, has been in the central and northern interior where his scheme for the development of the Peace River has served as political bait to win over decisive constituencies. In addition, the division within the CCF-NDP Opposition in the province on the issue raised more doubts about the likely success of a province-oriented campaign.

Not only did the critics of the treaty hope to capitalize on the relatively fluid political conditions in Ottawa, but they also expected more sympathy from that quarter. It had been the provincial Government that had set

Canadian policy, in effect, on its current course, and it was the federal Government which was refusing further concessions to British Columbia's demands. The critics also expected that because of the international aspect of the federal-provincial dispute, the federal Government would be more open to its views which they considered to be more in the national interest. Finally, by depending primarily upon representations at the federal level, the critics were accepting a proposition of questionable value which Hugh Keenleyside held during the hearings on the High Arrow Dam: ~~the~~ since the dam was a project designated in an international treaty, only the federal Government could negotiate a change, such as the designation of treaty projects.

It would be inaccurate to give the impression that critics resident on the west coast of British Columbia had ignored the provincial Government and public opinion entirely in the latter stages of the campaign. F. J. Bartholomew continued to supply MLA's with critiques of the treaty and the Columbia River for Canada Committee and Mrs. E. H. Davidson never ceased attempting to persuade the opposition in the interior of the province and critics in central Canada, including General McNaughton, of the necessity to confront Premier Bennett with a public campaign in British Columbia. The eastern critics, however, were not inclined to allow themselves to be depicted by Bennett as eastern carpetbaggers. The appeals failed, and some of the west coast critics still

doubt that the provincial public was ever fully apprised of reasons for opposition to the treaty other than those presented by the provincial Government.

No opponent of the treaty appears to have been misled into thinking that the provincial Government was an ally. While they were thankful to the province for creating the useful delay in ratification, they knew that their objections to the treaty were not compatible with British Columbia's objectives. For them, the realization of provincial goals represented the final national disgrace. The federal Liberal party is to be credited with political skill in being able to pose in opposition as the political force most likely to bring Canada back from the brink of disaster on a number of issues, including the Columbia River Treaty, and later, as the Government, to represent concessions to British Columbia and "clarifications and modifications" to a "basically good" treaty as reasonable accommodation to legitimate criticism of the treaty. By conceding to provincial demands (which the critics considered a compounding of the original error in the selection of treaty projects), the federal Government had satisfied and silenced the most powerful of its foes on the treaty. The B.C.-Ottawa agreement was an announcement, in effect, that the major obstacle to the delay in ratification was overcome; with this agreement the federal Government also removed the ground from

beneath the feet of the other opponents. By negotiating next an international protocol to the treaty the federal Government proceeded to argue that all reasonable objections to a great international public work had been accommodated.

The power of treaty-making in Canada is an executive prerogative of the federal Cabinet. While it has become customary for the Government to place treaties before Parliament for examination and approval prior to ratification, the treaty which Parliament examines already represents an international commitment which cannot be altered by Parliament. This relationship between executive and legislative branches in Canada was upheld when the Committee on External Affairs defeated a motion by the New Democratic representatives asking the Government to consider submitting important treaties to the House of Commons for study before a commitment was made.<sup>43</sup>

While the impotence of Parliament to affect the result of international diplomacy was realized, and, indeed, sustained by a majority of the MP's on the Commons' Committee on External Affairs, less concern was given to the powerlessness of Parliament to affect the results of federal-provincial diplomacy. The example of the Columbia River Treaty suggests that government by federal-provincial feuds is not an efficient form of public policy-making; however, the efficient federal-provincial relationship struck following the election of the Liberal Government cannot be

expected to win praise from those who value legislative debate and scrutiny of government action as effective opportunities for the expression of dissent from public policy. The development of the Columbia River basin, which involved joint action between two levels of government, was typical of a large part of public business in Canada. If this joint executive action is to be effective, there must be close collaboration between governments; but, as in the resolution of the federal-provincial standoff on the Columbia River Treaty, the necessary collaboration tends to take place within a framework of confidential discussions from which the public and, to a large extent, the legislatures are excluded.

\* During the controversy over the Columbia River Treaty, parliamentary government was replaced by federal-provincial diplomacy. While MP's critical of the treaty in 1964 made reference to Parliament's role in international diplomacy, there was little debate on the legislature's role in federal-provincial diplomacy. The NDP unsuccessfully sought the Committee on External Affairs to repudiate the provincial "right of veto" vested in its ownership of water resources when the development of the resources had international ramifications.<sup>44</sup> The motion, however, only sidestepped this question on the legislature's role in making effective criticism of policy which is the product of confidential negotiations among executive authorities and

their advisers in the civil service.

This trend toward policy making by federal-provincial diplomacy has important consequences not only with respect to the role of legislators, but also in the process of extra-parliamentary representation by groups and the principle of accountability to the electorate. In the dispute over the treaty, it was difficult for the critics of the High Arrow Dam in the Arrow Lakes district to determine which authority was to be held responsible for a project which had provincial, national and international aspects. As mentioned above, the Water Resources Committee was told by provincial authorities who had justified the High Arrow Dam in terms of the international treaty that criticism of the dam should be directed to the federal Government which was responsible for the international treaty. Later, the Committee was advised by Jack Davis that the areas to be flooded were designated by the province of British Columbia and the federal Government could not force the provincial Government to exclude the High Arrow Dam. "The only power which Ottawa has, (and this results from the Columbia development being an international development) is that of a veto," Davis wrote. "So most of

your pleading must be done in Victoria re the High Arrow project and not in Ottawa!"<sup>45</sup>

Since an active segment of the public opposed to the Columbia River Treaty experienced difficulty placing responsibility for public policy on the shoulders of the proper authorities, it is only to be expected that the electorate would find the task an impossible one. Elections are, at best, only an ex post facto check on government; but, both the opportunity and the temptation for authorities to disguise the extent of their involvement and responsibility, and render elections even less of an effective check is greater when there is divided jurisdiction, as in the negotiation of the Columbia River Treaty. With the exception of Jack Davis' public statements and newspaper articles during the federal campaign in 1963, the treaty was barely noticed outside the areas directly affected in the interior of British Columbia. However, when it suited the major protagonists, the federal and provincial Governments, the Columbia River issue could be exploited on the hustings. In 1962, for example, Prime Minister Diefenbaker spoke in Prince George about power development in British Columbia in tones very different from those used less than one year earlier in the same city by Davie Fulton, the chief negotiator of the treaty; hope for rapprochement with the political machine of Social Credit was in the Prime Minister's mind as he delivered a campaign speech addressed to the Premier of

the province as much as the electors of the Peace River country. As for the provincial Government, a strong position was marked out on the eve of talks regarding power sales followed by a clear victory in the provincial election in 1963, and the defeat of the entire Conservative slate led by Davie Fulton. Few electors could have taken seriously the Premier's announcement that the issue of the election was national unity. Clearly, the prerogative of the Government in calling an election almost at will and setting the pace and tone of the campaign is an advantage over both parliamentary and extra-parliamentary opponents.

The opposition campaign against the Columbia River Treaty was handicapped, then, by the jurisdictional division in the dispute and the ability of the two Governments concerned to be constantly taking the initiative and compelling the opponents to operate within a framework established by the Governments. The dominance over parliamentary opposition through federal-provincial diplomacy raises serious doubt about the adequacy of parliamentary institutions to criticize and challenge public policy and Government action effectively. The dominance of executive authority can extend as well to election campaigns which may not represent an exercise of control by the electorate in a democracy as much as the skilful manipulation of popular consent by public authority.

#### The international environment:

In addition to the fragmentation of political power in



the Canadian political system in the matter of developing the Columbia River basin, the international aspects of the development constituted another critical factor which the opponents of the Columbia River Treaty could not alter and which severely limited the effectiveness of their campaign. In general, public policy may be the result of demands of domestic or foreign origin. While the federal nature of the Canadian political system was important in the dispute over the development of the Columbia River basin in Canada, the origin and outcome of the seemingly internal dispute involved the United States in an intimate and profound way. Relations with United States affect Canada in a great many ways; indeed, it might be said that much of what Canadians call national policy is really the domestic aspect of the country's relations with the United States.

There can be little doubt that the United States was of preponderant importance in the evolution of Canadian policy on the development of the Columbia River basin in Canada. The matter was initiated by the United States, which, in planning for the future power requirements of the Pacific Northwest, required information about the Canadian section of the basin. The American section of the Columbia River was already highly developed, and no one could have doubted that uppermost in American thinking was the necessity to develop the Canadian section of the river to satisfy American power demands. When the study of joint development was

referred to the International Joint Commission in 1944, Canada did not possess even a topographical map of its section of the river and basin. The record of the hearings of the Committee on External Affairs of the House of Commons during the 1950's shows evidence of intense American interest in the Canadian basin from both private and public sources. The hearings in 1955 resulting from the Kaiser-B.C. agreement to build a low dam on the river near Castlegar is indicative of private interest from the United States, and the evidence over the years of General McNaughton's fencing with his American counterparts demonstrates the interest in the Canadian portion of the basin held by government authorities in the United States.

The treaty was signed in Washington by Prime Minister Diefenbaker who hoped to gain personal satisfaction and some prestige from the performance of this act with the outgoing President of the United States in the White House. Given British Columbia's unmistakable sign of disapproval, the international ceremony was a hasty and unwise political move. A question which may be answered in the future with a firmer assertion than is possible now is this: to what extent did Diefenbaker's desire for a treaty-signing ceremony with Eisenhower affect the negotiation of the treaty, and, in particular, his Government's response to British Columbia's refusal to consider any further a sequence of development involving extensive flooding in the east Kootenays?

Along with the federal-provincial nature of the policy, the debate in Canada over the development of the country's portion of the Columbia River basin was most directly affected by the existence of a treaty signed with the United States and calling for a particular sequence of development. Even with no other manifestation of American interest between 1961 and 1964, simply the presence of the treaty, ratified by the United States in two months, yet unratified by Canada, might have been pressure enough on federal authorities in Canada to come to terms with the Government of British Columbia. There were, however, additional pressures on Canadian authorities from the United States. Similar pressure was not felt by the provincial Government since American officials, who viewed the debate in Canada over the treaty as a dispute over the disposal of the downstream benefits, were anxious to assure Canada that if the power were sold to American agencies, there would be no problems encountered over the question of repatriation.

In particular, the Secretary of the Interior, Stewart Udell, was apparently unable to understand that the federal Government was opposed to the sale of the power to bolster the industrial output of the Pacific Northwest with adverse consequences for the local Canadian economy. The federal Government preferred the cheap power to be used to develop the industrial potential of British Columbia. Indeed, \*

major reason for there being a treaty at all was recognition by the United States of the principle of downstream benefits; the federal Conservative Government could not countenance the sale of the hard-won and inexpensive power for American consumption. The intrusion of American interests into the debate ranged from public statements by Udall, which implied criticism of the federal position and set ever receding deadlines for Canadian ratification of the treaty, to private negotiations between provincial and American authorities on the sale of the downstream power benefits. A meeting between Premier Bennett and President Kennedy on November 16, 1961, gave rise to rumors of American connivance with British Columbia at the highest level. Although the Canadian Government was assured by the Department of State that only civilities were observed between the two men, the notion persisted that their advisers had engaged in more prolonged and amicable conversations. Shortly afterward, Iavie Fulton publicly denounced Stewart Udall -- apparently the only time the Canadian Minister has publicly censured an American cabinet secretary -- and a United States-British Columbia "squeeze play" against the federal Government. The treaty, which had been a point of intense federal-provincial friction from the start, now became a festering sore in Canadian-American relations which, in general, had been deteriorating during the first few months of the Kennedy Administration and culminated in Kennedy's failure to appoint a successor to

Ambassador Livingston Merchant, who retired in May, 1962. Late in 1962, Premier Bennett was able to obtain free of charge the services of Robert B. Anderson, former American Secretary of the Treasury, to aid in the search for a sale of the downstream power benefits in the United States.

