

**SPEAKER OF THE HOUSE: THE HON. JOHN ALLEN ERASER, P.C., Q.C. (LL.B. '54) (from *Law Faculty Newsletter*, Summer 1987)**

A provision of the unwritten constitution of Kerrisdale is that the sidewalks be rolled up around five p.m. Saturday evening until early Monday. This quiet, with the steady winter rain, provides an illusion of solitude and, in the grey light of Sunday morning, John Fraser appears to be without a serious care or responsibility. His clothing, a brown judo robe worn over a dress-shin, tie, and grey slacks, gives him an air of relaxation. Well-worn slippers complete the illusion. The reality, however, is that Fraser has paused only momentarily in a hectic round of official duties. In a few hours, he will exchange the ceremonial garb of leisure for a business suit and fly to Ottawa where he will don more regal, more important ceremonial garb, the better to control unruly Parliamentarians.

But for the moment, he has agreed to pause and share a few memories and reflections. Fraser is an intensely intellectual man, yet fits entirely Confucius' description of the Higher Man: ". . . he is no mere intellect, not merely a scholar or a lover of knowledge; he has character as well as intelligence."

Fraser's disconcerting candor is well-balanced with a robust sense of humour. The same keen appreciation of history that so admirably qualifies him for the tradition of Speaker of the House moves him to regret the present U.B.C. Law Building - "a slab-structured bus stop." He speaks with equal honesty about legal education and shares exactly the view of Erasmus that, *a vertis literis a lienissima*, no discipline could be further removed from true learning.

Nevertheless, he considers legal training a valuable and maturing experience. Fraser recalls his first year of law as being "absolutely great" but found second year tedious and he spent much of the time reading poetry and novels:

I was working part-time in the library and my classmate Dave Chong saw me behind the desk reading *Oliver Twist*. It was only four weeks away from exams and Dave said I was in danger of being the best-read student in second-year – next year! I took the hint and, as Dr. Johnson would say, "concentrated my mind mightily" and just passed. Third year was better; I did a lot of well-organized study.

Graduation from Law School was shadowed by the death of his father, a man of sound integrity, whose memory Fraser deeply cherishes.

I was, you know, born in Japan; we later moved to Vancouver. I remember that I was 10 years old when the Japanese in Canada were interned. And I remember the outrage of my father, a veteran of World War I. He just couldn't accept that we'd so treat the sons and daughters of the men he'd fought beside in the trenches of France.

After graduation, Fraser left Vancouver to sort things out for, at that time, the thought of articling appalled him. So he did what he has always loved to do - he took to the wilderness and, for a summer, ran a string of pack-horses in the Yukon.

Returning refreshed, he articled in Victoria and was called to the Bar at the Bastion Square courthouse. Fraser practised law for a while in Victoria and then, thinking of the future, went to the Powell River office of a Vancouver firm, Jestley, Morrison & Co. He returned to that firm's Vancouver office in 1959. He loved the bearpit of courtroom work, and took legal aid cases to get to it. The year 1961 brought an invitation from Don Mawhinney to join Ladner Downs and work under Charlie Locke. Fraser enjoyed this new association and found cordial the practice of law with

. . . wonderful partners who were really friends. Good friends. It was a happy situation. Locke was a stern, exacting, and demanding taskmaster, but it was a great privilege to work with him. He's now Mr. Justice Locke, of course. I remember that one year he went out to U.B.C. to give the grad class lecture. You know, the usual avuncular address about entering the honourable and learned profession. He told them, "You're not really a lawyer in the great tradition until you've worked all night and seen the morning sun come through the library windows." A colleague of mine called me at the office an hour or two later to tell me, "The students now call him 'Sunrise Charlie.'" Working with Locke was one of my better experiences; I was very lucky to have such good instruction.

Fraser was always interested in politics, active in the Progressive Conservative party, although he entertained no early intention of running for office. But in '71 the political climate changed and, concomitantly, he focussed his always lively interest in conservation. Fraser has a way of reducing any matter to unarguable basics. Of conservation, he says, "If we don't resolve how to treat our planet, all other issues become academic. Conserving our resources is very important, equal to civil liberties."

Realizing, then, that politicians make the ultimate decisions, he became a candidate and was elected in the constituency of Vancouver South in 1972. His political career encompasses a variety of tasks that reflect his many abilities: environment critic, labour critic, Minister of the Environment, Postmaster General and Minister of Fisheries and Oceans.