One month before the Fulton approval, Lester Pearson, then leader of the Opposition, had committed the Liberal party to re-negotiation of the Columbia River Treaty "if it were found possible" within the framework of "sincere and constructive co-operation between the province, Ottawa, and Washington." He also said that, although there should be no "dog in the manger" attitude on the export of power, Canada should be primarily concerned with the steady development of resources to build up industry in Canada.<sup>46</sup> On the eve of the general election campaign in 1962, General McNaughton's public outburst against the treaty became the subject of debate in the Commons. There, the Liberal party was careful to take up arms for McNaughton as a person, but not necessarily his opinions on the treaty. A former Liberal Minister described the Government's "unseemly wrangle" with British Columbia as "welching on our word to the United States" and "one of the worst bungles in the whole history of our relations with the United States and ... with the provinces."<sup>47</sup>

The Liberal party's position on the sequence of development proposed in the treaty was yet to be expressed

explicitly. During the election campaign, Pearson wrote the Water Resources Committee that its interests would be consulted by a new Liberal Government before a final decision was reached.<sup>48</sup> Two weeks later, Pearson told a press conference in Washington that changes suggested by a Liberal Government would not remove General McNaughton's complaint against the treaty and that it would probably not be necessary to alter the treaty as signed. Re-negotiation, Pearson said, would be to add protocols to the treaty as it stood. This remarkably prescient statement was made after a meeting with President Kennedy, but was not repeated by Pearson in Canada.

The general election of 1963 was a direct result of the defence crisis of 1962-1963. During the election campaign in which American officialdom had played a prominent role, Eisenhower and Pearson were cast in anti- and pro-American stances respectively. "Can it be denied," George Clark later asked, "that the actions of the Kennedy administration were directed toward removing an unreliable government in Ottawa rather than to guaranteeing a specific [reference] commitment" (...) Historians will only be able to speculate about what Pearson and Kennedy discussed before the dinner for Nobel Prize winners at the White House in June.<sup>49</sup> Because of Pearson's statement at the press conference in Washington, we have a better idea of what probably was said about the Columbia River Treaty. And from

the contents of the communique following the meeting at Hyannisport, it is clear that Pearson's statement in 1962 was a more accurate reflection of the Liberal Government's position than any statement made subsequently by Pearson or any program or hope spawned by the Liberal caucus' Committee on Power and Energy Development.

Although the Liberal Government would later seek to create the impression that it was willing to hear all critical views on the treaty in formulating a position, the major decision was made by May, 1963, if not by April, 1962. While it cannot be said at present that the Liberal Government's position on the treaty, prophetically announced by the leader of the Opposition in Washington in 1962, was part of a political transaction which ensured the Kennedy organization's aid in the subsequent boisterous campaign, it is clear that throughout the period of the controversy over the treaty, relations with the United States were foremost in the thoughts of prominent Liberals. If, as Grant suggests, Pearson consciously "acted with great political skill to unite the powerful forces of continentalism around him,"<sup>50</sup> the Liberal Government's position on the treaty represented part of this scheme. Or in a less deliberate way, it might have been Pearson's intellectual, professional, and diplomatic predispositions toward compromise and good continental neighbourliness that led him to conclude that quick settle-

ment of the outstanding dispute was of higher priority than meeting the critics' views on the treaty based primarily on nationalist assumptions. Pearson had been a senior official in the Department of External Affairs for many years, including a time as ambassador to the United States and as Under-Secretary, before he entered politics as the Secretary of State for External Affairs in the St. Laurent Government. As Prime Minister, good relations with the United States were bound to represent an important priority in his Government. It will be more easily discerned in later years whether Liberal politics of 1962 and 1963 involving the Columbia River Treaty were part of a deliberate or involuntary process of uniting the forces of continentalism.

In an examination of the Pearson Governments from 1960 to 1963, Peter C. Newman described the communique issuing from the meeting at Hyannisport as the manifesto of the Pearson Government based on the premise that "Canada was not so much a country set apart from the United States as part of a continent dominated by the United States."<sup>51</sup> In 1955, a Liberal MP warned his colleagues that Canadians must not become "simply hewers of wood and stokers of water"<sup>52</sup> and another Liberal MP noted that "keeping the prospects of power development within the borders of Canada will eventually encourage and induce American industries to locate in or near a source of cheap power."<sup>53</sup> Eight years later, one of these MP's was a parliamentary secretary and the other a



Minister in a Government which, Newman writes, "defined the development of Canada in terms of an American hinterland."<sup>54</sup>

Two years after the Columbia River Treaty was ratified, Larratt Higgins described it as "the basic blueprint for the development of all Canadian resources [which] follows very closely the classic lines of imperialistic expansion: the exploitation of the natural resources of the undeveloped colony (Canada) by the great industrial motherland (the United States)."<sup>55</sup> Newman has cited the treaty as one "Pearson-sponsored development ... built on north-south lines, cutting across the international boundary, through the east-west backbone of Canada. The Columbia River would be harnessed to serve the Pacific Northwest to the south; at the same time the possibility of routing Columbia waters west through Canada to the sea via the Fraser River and east to the Canadian prairies would be central."<sup>56</sup> Regionalism, as exhibited by the exploitation of water resources in British Columbia for industry in the American Pacific Northwest, can be a force that weakens the ties of one region of Canada with the others, while ties are forged with the external world. Thus, in the matter of the Columbia River Treaty, the Liberal Government's cooperative federalism was complementary to the continental approach to Canadian development.

The example of the Columbia River Treaty must be used with caution, however, by those who would attempt to

categorize Diefenbaker and Pearson as nationalist and continentalist politicians, respectively. It was, after all, Diefenbaker who was perhaps overly anxious to have a treaty to sign with President Eisenhower. It can certainly be said that the intellectual predisposition of the Liberal party's leadership, reinforced by the political circumstances of the time, made the treaty as negotiated easy to accept; but, if the treaty as negotiated is to be criticized for containing continentalist, rather than nationalist, assumptions about Canadian development in relation to the American economy, the blame cannot be laid at the Liberal doorstep. The Conservative party also approved the sale of the downstream power benefits in 1964.

In view of the federal and international environment in which the campaign against the Columbia River Treaty was waged, the opposition was clearly outweighed in terms of political power and influence. Even if the opposition forces had possessed organizational cohesion and unity of purpose, it is doubtful that they could have won the day against the demands of the Government of British Columbia and the United States. The federal Government became the chief target of the opposition campaign for a number of reasons, but a conciliatory federal Government, led by Lester Pearson, clearly lacked the will or the desire to pursue goals that were inimical to a policy of co-operative federalism and good continental neighbourliness.

### 5. Parties, Parliament, and the Civil Service

The previous section noted the hostile federal and international political environment within which the opponents of the Columbia River Treaty carried on their campaign. But there is still the question of what opportunities Parliament and such parliamentary agencies as the Committee on External Affairs offered for dissent from public policy. And what was the direction and strength of opinion which the new federal Ministry received from within the civil service in 1963? The federal and international character of the issue does not account fully for the impotence of the opposition to the treaty; a consideration of the responsible party system of parliamentary government in Canada will show additional obstacles to the type of dissent from public policy evidenced during the delay in ratification of the Columbia River Treaty.

While the political system of the United States may sometimes be characterized as pressure group government, as noted above, the Canadian system follows more closely the British model of responsible party government. One student of American political parties has said that to call American political parties a system probably dignifies them too much. Outside Congress, the Republican and Democratic parties are held together by the desire for office and the accompanying rewards.<sup>57</sup> A student of party activity inside Congress has suggested that there is still need for a definition of a

loyal Democrat or a loyal Republican.<sup>58</sup> In Congress, the party whips have no authority to tell members how to vote; the party caucus has been little used in this century as a device to bind members to a party position.<sup>59</sup> To be organized to control members' voting presupposes a set party policy; yet, despite the quadrennial process of writing and endorsing a platform at the presidential nominating conventions and the existence of so-called party policy committees in the Senate, there is no body and no procedure used by American parties to determine policy in Congress.<sup>60</sup>

Besides the weak control of the party over members designated as Republican or Democratic, the separation of powers in American government also adds to the disunity of the legislative process. Under the constitution, Congress, as well as the executive, has the power of legislative initiative, and, as the Presidency has increased in prestige and power, Congress has displayed a greater antagonism than previously toward the executive branch. The rivalries between the executive and Congress consequently magnify the role of pressure groups relative to both branches of government. While the President is the undisputed leader of his party, he does not automatically gain the allegiance of Congressional members of his party. A President with a strong sense of party may approximate the ideal of party responsibility; however, since President and members of Congress are elected from different constituencies and at varying times, each is

generally concerned to maintain the wellbeing of the groups which combined to ensure electoral victory. At the same time, the party whose candidate failed to win the Presidency is even more divided and disrupted. No one is authorized to speak for the party; no procedural arrangement exists for identifying and exploiting the issues and the errors of the Administration.<sup>61</sup> Thus, the only vote against the Columbia River Treaty, an important final accomplishment of the Republican Eisenhower Administration, was cast in the Senate by a Republican in response to opposition expressed in the coal producing area of his state.

While political parties in the United States remain internally divided on most legislative issues, the institution which can be dignified by the word "system" is, according to Blaisdell's account, the pressure group. Members of Congress in Washington may be likened to ambassadors at a diplomatic conference. Members united in attitude on a particular matter of policy and usually united by bonds of group interests outside Congress, form "blocs" on that particular policy. It is common for group pressure to be further applied to members of Congress through hearings of the legislative committees which have been recognized as "the workshop of Congress."<sup>62</sup> Indeed, one Senator has referred to the standing committees as "little Congresses."<sup>63</sup> "It is likely," Blaisdell writes, "that in no other legislature in the world is the committee stage of legislation as important as in the United States

Congress.<sup>64</sup> In the ratification procedure on the Columbia River Treaty, the hearings of the Senate's Committee on Foreign Relations were more crucial than the sparsely attended, token debate in the Senate chamber. The weakness of the party structure in Congress is reflected in the work of these committees whose members are usually, and whose chairmen are, selected by seniority. With weak party control, Congressional sub-committees can become a prestigious propaganda sounding-board for individual members and allied external group interests. During the stalemate in the IJC over the matter of principles on which to base international negotiations for the development of the Columbia River basin in Canada, sub-committee hearings by Senator Richard Neuberger sufficiently embarrassed the Administration to have had some catalytic influence in the change of personnel and policy in the American section of the IJC. In recent years, Senator Frank Moss has chaired a sub-committee whose hearings and printed record are a thinly veiled sponsorship of a continental plan for the exploitation of Canadian water known as the North American Water and Power Alliance.

Congress, then, as a diplomatic conference of representatives of localities and groups, acts as an adjuster of interests "promoting the general interest ... in the aggregate of its output over the years."<sup>65</sup> Congressional politics is not party politics, but pressure group politics.

Congress acts as a policy-making body through temporary majorities, created with much effort before one vote and dissolved afterwards. Pre-Congressional compromise is often arranged through the commission technique. Authorized by Congress or the President, and described as an advisory group, committee, commission or conference, these bodies are composed of delegates from interested segments of the public. The purpose of the commission is to recommend new policy or suggest changes in existing policy after fundamentals and details have been agreed upon. The commissions serve to educate their own members about opposing attitudes and educate the public as well. The commissions can, of course, become another forum for pressure group activity and become part of the legislative "struggle", as Bertram Gross defines the process of enacting laws in the United States, rather than a means of resolving the struggle.<sup>66</sup>

The third component of Blaisdell's three-cornered relationship in American policy making, in addition to the legislative committee and the pressure group, is the civil service, or a particular executive bureau. Although the President is nominally superior to the civil service, the public bureaucracy is unified neither in composition or purpose. Nor is it free from external pressures and ties to private groups and Congress, and frequently some Departments will operate independently as pressure groups. Blaisdell's example is the Department of Defence.<sup>67</sup>

However, during the controversy in Canada over the Columbia River Treaty, the Secretary of the Interior, an Under-secretary, and public relations officers in the Department acted as a pressure group apparently independently of the Department of State and the President. The independence of the U.S. Army Corps of Engineers and the antagonism between it and the Department of the Interior have been well documented. The Corps' "lawless or irresponsible" pork barrel attitude which has included "building, or promising to build more or less justifiable or downright unjustifiable projects in the various states and districts for which senators and representatives may claim credit during the next election campaign" has been condemned by a former Secretary.<sup>68</sup>

The Libby Dam, a structure made barely economic only through Canada's permission to allow flooding 150 miles up the Kootenay River from the border and the concomitant threat to Canada's right to divert the Kootenay to the Columbia, was apparently more popular with the Corps than with the Department of the Interior. The U.S. Army Corps of Engineers was also adamantly opposed to recognition of the principle of downstream benefits during the 1950's and General McNaughton felt the Corps never did agree to the principle which was finally negotiated in the IJC.<sup>69</sup> However, the negotiating team on the treaty for the United States which was led by Elmer Bennett, Under-secretary of the Interior, included



General Emerson C. Itchner, chief of engineers for civil works, who had been Chairman of the United States section of the International Columbia River Engineering Board. (Another member of the American negotiating team was Ivan H. White, an expert in international law from the Department of State, who, as Minister, took over the American embassy in Ottawa during a period late in the Diefenbaker Ministry when there was no American ambassador to Canada.) The Canadian negotiating team, by contrast, consisted of federal and provincial politicians and civil servants advised by General MacNaughton and his staff.

In the operation of this triangular relationship, MacNaughton notes that government agencies and even whole departments have well formulated policy programs. Given the nature of the times, the technical information and analysis that the civil service can provide is an essential part of policy-making. Often in the United States, Gross observes, "inflated and deceptive reports have been issued by executive agencies to provide a rallying point for the agency, external pressure groups, and interested legislators in the 'legislative struggle.'"<sup>70</sup>

In summary, then, the nature and operation of the party system in the United States, the separation of powers and the size and heterogeneity of the civil service combine to produce a political system in which the legislative process involves a three-cornered relationship between external groups,

legislative committees, and parts of the civil service. In this relationship, the initiative usually rests with the external groups or administrative agencies acting as pressure groups. The American political system, then, is best described as pressure group government rather than responsible party government.

Speaking of bi-lateral discussions with the United States in general, and of the "enormous fact and thought-collecting establishment" behind American policy-making, John Holmes, Director-General of the Canadian Institute of International Affairs, (and a former Assistant Under-Secretary of State for External Affairs), has sought to convince Canadians of "compensating advantages in the compactness of the Canadian policy-forming procedures."<sup>71</sup> In stark contrast to the United States, the Canadian policy-forming procedures operate within a system of responsible party government. The Prime Minister, as head of the party with the largest representation or allegiance in the House of Commons, and his Cabinet monopolize the content and scheduling of legislative business of Parliament and its standing committees. The backbone of parliamentary dominance is the control over MP's of the Government party through such devices as the caucus and the whip. Finally, under the principle of collective responsibility, the Prime Minister can dominate the Cabinet. Ideally, the monopoly of effective legislative initiative by the Cabinet permits it to enact

the party's platform which was perhaps adopted in convention and set before the electors in the previous election campaign. At the same time, the opposition parties, similarly organized by caucus and whip in the House of Commons and standing committees, face the Government daily, prepared to exploit the mistakes of the Government, identify questions of public urgency and create issues of national concern.

In contrast to the American system, then, as the political parties in Canada take stands on issues and compel their members to support the stands publicly, the possibilities for effective pressure group activity are severely limited. Certainly the extra-parliamentary groups cannot become as pervasive a part of the legislative process as they have become in Blaisdell's or Gross' accounts of the American situation. The control of the legislative process by the political parties -- and the Government party in particular -- results in roles for Parliament and parliamentarians different from the counterparts in the United States. Whereas Congress can be described as a diplomatic conference during which various interests are adjusted by the representatives of locality and interest, Parliament is decidedly an arena of confrontation, an election campaign in close quarters, where each party seeks to impress the public with the propriety of its position on current questions of public policy.

While a successful lobby is one that has its demands

favourably received by the Government party and its leadership in the Cabinet, in particular, representations to opposition MP's are made not without reason. An opposition party need not accept the viewpoint of the lobby to be able to use its opinions in attacks on the Government. Even friendly members in the benign Senate of Canada may prove useful in raising the group's interest with members of the Cabinet. However, there will be no parliamentary "bloc" of like-minded MP's or senators seeking to construct a temporary legislative majority to enact a specific piece of public business in a Canadian legislature. There will be no committee hearings entirely free of party control to recommend legislation at variance with Government policy. The adjustments of interests will take place within the governing party under the auspices of the Cabinet.

Letters, telegrams, and post cards were directed by the opponents of the Columbia River Treaty to MP's and senators beginning in 1960 when the treaty was being negotiated. In particular, the Prime Minister, prominent Ministers such as Davie Fulton and Howard Green, and the Leader of the Opposition were the targets of such representations, particularly from dissident residents in the interior of British Columbia. Representations increased following the formation of the Columbia River for Canada Committee in 1962. The Committee distributed copies of the pamphlet "Develop the Columbia River for Canada" to each MP and had distributed,

signed, and mailed more than 5,000 protest cards to Howard Green, the Secretary of State for External Affairs. It is difficult, however, to measure the effectiveness of this type of mass representation. A lobby by letter and telegram of the Committee on External Affairs in 1964 was treated with scorn by members who supported the treaty and protocol. While the reaction to this lobby of the Committee was not unexpected after party lines had been drawn, officials of the Columbia River for Canada Committee are inclined to credit partially the delay in ratification under the Conservative Government to their protest card campaign directed at Green, an influential Minister in the Diefenbaker Government from British Columbia.

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Although the opponents of the treaty recognized the support of the New Democratic party in Parliament, their representations were properly directed at Conservative and Liberal M.P.'s whose leaders, given the course of electoral fortune, were most likely to make the final decisions on the treaty. Personal representations were confined primarily to Ministers, the Leader of the Opposition, and Jack Davis, a prominent Liberal backbencher on power matters. During the Conservative Government, Fawcett Fulton received personal representations from Richard Deane, for example, and Larratt Higgins sought to bring around Lester Pearson to the critics' point of view. Indeed, Davis' program for "Action on the Columbia" came after collaboration between Higgins, Davis,

and the Liberal party's caucus Committee on Power and Energy Development.

Following the election of the Liberal Government, critics of the treaty still made verbal and written representations to high-ranking members of both the Liberal and Conservative parties. The Liberal Government soon made its intentions clear, however, and given its dominance in the responsible party system, interviews with Liberal members became the predominant concern of the treaty's opponents. The concern was heightened by the apparent intention of the Liberal Government to forego the recommendations of the Government party's caucus Committee on Power and Energy Development which had been trumpeted during the preceding election campaign by Jack Davis. In this case, the ideal of responsible party government was not realized. Despite Pearson's statement in Washington in 1962, both he and the party as a whole gave observers the impression during the twenty-fifth Parliament that important changes would be recommended in the treaty if the Liberal party were elected. Independent observers may be forgiven this mistaken impression since it was shared by Davis. Higgins, for example, described in retrospect Pearson's statement in Washington in 1962 as "one straw in the wind" which was difficult to assess without making the assumption that Pearson placed no reliance upon Davis' ability.<sup>73</sup> That the Liberal party's leadership

was not entirely frank with a prominent member of its caucus on such an important matter of public policy leads one to conclude that frankness with the electorate, particularly in the area of British Columbia to be affected, was also wanting. We have noted the ability of Governments to use election campaigns as a tool in the achievement of objectives other than the immediate one of electoral vindication for past actions: in addition to the obstacles to effective electoral accountability already mentioned, obtuseness in policy statements on future actions was a strategem that produced the desired result for the Liberal party on the Columbia River Treaty. It is also apparent that prominent MP's given chairmanships of caucus policy committees are not necessarily given any real authority or influence. Like the caucus as a whole, a committee position can give MP's the false, though pleasant, impression of participation in policy-making. More serious, however, than the effect of this ruse on the ego of the MP's involved is its effect on the electorate and its implications for the responsible party system. Admiration of political skill in a democracy ought not to include tolerance of misrepresentation to the electorate.

Before the international negotiations on a protocol to the Columbia River Treaty began, General McNaughton and Larratt Higgins had interviews with Paul Martin, Secretary of State for External Affairs. While representation at Cabinet

level is an important site for external interests, the interviews were held after the federal-provincial negotiations in which the federal Government countenanced the sale of the downstream power benefits and dispelled any doubt that might have continued to exist about re-negotiation of the treaty's projects. Clearly, in the matter of the Columbia River Treaty, Government policy was formulated neither in party convention, nor within the parliamentary group which had been formed to examine the question.

During the campaign in opposition to the treaty, correspondence and personal meetings were conducted between the opponents in the interior of British Columbia and officials in the federal civil service. Judging from the effectiveness of ministerial consultation by permanent senior officials as related by Jack Davis to Larratt Higgins in May, 1963, discussions with administrative officials were not warranted. While the federal civil service in Canada may not be as large or heterogeneous as its American counterpart, and while the responsible party system in Canada would assist the Government in controlling the civil service to a greater degree than is possible in the United States, the correct Canadian policy-making procedures lauded by John Holmes undoubtedly give senior officials considerable potential influence, if not a measure of real power, within the responsible party system of parliamentary government. The federal public service no doubt had a vested interest in the



ratification of the Columbia River Treaty as it stood.