Fraser hadn't contemplated being Speaker of the House. Thirty-second in a line of distinguished persons, he is the first truly elected Speaker, and the first British Columbian to hold the office. He thus becomes a man of high standing in Canada, accorded fifth place in the official order of precedence following the Governor General, the Prime Minister, the Chief Justice, and the Speaker of the Senate. What does he think of all this?

It's challenging. The happiest thing is that there is a similarity to the old days of being a courtroom lawyer; there's a highly intellectual and legal side to the task, *and* a vital human dimension that was the most fascinating part of courtroom work. It's a demanding job. I have to pay close and complete attention. If I wander for even a moment, you can imagine the problems!

My approach? There must be order. The election forced everyone to think about orderly process. There was dismay across the country about the behaviour of members in the House, and then the shock of Bosley's resignation. I ask for reasonable order, not perfection. This is no tea party; the Chamber is a place where people express views in an original and forceful way. We need that. We need free speech and the basis of this, of course, is to speak freely, which is not possible without agreement on order. What is necessary is a sense of history and ceremony. As lawyers, we have this and it is very valuable, a sense, you know, of where we have been and the direction in which we must go. Such perspective is absolutely vital for members of Parliament. Democracy doesn't function well without a sense of history; we can't take freedom and civility for granted.

As to your question, what changes I'd like to make, I don't think change, for itself, is wise. We can't unilaterally make changes. But the Speaker *can* admonish and encourage members to civility; he has real influence here. They [the members] set the rules and he enforces, but he is *not* a policeman. Rather he is a judge, a conciliator and moderator, a friend - and this is important. Discipline? Well, dismissal from the Chamber only brings a lot of publicity, effective TV publicity, and therefore dismissal is not good. The sense of the place is that everyone's had enough of this. The most effective discipline is not to recognize the offender, the member insistent on discord. There's nothing more detrimental to political aspirations than becoming invisible. I feel this approach is useful; it's tried and true. One is often profoundly affected by a first experience in something new, and I recall Lucien Lamoreux ('66-74), who was Speaker when I was first elected. We knew then that if we misbehaved, there'd be no recognition for two weeks or so. But he was a genial, conciliatory man.

Why am I laughing? Oh, just remembering, and the irony of it. You see, when I was first in the House, the guidelines for the question period were stricter. Some now would like a return to that. They forget how hard they [as opposition] worked to establish such latitude!

Eraser's schedule is intense. With a budget of \$178 million, he also administers the entire *Hill* and has quasi-diplomatic functions which are not "socializing" but hard work. And all this is in addition to presiding over Parliament. Then there is the fact that he is Member of Parliament for Vancouver South. Such is Eraser's energy and dedication, though, that he ably accomplishes every task set for him.

Fraser has not lost touch with law. Remarking on the Charter, he notes that the idea of Parliament being not so supreme as once it was (because there is considerable judicial interpretation needed) is much over-rated, and

... not so novel as everyone thinks. For decades laws and regulations have increased, as has the steady interpretation of law, a "broadening down." Yes, I voted for the Charter, but with reluctance. I did so because I was not persuaded that civil liberties would be adequately looked after in a state where jurisdiction is divided Federal/Provincial.

My reluctance? Because I saw it as a make-work industry for lawyers before the judiciary got a moderate but restrained sense of what the Charter is all about. This will take time. Also, I was unhappy that because of the Charter there would be more political comment by politicians about appointments to the Bench. Such statement stems from a negative assumption that, because of the Charter, judges will yield to an expression of their own preferences as opposed to interpreting law that legislators lay down. I have faith that the legal profession will handle this issue in a careful way. It is, however, irresponsible of inexperienced counsel to throw the Charter in with every other argument. It's intellectual sloppiness, but it should cease after some years of case law from the appellate level.

Fraser admits to wider interests than law. For exercise he runs a few miles every day and cultivates cerebral fitness at night with concentrated reading on the history of parliamentary process and related biographies. "Leisure" reading includes Lee Wulff's *Atlantic Salmon* and Boswell's *London Journal*, and Fraser has just finished a favourite Haig-Brown, *Fisherman's Summer*.

Asked what advice he'd offer young people, he gives the essence of a good father's wisdom:

Try mightily to maintain a vivid curiosity about everything. Care about things a great deal, and have courage. Asked once about the greatest quality a person could have, Churchill said "Courage, for it guarantees all others." And try to have a little fun, every day.

The NEWSLETTER invited Fraser to have the last word. He did, offering it with mischievous wit: "Assure my colleagues that I have no intention of writing memoirs."