While it has been conventionally held that the Conservative Government lacked the full confidence of the senior advisers in the civil service, it appears that it has retained some affection among the administrative advisers for resisting the demands to re-negotiate the treaty.<sup>74</sup> The officials who had worked out and defended the treaty privately within the close confines of the compact policy-making procedures were not likely to alter their opinion of the treaty after a change of Government. Jack Davis' portrayal of the process of ministerial consultation by senior officials during April and May, 1963, as a "brain wash"<sup>75</sup> is not only indicative of his estimation of the great strength of the vested interest held by the permanent senior officials in the civil service, but to some degree also of his chagrin that the work of his caucus committee should be so overwhelmed by this extra-party influence. In response to a question on Jack Davis' role in the making of public policy on the Columbia under the new Liberal regime, one senior administrative official dismissed Davis' importance with a wave of a hand.<sup>76</sup>

It is uncertain, as indicated earlier, whether this post-electoral consultation was the time when the Liberal party's policy was decided. Davis' remarks are evidence, however, that the civil service is a powerful and potentially decisive component in Canada's compact policy-making process. Pearson's statement in Washington in 1962, however, cannot

be ignored. But if the leadership of the Liberal party had decided privately to accept the treaty partially out of deference to the United States, there is little doubt that this reasoning would have been reinforced by the Department of External Affairs. Good relations with the United States is a cardinal objective of the Department of External Affairs; but the sharing of a continent will naturally lead to differences. The Pearson Government gave tacit approval to the "Principles of Partnership" spelled out in 1965 by Arnold Heeney, General McNaughton's successor in the IJC, and Livingston Merchant, ambassador from the United States to Canada during the Diefenbaker regime. According to the "Principles," Canada was to have careful regard for the world-wide context of American policy and to avoid public disagreement on critical issues.

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General McNaughton's attitude to Canadian-American relations was very different; indeed, he was said to have been "the scandal" of the Department of External Affairs.<sup>78</sup> While McNaughton evinced a great concern for parliamentary form, this did not preclude open disagreement with the United States and the exploitation of an informed public opinion to bolster his position. McNaughton's primary agency for this strategy was the Committee on External Affairs of the House of Commons. McNaughton is credited by one senior official with having "put the fear of God in the Americans." However, his unorthodox attitude toward dealing with the

United States was not entirely appreciated by officials in External Affairs. In 1910, both Sir Wilfrid Laurier and Sir Robert Borden agreed that, while they disliked the acceptance of the doctrine of upstream sovereignty embodied in the Boundary Waters Treaty of 1909, it was acceptable in the knowledge that when the circumstances favoured Canada, the advantage would be exercised to the full.<sup>79</sup> "The law is only as good as the respect for it," an administrative official said of the same treaty in 1968. "The agreement can be scrapped easily although it is a talking point." If Canada had made any moves toward implementation of an all-Canadian diversion scheme through the Fraser River, one public official commented, "the United States would have sent in the Marines."<sup>80</sup>

McNaughton's intention in the 1950's, however, had been to impress the United States with Canada's willingness to proceed in such a way to achieve the best international alternative possible, including acceptance of the principle of downstream power benefits. His point had been made in the IJC when, prior to a meeting between Prime Minister Louis St. Laurent and President Eisenhower in 1956, St. Laurent and his Secretary of State for External Affairs, Lester Pearson, approved a draft note which conceded that the Boundary Waters Treaty of 1909, the basis of Canada's position in the IJC, was not adequate to deal with the development of the Columbia River basin in Canada. Michael Barkway has credited

"stout-hearted colleagues" of the Minister of Northern Affairs and National Resources with having the wording of the note altered to avoid "a timorous and unnecessary surrender."<sup>81</sup> When Pearson returned to office in 1968 as Prime Minister, both this low opinion of the value of the Boundary Waters Treaty and the traditional attitude of the Department of External Affairs on relations with the United States persisted.

Both General McNaughton and Larratt Higgins were invited by the Liberal Government to consultations on the Columbia River Treaty. The consultations, described by McNaughton as a "kangaroo court",<sup>82</sup> were obviously designed by the Government to create the impression of including such well-known and eminent critics of the treaty in the policy-making process and to familiarize Ministers and officials with the opposition they would face when the treaty was discussed by the Committee on External Affairs. During his two-hour meeting, which immediately followed the publication of the B.C.-Ottawa agreement, Higgins debated economics, engineering, and law with senior administrators, and politics with Paul Martin. Jack Davis was present, but remained silent while most of Higgins' arguments were elicited.<sup>83</sup>

McNaughton further described his meetings and correspondence with the Government as a "cover up" which were held after the decisions had been made "only to develop any weak points

in my argument."<sup>84</sup>

A brief mention was made earlier of the use of insincere and deceptive technical reports by executive agencies or bureaus in the policy-making process in the United States. In the controversy in Canada over the Columbia River Treaty, both McNaughton and Higgins made a similar charge about "expert" reports which created a public impression that the development envisaged in the Columbia River Treaty had been devised by, and received the approval of a number of reputable engineering and consultant firms. What McNaughton and Higgins objected to was the ability of the Government's to contract engineering firms to study an aspect of a larger program under terms of reference which ensured results favourable to the Government's overall policy. Since professional ethics deterred the firms from commenting on the program other than as directed, the Governments were thus able to monopolize technical resources both within and outside the public service. There was also concern among the opponents of the treaty that engineers allowed themselves to be exploited in this fashion. "Who is there, then," Higgins has asked, "to take an unbiased professional view."<sup>85</sup> Clearly, the immense public developments such as the projects on the Peace and Columbia Rivers offered considerable profitable business for the engineering industry in the future. The "lack of integrity" which Higgins described in the engineering profession on the Columbia River Treaty<sup>86</sup> is not unlike that

self-interest which H. W. Hertridge and the Columbia River for Canada Committee discerned in the attitude of the B.C. Federation of Labour or the provincial New Democratic party's leadership. Thus, when the Liberal Government was installed, not only was it met with a civil service with a vested interest in the program of the previous Government, but a vested interest which could be defended by reference to expert technical analysis from outside the public service. There was no evidence found that such outside reports were commissioned and used in intra-service rivalry: such analyses were part and parcel, however, of the federal-provincial dispute involving the relative merit of the developments on the Peace and the Columbia, and the ability to sell the downstream power benefits at a price which would pay for the construction of the treaty projects in Canada, and the dispute with the critics over the value of land to be flooded in the Westways. The Government of Saskatchewan was also able to make use of technical analyses commissioned outside the public service to advance the provincial Government's objectives.

The important decisions of policy on the Columbia River Treaty following the election of the Liberal Government were taken or ratified, then, within a compact group of Ministers and senior advisers. The process did not extend to significant members of the party's caucus and there was

no attempt. It should be added, to reconcile the federal party's position in relation to the McNaughton Plan with the position taken earlier by the leadership of the Liberal party in British Columbia. Ray Petreault's position was apparently irrelevant to the federal Liberal leadership. If there was to be reconciliation within the federal caucus, it was clearly a matter to be decided by the outspoken critics of the treaty, Jack Davis and James Byrne.

Under the responsible party system of parliamentary government in Canada, the remainder of the legislative process was a "set piece." Only the minority position of the Government in the House of Commons raised doubt about the outcome; but when the Conservatives announced after study in committee that they would support their treaty, ratification of the treaty by Canada was assured. The committee system in the American Congress is strong because of the weakness of party organization and the principle of seniority; the committee system in the Canadian Parliament is weak because of the strength of party organization and the control of the chairmanships by the Government. Both the Conservative and Liberal Governments were committed to study of the treaty in committee prior to ratification and the opponents of the treaty, particularly General McNaughton, regarded Parliament and the Committee on External Affairs of the House of Commons as decisive sites in the opposition campaign. McNaughton had previously had his great moments before the Committee while

he was with the IJC and the Water Resources Committee had been told by Pearson that its interests would be consulted before a final decision were reached.

In the Commons in 1963, the Government explained that discussion by Parliament did not remove responsibility from the Government for taking a decision as a Government. <sup>87</sup> And as the Committee on External Affairs began its study of the treaty, the Government told members that if any alteration in the document were recommended, "this government would no longer be in office."<sup>88</sup> The treaty and protocol survived the examination in the Committee unscathed by opposition witnesses and the three New Democratic MP's on the Committee. In correspondence with critics of the treaty in British Columbia who wished his presence there, General McNaughton continually maintained that the Committee on External Affairs was "the responsible forum" in which to present his views, rather than a platform of a public meeting. Later, he argued that it was the Government's fault that the Committee failed to be a responsible forum. The Government's position, however, was completely in keeping with standard parliamentary practice and McNaughton's dependence upon the Committee must be related to fond memories of his ability to use the Committee in the 1950's, a dignified respect for parliamentary form, and a reasonable excuse from an exhausting campaign in a province with a hostile Government.

The debate in the House of Commons was perfunctory.



its results preordained according to the requisite of a responsible party system. Whereas the American Congress with weak party lines exhibits a propensity for the temporary formation of "blobs" cutting across party lines on specific issues, the Canadian Parliament exhibited in the debate on the Columbia River Treaty and protocol a general manifestation of a strong party system -- with some exceptions. On the Government side in the Commons, Jack Davis and James Byrne were excused from the vote and all Government MP's present supported the Government's motion to approve ratification of the treaty and protocol. All Social Credit MP's from Alberta and British Columbia in attendance supported the Government and all NDP MP's in attendance opposed the motion. Social Credit MP's from the province of Quebec, who at that time, were arguing a novel theory of parliamentary representation, apparently did not vote on the question because it did not affect their constituencies. Little has been heard since then about this practice and it can be assumed that it was a passing fancy of the French speaking Créditiste MP's. More interesting, however, on the question of parliamentary and congressional representation was the vote of C. O. Cooper. A Conservative MP from Saskatchewan and a former executive officer of the South Saskatchewan River Development Commission, Cooper was impressed with the critical presentation of the Government of Saskatchewan, which included an official of the Commission, and broke party

lines to oppose ratification of the Conservative treaty on this basis of local interest. But he, after all, was not a member of the Government party.

During the campaign in opposition from 1961 to 1964, the treaty's opponents were justified in lobbying MP's of all parties in an attempt to create generally an atmosphere of concern about the treaty. Despite the greater likelihood of convincing the minority NDP group of the correctness of its case, the opponents properly expended most of their energy in the parliamentary lobby of the Liberal and Conservative groups which were most likely to be the Government party when final decisions were made. However, after the decisions were made by the Government, further parliamentary lobbying, such as the lobby by mail of the Committee on External Affairs, was futile and made primarily for the historical record. In general, the existence of disciplined parties within the parliamentary system makes it difficult for extra-parliamentary opposition to register; and the control of Parliament exerted by the Cabinet can make even parliamentary opposition difficult to register. While party policy had not been publicly expressed by the Liberals, and while the federal-provincial feud simmered, parliamentary lobbying by the treaty's critics contributed to the air of concern over Canada's rights under the treaty. The Commons as a whole, however, was rarely concerned with the treaty as a major item of debate, and, when concerned, the debate

followed a pattern dictated by current party interests. Mr. Hurdidge and Jack Davis exploited a variety of procedural devices to use the House of Commons as a forum in which to question and challenge the Government's position and provide alternative plans. Nevertheless, in those rare instances when the treaty became the general subject of debate, any doubt as to the propriety of the treaty and the Government's apparently hasty signature did assist the opposition campaign. However, once the Government was prepared to submit the treaty for parliamentary approval, party discipline made further parliamentary lobbying unproductive.

Some mention should be made of the Canadian upper chamber. On the basis of its record of debate, the Senate was no less concerned with treaty matters than the House of Commons between 1961 and 1964. While representations were made to various senators, the effect does not appear to have benefited the lobby. Apart from one address each year by Senator Thomas Reid, of British Columbia, in 1961 and 1962, and one by Senator Austin C. Taylor, of New Brunswick, in 1963, each in part critical of the flooding in the Arrow Lakes district, the record indicates meagre attention to the treaty prior to the debate on the Government motion to approve ratification in 1964.<sup>89</sup> In 1964, despite an original willingness expressed by the Government Leader in the Senate to refer the documents to the Senate's Committee on External

Affairs, there was, as one senator put it, "a disposition on the part of the Government, plus the Tories as well, to rush this Treaty through."<sup>90</sup>

In a recent appraisal of Canada's Senate, F. A. Kunz concludes:

Less fettered by the rules of debate and removed from the actual arena of party strife, the Senate has been successful in effecting useful modifications in public legislation .... for the purpose of checking executive extravagance; in taking a first look at complex ... measures ...; in holding valuable debates on matters of broad national policy ...; in making use ... of its standing committee system ... with the additional general advantages of bringing affected interests into direct contact with representatives of the administration, and of obliging governments to explain their policies and to reply to serious and constructive criticisms and suggestions....<sup>91</sup>

But in truth, the Senate performed none of these activities in the debate over the development of the Columbia River basin in Canada during the interval between the signing of the treaty and its ratification by Canada. While, as Kunz notes, the House of Commons is "the focal point of the political power struggle on the national level [and] is under the domination of the great rival party machines,"<sup>92</sup> the inactivity of the Senate on treaty matters indicates that that house is not necessarily less fettered than the Commons simply by its removal from the actual arena of party strife.

The federal-provincial distribution of powers, as noted above, made it difficult for the critics, particularly

in the experience of those in the interior of British Columbia, to determine which authority was to be held responsible for policy which had provincial, national, and international aspects. Both extra-parliamentary and parliamentary critics were galled by the impossibility of effective parliamentary criticism. In fact, an NDP motion in the Committee on External Affairs sought to recommend for the Government's consideration that important treaties "be submitted to the House of Commons and through it to the External Affairs Committee for scrutiny before and not after the negotiation of protocols or amendments, so that the House of Commons could have, in relation to such treaties, as full a power as the Senate of the United States."<sup>93</sup>

General McNaughton's recommendation reflected a greater concern to remain within the normal conventions of the responsible party system of parliamentary government. One year after the conclusion of the parliamentary hearings, he suggested the creation of "a high level committee, reporting directly to the Cabinet, independent of, but working closely with specialized government departments" to advise the federal Government on policy of water use. The committee, he said, should allow full consultations with the provinces when necessary, but provide "a consistent and far-sighted national leadership" which had been lacking since the negotiation of the Columbia River Treaty. He told the Engineering Institute of Canada that while a policy was being defined, part of an

engineer's function "must be to help in shaping a national purpose to fill the present policy vacuum."<sup>94</sup>

In Larratt Higgins' opinion, the barrier to democratic openness in Canada illustrated by the controversy over the Columbia River Treaty was not a matter of political organization, but a matter of limited resources and time available. For example, the major source of information available to McNaughton was in the studies done by the IJC prior to 1960, and the equipment available to him after his retirement was limited to a twelve inch slide rule. Higgins advocates the creation of a research institute in Canada outside the public sector, located preferably in a university, to sponsor independent studies by such qualified personnel as General McNaughton on such matters as the development of the Columbia River basin in Canada. An additional value of an independent study would be that it would relieve the principals of the kind of occupational concern felt by some of the critics of the Columbia River Treaty. While those firms and consultants who were contracted to public authorities gained from their work on the development, some of the technically trained experts who opposed the treaty lost time, money, and placed their jobs in jeopardy as a result of their campaign against the treaty. Like McNaughton, then, Higgins recommends, in general, a greater interplay between professionally trained persons outside the public service and policymakers on the basis of an adequately funded independence

rather than a confining contractual relationship.<sup>95</sup>

To return, however, to the interest shown by the federal New Democratic party in the Senatorial independence from the executive branch on treaty matters in the American system of government, the commission technique to reach pre-Congressional compromise might be a more practical and useful American convention to adopt to deal with the problems raised by the debate over the Columbia River Treaty: the difficulty of placing responsibility on federal or provincial authorities, the impotence of parliamentarians inherent in the responsible party system of parliamentary government, as well as the problems of preponderant influence from the permanent officials of the civil service and the doubtful use of technical analyses commissioned outside the civil service. As mentioned above, such bodies, described as commissions, committees, agencies, or conferences are established in the United States to recommend new policy or changes in existing policy. The advisory group would have parliamentary and extra-parliamentary representation of interested groups who would be responsible for making opposing views known to one another and to the public at large.

The value of such an institution is obvious in the American system which requires legislative agreement that cannot be guaranteed through the party system. As conceded above, however, the device could be used as a platform for the interested groups represented on it and become part of

the dispute rather than a technique for solving the dispute. Nor could the commission be a substitute for responsible party government. The initiative for establishing such an advisory group, granting its terms of reference and funding its study, would rest with the Government which would remain charged with the responsibility of formulating and enacting public policy. When the policy of the Government and Opposition parties had been decided, the obligation of the parliamentarians would be to support the appropriate position. Presumably, however, the policy could be more easily justified if it were made in light of the success or failure of the advisory commission to recommend a policy as a result of their deliberations. Certainly, concern might have been thus removed that, on the Columbia River Treaty, sincere, honest, and well founded, extra-parliamentary opposition had not been adequately heard, and that the national interest had been compromised as a result of an exigency arising from a federal-provincial political tug-of-war and well publicized impatience at high levels in the United States.

#### 6. Public Opinion and the Press

Public opinion is rarely the expression of the public as a whole, nationally, provincially, or even locally. What is called public opinion is the opinion of an interested segment of the public which might be challenged, and even obstructed by other interested, or disinterested, parts of the public if they could be aroused. It is probably true to say



that many matters of public policy which are said to have public approval are so termed by that part of the public which seeks enactment of that policy. Far from there being a public demand for a certain policy, only a small part of the public may be aware of the question, and an even smaller segment of that part of the public may wish a certain action to be taken. The Columbia River Treaty, for example, was a matter of little concern to the Canadian public collectively from 1961 to 1964. In the dispute over the treaty, that part of the public, resident for the most part in British Columbia, that was aware of the question, understood it by and large in terms of the differences between the federal and provincial Governments. Only for an even smaller part of the Canadian public were the criticisms of the treaty itself considered significant in relation to the issue of the disposal of the downstream power benefits. The press in British Columbia, in particular, can be held responsible to a considerable extent for this situation; however, we shall first consider the opponents' techniques of influencing their "publics."

Most of the critics of the Columbia River Treaty realized the importance of creating public opinion favourable to their cause by creating doubt about the wisdom of the treaty. There were, however, differences on how best to influence public opinion, and these differing views tended to reflect the critics' own attitudes towards the public.

While, for example, the Columbia River for Canada Committee defined public opinion to include the people collectively, with some emphasis on British Columbians, General McNaughton appeared to be concerned with that part of the public whose opinions might be significant or influential. Although the Committee emphasized mass action through public meetings, and the distribution of pamphlets and petitions, it, too, was concerned to include the participation of influential individuals as evidenced by generally unsuccessful attempts to woo university employed economists and engineers. On McNaughton's recommendation, the Committee had also approached, without success beyond expressions of sympathy, Major General Victor Oplum (retired), a former military associate of McNaughton, a Liberal and a former newspaper publisher, "a power in local politics in Vancouver."<sup>96</sup>

General McNaughton's predilection for the amassing of public support through the Committee on External Affairs of the House of Commons has already been noted. His preference to present his case at the hearings was maintained although he was hard pressed by critics of the treaty in British Columbia to address or even simply appear at a public meeting in the province. His only public appearances were two addresses made at meetings of professional engineers in Montreal and Calgary in 1962 and 1963, and a briefing of parliamentarians in Ottawa in 1962. In 1963, he published an article in the International Journal of the Canadian

Institute of International Affairs. Larratt Higgins had published a critical article in the same journal the previous year to which McNaughton, while he was still in the IJC, referred correspondents. On occasion, General McNaughton also held press conferences to express his reaction to Government policy. More frequent, however, were interviews he held with reporters and correspondence he conducted diligently in longhand with people who inquired of his views.

While these actions represented a kind of public lobby, McNaughton's occasional addresses to groups of engineers or parliamentarians, his press conferences and interviews, and his personal correspondence were consistent with his primary aim of making his major presentation before the Committee on External Affairs. To have engaged in a broader public campaign -- to have gone to British Columbia on the invitation of the provincial Liberal party, the Water Resources Committee, or the Columbia River for Canada Committee, would have meant abandonment of his view of the development of the Columbia River basin from a "strictly national attitude ... above party politics."<sup>97</sup>

For the Columbia River for Canada Committee, the emphasis was on mass action among the "left labour movement" of the public primarily of British Columbia. As mentioned above, the Committee also sought the support and involvement of the press in Vancouver and economists and engineers from the University of British Columbia at Vancouver. The

Committed, for example, distributed James Ripley's "The Columbia River Treaty" to university lecturers, engineers, school principals, and municipal councils.<sup>98</sup> Bruce Yorke, who had been a reporter earlier with the Vancouver Sun, was unable to convince the publisher, Stuart Keate, to reprint Ripley's article as the Financial Times and the Ottawa Citizen had done.<sup>99</sup> The major effort behind the Committee's campaign, however, was to sway public opinion through the distribution of leaflets, pamphlets, petitions, press releases, displays at the Pacific National Exhibition in Vancouver, addresses at meetings of labour and "progressive" organizations, and an advertising campaign in the provincial press. The advertising campaign occasionally spread beyond the borders of the province. The District Five Council of the United Electrical, Radio and Machine Workers of America had an advertising campaign in the newspapers of localities with locals of the UEW. The leaflets and advertisements stressed that the Columbia River Treaty represented a "sell-out" which brought profits to industry in the United States at the expense of cheap power, Canadian agriculture and jobs in Canada. The criticism was usually matched with a brief description of an expression of support for General McNaughton's preferred sequence of development and contained an exhortation to write MP's and federal Ministers. The UEW was largely responsible for the lobby by mail and telegram of the Committee on External Affairs in 1964.

The critics of the treaty in British Columbia were disappointed that General McNaughton could never be convinced of the value of his presence in the province to bolster their campaigns. Mrs. E. H. Davidson has concluded that McNaughton was correct in refusing to visit the province under auspices which would have made him appear partisan. Nevertheless, she, too, felt that an appearance by McNaughton was necessary. On his absolute refusal to visit British Columbia, she has surmised: "He was unaware of the publicity situation in BC, unaware of our [provincial] obsession with, and distraction by, the daily flood of stuff about the Peace put out by the local news media."<sup>100</sup>

The public's opinions on public issues are undoubtedly affected by the manner in which it is informed about the question. The role of the press is crucial in this realm of public information since a large part of the attentive public depends on presentation of the news in the press for information on public questions. Particularly in a protracted and complex matter such as the controversy over the development of the Columbia River basin in Canada reaching back to 1944, the press can be an important factor in the eventual solution of the issue given the manner in which it chooses to place the issue before its readers. Of consequential concern, then, is the possible exploitation of the press by opposed interests on public matters. The growth of a public relations "industry" in this century reflects the

importance of the press in a society where a group's propaganda is often masked as objective information or news, and where public opinion is subsequently a synthetic creation. There should also be some concern about a press which measures the value of events and information, and hence the prominence of their "play," in terms of controversy rather than enlightenment. Reason for some disquietude along these lines is evidenced by some aspects of press coverage, particularly in British Columbia, of the controversy over the Columbia River Treaty from 1961 to 1964.

The use of the press to disseminate opposition views to the treaty was crucial in the campaign in which the formation of favourable public opinion was an important objective for most critics. Early in the campaign, Larratt Higgins employed the "letters to the editor" columns of the three metropolitan dailies in Toronto and the rural oriented Family Herald to "sweep aside the euphoria" which had become endemic among commentators and editorial writers, and to "stimulate public discussion."<sup>101</sup> Higgins' existence and opposition was also made known through two articles in the newsmagazine Saturday Night. The most outstanding use by Higgins of the press was his two-part series of articles published in the Globe and Mail in January, 1964, which were described in the Canadian Annual Review as "devastating criticisms."<sup>102</sup> Higgins also appeared on several radio and television programs, and from his own experience with the media of mass communication

in central Canada has concluded that they provide a favourable amount of access to individuals expressing cogent dissent from public policy.<sup>103</sup> Certainly while General McNaughton was still with the IJC Higgins became a wellknown critic of the treaty.

Opponents of the treaty in British Columbia, however, are more critical of the press as a result of their experience in that province. J. D. McDonald, who is more critical of the metropolitan press than the "local small town papers," has said the press appeared "to have had the law laid down to them" and been "muzzled."<sup>104</sup> We have noted that Bruce Yorke was unable to prevail upon Stuart Keate of the Vancouver Sun to reprint James Ripley's critical article which had been reprinted in the east. According to Mrs. Davidson, the managing editor of the Sun had pronounced the treaty and the ensuing controversy as too complicated for his reporters and, therefore, too complicated for the readers.<sup>105</sup> According to Mrs. Davidson and Larratt Higgins, the Vancouver Province apparently acquired the rights to reprint Ripley's article in order to prevent its publication in British Columbia.<sup>106</sup> The editor of the Province, replying to a submission by F. J. Bartholomew in December, 1962, said that "in view of the fact that we plan to publish a lengthy summation of the whole Columbia controversy, I do not think that it will be possible to air other views of which there are an increasing number."<sup>107</sup>

The lengthy summation was the supplement by Paddy Sherman published in January, 1963. It was the only extensive review and explanation of the treaty published by the daily press in British Columbia, and received universal condemnation from the opponents of the treaty as a biased presentation of the provincial Government's position. The federal Liberal Government distributed the supplement through the Water Resources Branch of the Department of Northern Affairs and National Resources in response to inquiries about the treaty. The critical importance of the press is obvious here for in terms of impact on people and political significance there is a great difference between Sherman's supplement and the one-page leaflets and pamphlets distributed in the mail and on the streets of towns and cities in British Columbia by the Columbia River for Canada Committee. Interest in the role of the press and of Sherman, in particular, is heightened by the official praise he later received from the provincial Government. At the ceremony in 1963 to inaugurate power from the Peace River, Sherman, now editor of the Province, received an ovation from the crowd when introduced, and praise from Gordon Shrum, Co-Chairman of B.C. Hydro, for "the first objective report about hydro development in this province ... back when the going was very rough, when we couldn't get anyone to present the facts about the Peace and the Columbia." <sup>108</sup> The ability of Governments to offer the press praise when feeling it due



is not questioned; the willingness, however, of an independent press to arrange or accept such praise, however worthy, is another matter. Power development in British Columbia will remain a highly volatile political issue in the province for some time, and intimations of a government approved press will hardly be encouraging for a rational public debate.

Mrs. Davidson, who had a professional interest in the coverage of the controversy by the press, described the work of British Columbia's newspapers as deplorable. She explained:

This is not to suggest that the newspapers [lacked] treaty news -- they presented hundreds of columns every month.... But the upshot was fragmentation, contradiction and confusion. (...) To say that press coverage was deplorable is, also, not to imply that the B.C. newspapers were partisan, for or against the treaty, or for or against particular political parties. Only one newspaper eventually took a firm editorial stand: the Province decided not to present any views but its own.

The daily press in the province, in general,

boycotted every well furnished critic! They refused to analyze and explain the terms of the treaty, refused even letters to the editor, [and] refused to interview critics.... they distorted and derided General McNaughton when he eventually spoke out.

The only extensive review of the controversy to appear in the weekly press of the interior of the province was a special edition of Margaret "Ma" Murray's Bridge River-Lillooet News published on the initiative, and with the assistance of, Mrs. Davidson in the autumn of 1962. Mrs.

Murray's "Eye-Opener on the Columbia," which was critical of the treaty and of the provincial Government, was distributed to M.P.'s and I.P.'s by opponents of the treaty. Mrs. Davidson recalls, however, that "the B.C. daily press ignored it ... although they normally paid great attention to, and quoted from, that particular weekly." By Mrs. Davidson's count, fewer than 75 editorials were published on the treaty and related matters by the two newspapers in Vancouver and the Victoria Daily Times between 1961 and 1964. <sup>109</sup>

Given the critical role that the press has in the education and formation of public opinion, the charge that the metropolitan press of British Columbia failed, with the exception of Paddy Sherman's article, to provide the public with a full analysis of the dispute over the treaty, is a serious one. The complexity of the issue was an understandable impediment to public discussion, but also a useful crutch for proponents of the treaty. J. D. McDonald recalls a reluctance among individuals in the Arrow Lakes district who had expressed agreement with the objectives of the campaign to join the opposition because they felt unqualified to participate. This, McDonald observes, "was a stock in trade weapon of the treaty proponents who threw confusing statements around like confetti." <sup>110</sup> Bruce Yorke argues that the most important decisions on the development of the Columbia River basin were not engineering or economic, but political decisions. He writes:

You have heard the old story about -- Don't confuse me with the facts. Well, the Columbia matter was the best illustration of this. [Public] matters today are much more complex than formerly. But one can deliberately make them unintelligible or on the other strive for simplicity. It all depends on your interest. 111

The petulant, but damaging, derision which General McNaughton and the opponents of the treaty received from the Province, in particular, and which McNaughton attributed to Paddy Sherman, was hardly the kind of editorial opinion to be expected on such an important public question from a responsible metropolitan newspaper. In an editorial titled "Everyone is out of step but our general ...." the newspaper suggested on December 13, 1962, that no one closely associated with the planning of the development had supported McNaughton. Later, the Province mocked the opposition campaign among elements of the trade union movement in British Columbia. 112

Larratt Higgins had already been the subject of an attack in the Victoria Daily Times in 1961 which criticized him for his "ill-informed and destructive" campaign against the treaty based on "a bewildering array of unfounded assertions." The article by Tom Gould also raised doubts about the propriety of such actions by an employee of Ontario Hydro, a continual sore point between Higgins and his employers which was not assuaged by Gould's reference. 113

Regardless of Gordon Shrum's weepy recollection that

the provincial Government "couldn't get anyone to present the facts about the Peace and the Columbia ... back when the going was rough," the provincial Government was adept at retaining the offensive in the federal-provincial feud which dominated the public's understanding of the controversy over the treaty as a result of the "play" it received in the press. Larratt Higgins has noted how difficult it was to attack the treaty when the audience tended to try to identify the criticism with the position of either the federal or provincial Government. "That made it very hard to explain," he has observed, "that you [were] dead against both of them." Later, members of the Liberal Government sought "equal space" to reply to published articles by such critics as Higgins and Ripley.<sup>114</sup> General McNaughton's sensational charges were widely reported with some political effect when they were originally made in April, 1962; in the long run, however, the treaty's opponents could not compete with the attraction of the continuing confrontation between the federal and provincial Governments.

On the other hand, the provincial Government and the Premier, in particular, were skilled at waging a public campaign through the press. As a result of frequent initiatives, and with the assistance of intrusions by American officials, the provincial Government was able to keep the federal Government on the defensive. The provincial Government handily identified opposition to its aim as

opposition to the imaginative and popular two-river policy of energy development and lack of confidence in the province's future. With resource development to an important extent a provincial matter in Canada, the position of the federal Government was also pictured as unnecessary interference in provincial affairs. One of the most outstanding examples of the exploitation of an incident for maximum effect in the press by the provincial Government involved the meeting between Premier Bennett and President Kennedy in 1961. When Davie Fulton delivered his indictment of Bennett and Stewart Udall in 1961, it was left to a provincial Minister to reply to the "blunder." Gordon Shrum, too, was able to apply some pressure against the federal position. Following the appointment of a school chum, Wallace McCutcheon, to the shaky minority Conservative Government, Shrum was reported as saying, for no apparent firm reason, that the treaty would be one of the matters that McCutcheon would encourage the Prime Minister to conclude. The statement by Shrum served to reinforce the impression of the federal Government's position as ill-defined and divided.

While the opponents of the Columbia River Treaty differed on how to appeal to public opinion, they agreed that public opinion was important in the achievement of their goals. General McLaughlin, Larratt Higgins, and James Ripley made good use of the press in central Canada, but the press of British Columbia was generally inattentive, and in part

hostile, to opposition opinion and activity. Criticism can be made of the press for its propensity to value the worth of events by their sensational quality. The federal-provincial hassle over the Columbia River Treaty was an important part of the whole controversy, but it was not the sole aspect of it; indeed, the question may be raised whether, in their greater concern to follow the more sensational developments in the debate in the movements and opinions of the temporary tenants of public office, the most important part of the debate was adequately reported and fairly commented upon by the press. It is not enough to reply that the views of public authorities were pre-eminent because the final decisions would be made in terms of their interests. Because the dispute was public, the press itself was necessarily part of that dispute. And to the extent that public opinion was a relevant factor, it was the responsibility of the press to inform the public of all aspects of the debate, and not assume too casually that the most powerful forces in the debate with the most resources available to them, including an acquiescent press, were the most responsible forces.

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The opponents of the Columbia River Treaty were divided on their objectives and their tactics in their campaign. All, however, wanted to prevent ratification of the treaty as negotiated in 1961, and they failed to achieve this goal. The jurisdictional division in Canada over the develop-

ment of the Columbia River basin and the responsible party system of parliamentary government were obstacles in the political system which hampered representation by the extra-parliamentary opposition, and made accommodation of any kind difficult. The international ramifications of the issue were also significant in the final resolution of the controversy as was the vested interest built up within the federal civil service in support of the treaty as negotiated. The highly technical nature of the issue and the predisposition of the press, particularly in British Columbia, to judge the controversy in terms of coverage and comment by the federal-provincial dispute over the disposition of the downstream benefits, limited the awareness of the issue by the public and made it difficult for the opponents of the treaty to present their case.

Some proposals for change and addition in the policy making process have been forthcoming from the opponents of the treaty following the failure of the campaign. The federal NDP has suggested that the House of Commons acquire powers in treaty matters similar to the Senate of the United States. General McNaughton recommended the creation of an advisory committee to the federal Cabinet on water policy to work with the civil service and provincial authorities. The establishment of a research institute has been advocated by Larratt Higgins to provide resources to qualified personnel for independent investigations of such public works as the

development of the Columbia River basin in Canada. The American advisory committee with congressional and extra-congressional representation has also been noted here as a possible technique to familiarize interested groups with the various views on public policy in order to effect mutual accommodation and public education.

Despite the failure to achieve a re-negotiated Columbia River Treaty, the opponents did experience some success in their secondary aim of raising doubt about the value of the treaty and the wisdom of the Liberal Government's prompt reconciliation with the provincial Government after more than two years of Conservative procrastination. As one commentator has written: "Only future generations will be in a position to know whether this crucial decision of the Canadian government was far-sighted statesmanship or spineless surrender."<sup>115</sup> In the meantime, a warning has been sounded, and Canadians are probably more conscious about the growing value of their water as a multi-purpose resource after the debate over the treaty. The exploitation of resources for so-called continental development is not currently popular at any level of Government in Canada. And when another similar situation arises, the experience of the Columbia River Treaty may help crystallize public discussion more effectively though the basic difficulties relating to the divided jurisdiction and policy-making procedures in Canadian government may still confound those who attempt to make effective representations.



Footnotes

<sup>1</sup> Political Oppositions in Western Democracies, Robert A. Dahl (ed.) (New Haven: Yale University Press, 1963), p. xi.

<sup>2</sup> Secretary for Home Affairs, Sir John Simon. Quoted in Allen Potter, "Great Britain: Opposition With a Capital 'O'," Dahl (ed.), p. 4.

<sup>3</sup> Ibid., p. 9.

<sup>4</sup> Herridge interview, November 13, 1967, and, Higgins interview, March 9, 1968.

<sup>5</sup> Columbia River for Canada Committee papers, a letter to L. Austin Wright (unsigned copy), June 21, 1963.

<sup>6</sup> Columbia River for Canada Committee papers, "statement of the Columbia River for Canada Committee -- August 1, 1964" (mimeo), p. 4. Emphasis in the original.

<sup>7</sup> Ibid.

<sup>8</sup> Herridge interview, November 13, 1967.

<sup>9</sup> Columbia River for Canada Committee papers, Waterfield to Brastén, October 4 (1962).

<sup>10</sup> James Eayrs, "Sharing a Continent: The Hard Issues," in The United States and Canada, John Sloan Dickey (ed.) (Englewood Cliffs, N.J.: Prentice-Hall, Inc., for the American Assembly, Columbia University, 1964), p. 635.

<sup>11</sup> Minutes, March 11, 1955, p. 125, and, June 1, 1955, p. 635.

<sup>12</sup> McNaughton to Perrault, July 18, 1962. Published in Johnston's Journal, Revelstoke, B.C., v. 1, no. 2, August 25, 1962 (campaign literature).

13 Davidson, MS, p. 26.

14 Yorke to author, undated (c. July 6, 1968).

15 Ibid.

16.

In the provincial election of 1943, the United Automobile Workers in Windsor nominated candidates to contest the three constituencies in Windsor. The candidates were also nominated by the Liberal party and ran as "UAW-Liberal-Labour" candidates against Conservative and CCF candidates. The only candidate whose Communist affiliations were not known won and joined the Liberal caucus. Martin "not only joined the whole Liberal organization at work for the UAW candidates, but personally spoke on many mutual platforms." (Canadian Tribune, September 1, 1945. Quoted in Horowitz, Canadian Labour in Politics (Toronto: University of Toronto Press, 1969), p. 113.)

On the Grey-North by-election of 1945, see Horowitz, pp. 201-02.

17.

Yorke to author, undated (c. July 6, 1968).

Two years after ratification of the treaty, and on the day of McNaughton's death, Yorke observed of McNaughton:

He was the epitome of the devoted Canadian public servant. But this very fact tied his hands. He certainly had the ability to arouse the public, but ... he left that to others. McNaughton's decision revealed the weakness of even the best of the Canadian bourgeoisie. They are incapable of leading an alliance against the American domination of this country. Unfortunately, so far the working class has not sufficiently exercised its leadership on this vital question. The beginnings are there, as the experience on the Columbia fight showed. (...) McNaughton was a firm believer in the capitalist system, but in the socialist Canada that will surely come his name will find an honored place.

"Mr. McNaughton fought for Canada," Canadian Tribune, August 17, 1966. Emphasis in the original.

18 Davidson to author, April 7, 1969.

19 Higgins interview, April 6, 1969.

20 Lloyd to author, February 27, 1968.

21 Office of the Privy Council, "Partial Text of  
by Hon. Lester B. Pearson leader of the Liberal  
meeting of the Men's Canadian Club of Vancouver,  
October 2, 1962" (mimeo), p. 5.

George Bate, "Liberal Ideas on River Treaty Not  
Pearson Says," Globe and Mail, April 30, 1967.

Higgins papers, "McNaughton's last Campaign," p. 6.

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Columbia River for Canada Committee, December 9,  
in the original.

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), and Beane to McNaughton, October 2, 1962.

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Higgins to author, December 8, 1968, and, February

Beane papers, "McNaughton to Beane, February 9,  
1962" by Beane.

Columbia River for Canada Committee papers,  
"Columbia River for Canada," in file in the

20 Byrne interview, November 14, 1967.



31 Private research source.

32 Higgins to author, December 8, 1968.

33 Byrne interview, November 14, 1967.

34 Lloyd to Dingsdale, June 21, 1962. Published in  
Minutes, April 7, 1964, p. 70.

35 Donald C. Blaisdell, American Democracy Under Pressure  
(New York: The Ronald Press Company, 1957), pp. 38, 52.

36 Private research source.

37 Ernest Watkins, "Down the River," Canada Month,  
March 1968, p. 31.

38 The Canadian Political Nationality (Toronto: Methuen  
Publications, 1967), p. 50.

39 Ibid... p. 55.

40 "A look at the pros and cons of instant Canadian  
citizenship," Financial Post, January 25, 1969 (a review of  
Lester K. Born's The Disfranchisement of Our Times, vide infra).

This is also a concern of Mrs. E. H. Davidson (Davidson  
to author, January 13, 1968, and April 3, 1968).

41 The Hon. Paul Martin, Secretary of State for Ex-  
ternal Affairs (Ottawa: Queen's Printer, 1968), p. 31.

42 McDonald to author, March 4, 1969.

43 Minutes, May 27, 1964, p. 1460.

44 Ibid:

- 45 Waterfield papers, Davis to Waterfield, July 25, 1963.
- 46 Office of the Privy Council, "Partial Text of Address by Hon. Lester B. Pearson Leader of the Liberal Party at a meeting of the Men's Canadian Club of Vancouver, Vancouver, October 7, 1961" (mimeo).
- 47 J. W. Pickersgill. Debates, April 6, 1962, p. 2591.
- 48 Waterfield papers, Pearson to Waterfield, April 13, 1962.
- 49 Lament for a Nation: The Defeat of Canadian Nationalism (Toronto: McClelland and Stewart, 1965), p. 32.
- 50 Ibid., p. 26.
- 51 The Distemper of Our Times (Toronto: McClelland and Stewart, 1964), p. 228.
- 52 James Byrne. Debates, February 10, 1955, p. 1036.
- 53 Allan MacEachen. Minutes, April 29, 1955, p. 450.
- 54 Newman, p. 228.
- 55 Higgins papers, "Address to the Woodsworth Foundation Conference," p. 1.
- 56 Newman, p. 229.
- 57 Blaisdell, pp. 125-26.
- 58 Clarence A. Bardahl, "Some Notes on Party Membership in Congress," Part 1, American Political Science Review, v. XLIII, April, 1949, p. 311.

59 Carl O. Smith and G. Lowell Field, "The Responsibility of Parties in Congress: Myth and Reality," Southwestern Social Science Quarterly, v. XXIV, June, 1953, p. 35.

60 Blaisdell, pp. 154-55.

61 Ibid., pp. 131-32, 170, 172.

62 Organization of Congress. Report of the Joint Committee on the Organization of Congress, pursuant to H. Con. Res. 19, U.S. Senate, 79th Cong., 2d sess. (Washington: United States Government Printing Office, 1946), p. 2. Quoted in Blaisdell, p. 155.

63 Senator Mike Monroney (D., Okla.), Congressional Record, 80th Cong., 1st sess., July 26, 1947. Quoted in Blaisdell, p. 155.

64 Blaisdell, p. 109.

65 Ibid., p. 224.

66 Ibid., pp. 234-35. For Gross' account of the American process of enacting laws, see The Legislative Process (New York: McGraw-Hill Book Company, Inc.), 1953.

67 Ibid., pp. 186-87.

68 Harold L. Idles, "Foreward," Arthur Maass, Windy Waters: The Army Engineers and the Nation's Rivers (Cambridge, Massachusetts: Harvard University Press, 1951), pp. xi, xiv.

69 Higgins papers; "Address at Calgary," pp. 3-4.

70 Gross, pp. 296-97, 314.

71 John Holmes, "The Relationship in Alliance and World Affairs," Dickey (ed.), pp. 109-10.

72 Yorke to author, undated (c. July 6, 1968).

73 Higgins papers: "McNaughton's Last Campaign," p. 16.

74 Private research source.

75 Higgins papers. Davis to Higgins, May 3, 1963.

76 Private research source.

77 Canada and the United States principles for partnership. Reported by A.D.P. Heehey and Livingston Merchant. June 28, 1965 (Ottawa: Queen's Printer ( ), 1965).

78 Higgins papers, a tape recorded interview with Michael Barkway by the Canadian Broadcasting Corporation (no date). A few months after the publication of the "Principles of Partnership" and during the federal election campaign of that year, McNaughton told a public meeting:

Each of the [political] parties should take cognizance of the importance of the subject of water resource management, and grasp this opportunity [in an election campaign] of bringing the debate into the open. (...)  
One report prepared by Messrs. Heehey and Merchant, has even been issued to the effect that Canada and the United States should work out their problems in the resources field and in the energy field behind closed doors. I venture to suggest that we can permit the technical discussions to proceed in private only after a firm policy for Canada's water has been arrived at in public discussion in this country.

"Address to the Canadian Club of Montreal, 4 October 1965, by A.G.L. McNaughton" (mimeo); pp. 10-11 (Higgins papers). Emphasis in the original.

- 79 Debates, December 6, 1910, pp. 895-912.
- 80 Private research source.
- 81 "The Fifties: an Ottawa Retrospect," Waterloo Review, Summer, 1960, pp. 33-34.
- 82 Davidson papers. McNaughton to Davidson, August 19, 1963.
- 83 The senior administrators who sparred with Higgins were A.E. Ritchie, Gordon MacLabb and Courtney Kingstone. Higgins interview, April 6, 1968.
- 84 Davidson papers. McNaughton to Davidson, September 1, 1963.
- 85 Higgins interview, April 6, 1968.
- 86 Ibid.
- 87 Debates, June 5, 1963, p. 674.
- 88 Minutes, April 7, 1964, pp. 67-68.
- 89 Can. Senate Debates: Senator Reid, June 9, 1961, pp. 796-98; February 13, 1962, pp. 130-35. May 30, 1963, pp. 51-52; Senator Taylor, May 22, 1963, p. 17.
- 90 McDonald papers. Cameron to McDonald, June 17, 1964.
- 91 The Modern Senate of Canada, 1925-1963: A Re-appraisal (Toronto: University of Toronto Press, 1965), p. 366.
- 92 Ibid.; p. 367.



93 Minutes, May 27, 1964, p. 1460.

94 Higgins papers, "Canada's Water by General A.G.L. McNaughton to be presented at the annual General Meeting of the Engineering Institute of Canada, May 26-28, 1965," a preprint copy (mimeo), p. 9.

95 "If public policy is based on secret computer models, then in order to have intelligent and open debate, there have to be public models and the resources available to interested people to develop alternatives for debate. Problems are becoming more and more complex and arguments are held and decisions made in narrower circles. With the computer locked up...., there can be no effective debate on these problems." Higgins interview, April 6, 1968.

96 Yorke to author, January 17, 1968, and, undated (c. July 6, 1968).

97 Davidson papers, McNaughton to Davidson, December 19, 1963.

98 Columbia River for Canada Committee papers, a letter to I. Austin Wright (unsigned copy), June 21, 1963.

99 Yorke to author, undated (c. July 6, 1968).

100 Davidson to author, June 23, 1968.

101 Higgins papers, Higgins to McNaughton, May 15, 1964.

102 John T. Saywell, (ed.), Canadian Annual Review for 1963 (Toronto: University of Toronto Press, 1964), p. 51.

103 Higgins interview, March 2, 1968.

104 McDonald to author, March 4, 1968.

105

"And he concluded with the advice that it was a matter for experts only, women such as [the delegation] would be better occupied by applying their energies to local problems -- he himself gave all his spare time to promoting Little League Baseball, and they should find something equivalent." Davidson to author, April 7, 1968.

106

Davidson MS, p. 25, and, McDonald papers, Higgins to McDonald, May 27, 1963.

107

Davidson papers, Alan Jessup to Bartholomew, December 20, 1962, a copy.

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Alex Young, "Bennett Switches on Peace Power," Windsor Province, September 30, 1968.

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Davidson to author, January 13, 1968, and, April 1968.

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McDonald to author, March 4, 1968.

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Yorke to author, undated (c. July 6, 1968).  
This is in the original.

112

"General McLaughton and his supporters..." and  
December 20, 1962.

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"From Ottawa: Only a Slender Hope Now Remains  
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Higgins to author, February 9, 1969.

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#### A Note on Additional Correspondence and Interviews

Additional material was received in correspondence with Mr. Bartholomew, Mrs. Davidson, Mr. Deane, Mr. Higgins and Mr. Waterfield. Information on the Columbia River for Canada Committee was received in correspondence with Mr. Bruce Yorke, of Vancouver, and information on the views and activities of the Government of Saskatchewan, in correspondence

with the Hon. W. S. Lloyd, former Premier of Saskatchewan, and an executive assistant, John S. Burton.

Information was also received from interviews with individuals granted on the basis of anonymity. They included two meetings with a member of the Conservative Ministry in Ottawa on November 13 and 24, 1967, and a meeting with an official of the Department of External Affairs on September 30, 1968. An informal meeting was held with a Minister of the Government of British Columbia and a senior official of that province in Toronto on November 28, 1967. Two federal Liberals prominent in the debate over the Columbia River Treaty were unavailable for interviews.

General A. G. L. McNaughton's papers on the debate over the Columbia River Treaty are in his family's keeping and closed to the public.

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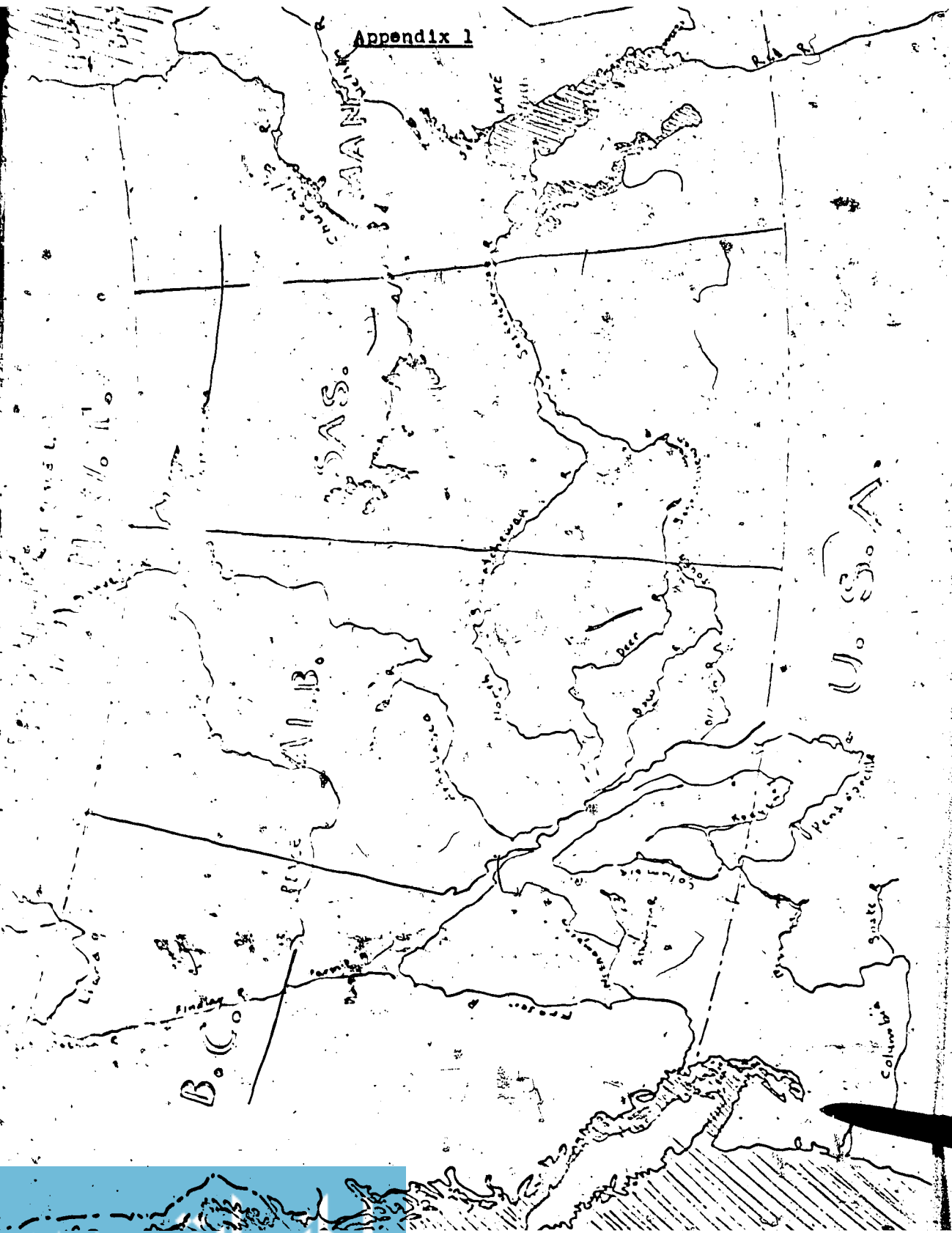
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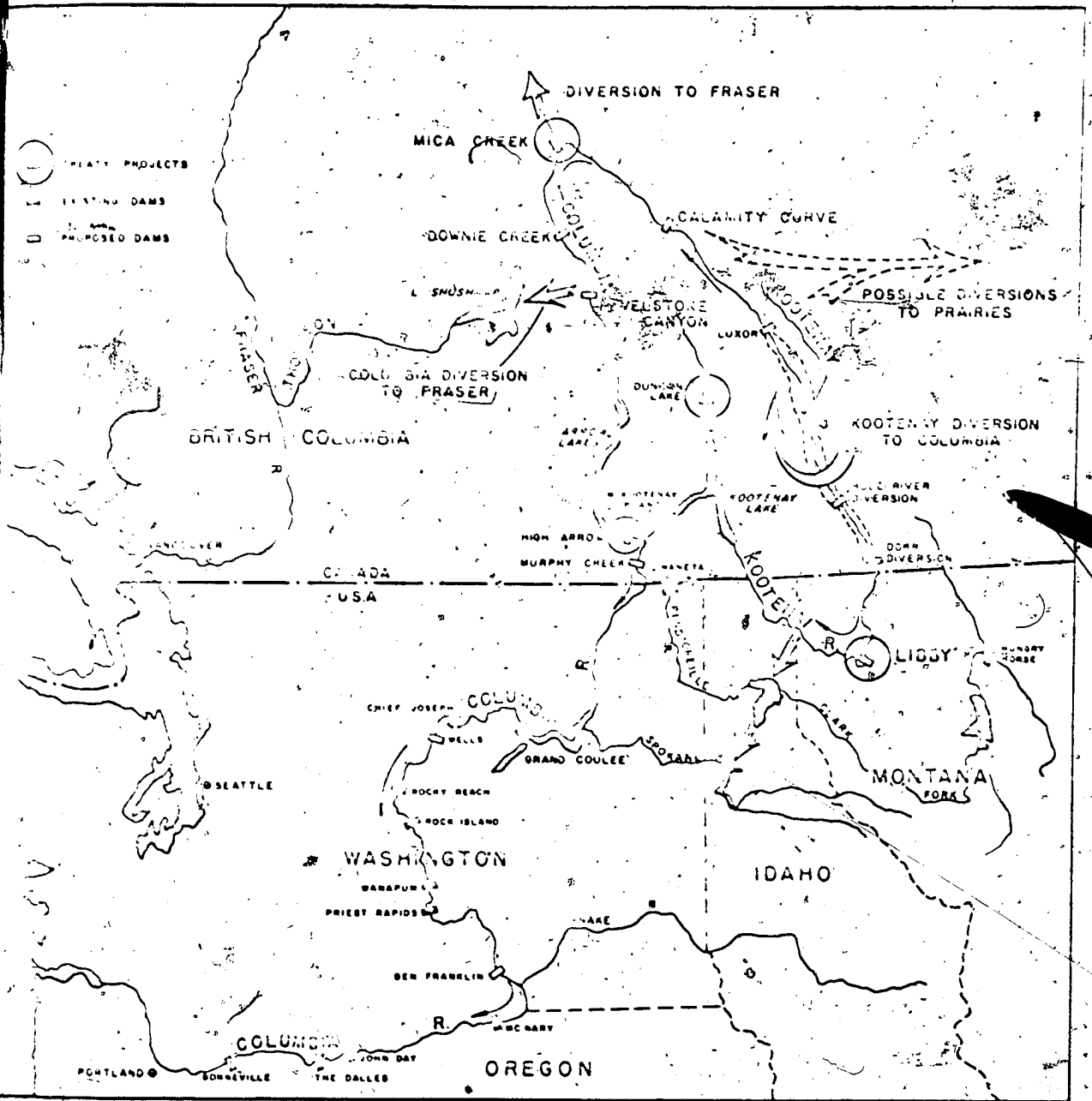
APPENDICES



Appendix 1



Appendix 2



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