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POLICE SERVICES: A SURVEY UTILIZING THE INTERPLAY
MODEL OF PUBLIC POLICY ANALYSIS

by

Peter Maurice German

B.A. (Hons.), Mount Allison University, 1973
LL.B., University of New Brunswick, 1981

A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS
in the Department
of
Political Science

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FEDERAL - PROVINCIAL CONTRACTING FOR

ROYAL CANADIAN MOUNTED POLICE SERVICES:

A SURVEY UTILIZING THE INTERPLAY MODEL

OF PUBLIC POLICY ANALYSIS

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APR. 10, 1990

(date)
This thesis examines the system of federal-provincial contracting for the services of the Royal Canadian Mounted Police (R.C.M.P.) whereby eight Canadian provinces contract with the federal government to provide members of the R.C.M.P. as a provincial police force, in exchange for monetary payment.

The interplay model, which views public policy making as a product of the interplay of ideas, structures and processes, is used as a framework for analysis to determine the policy rationales which underly the rise and continuation of contracting. A comparative overview of policing in Britain, France, the United States and Australia serves to introduce the topic and provide a counterpoint for the analysis.

The research results which follow this overview demonstrate that various dominant ideas influenced the R.C.M.P. contracts through the years. They differ, however, depending on the historical period and the level of government. The federal government, the provinces and the R.C.M.P. itself, developed agendas which reflected these dominant ideas. The structural influence of the R.C.M.P.'s unique organizational persona, combined with the strong leadership of four long-serving commissioners, accorded it a position of trust within the federal government and the ability to influence the federal agenda for many years, in favour of contracting.

The early contracts with prairie provinces (1905-1917) created
a precedent for those which followed after 1927. The federal government's desire for an orderly settlement of the west gave way to concerns over national security, particularly the threat of communist insurrection and labour turmoil. Political expediency and the financial benefits of contracting were and continue to be uppermost in the minds of provincial politicians.

The common agenda of the Force and the federal government weakened with the increased emphasis placed on financial management in the federal government after 1950. It also called into question the traditional justifications for the system. After 1959, the federal government attempted to remedy the disproportionate cost to the federal taxpayer through harder bargaining at the time of renewals.

This thesis also comments on the interplay model, noting its usefulness in a longitudinal study of a particular policy area and in a micro case-based approach.
To my parents, with thanks.
ACKNOWLEDGEMENTS

During the research and writing of this thesis, I received valuable assistance from many persons, all of whom gave graciously of their time. For fear of omitting any one or embarrassing some who may not wish the limelight of acknowledgement, I will not attempt to list the names of these persons. To them all, however, I extend my thanks, adding the caveat that the opinions expressed and the imperfections contained within the thesis are mine alone.

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This thesis relies heavily on the R.C.M.P. documents contained in the Public Archives of Canada (P.A.C.). D/Comm'r. R. G. Moffatt kindly provided the necessary consent to access material there and in the R.C.M.P. Archives, for which I thank him. Despite the access provided, I intentionally restricted, with only a few exceptions, my use of restricted material to the pre-1970 era, in order to ensure no interference with the upcoming contract negotiations.

vi
The P.A.C. staff was always most helpful and considerate. Special thanks are due Ms. Joanne A. Frodsham of the Federal Records Group who introduced me to the wealth of material available there. The Provincial Archives of British Columbia provided access to valuable material respecting the British Columbia Provincial Police, through the kind permission of the then Solicitor General of the province, the Hon. Angus C. Ree. Mr. Richard Anthony of his Ministry and Ms. Indiana Matters of the Archives staff kindly assisted in this regard.

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CHAPTER 1

INTRODUCTION

The history of Canadian policing predates Confederation by over two centuries. The antecedents of today's police were the British and French troops who alternately served in British North America, the nightwatchmen who patrolled the garrison towns of eighteenth century 'Canada' and the police departments which emerged in larger communities during the early nineteenth century. Confederation thrust the entire responsibility for law enforcement upon the fledgling nation and its police were soon required to adapt to all manner of societal change and upheaval: western expansion, world wars, depression, the rise of suburbia, rapid industrialization and the computer age, to name but a few.

The cost of providing an effective police presence now constitutes a formidable portion of government budgets, be they

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federal, provincial or municipal. Nevertheless, despite the many millions of dollars expended annually within this segment of the criminal justice system, the police inspire little scholarly comment generally and, in particular, of the governmental framework through which their services are delivered within the Canadian federation. Policing literature tends to overwork such topics as deviance, manpower deployment and supervisory techniques at the expense of certain very fundamental issues, such as determining both the role of police in society and the level of government which should administer and superintend their operations. This is so, despite the fact that the latter considerations are necessarily the logical beginning for other, more pedantic enquiries.  

2 The only work in general circulation which attempts a comprehensive overview of Canada's police is William and Nora Kelly's Policing in Canada (Toronto: Macmillan of Can., 1976). Other general works are the result of Law Reform Commission of Canada and university-related research, for example: Alan Grant, The Police - A Policy Paper (Ottawa: Supply and Services Canada, 1980) and C.H.S. Jayewardene, T.J. Juliani and C.K. Talbot, Canada's Constables - The Historical Development of Policing in Canada (Ottawa: Crimcare, Inc., 1985).

This thesis seeks to examine a major aspect of the structure of Canadian policing, that of inter-governmental contracting for the services of the Royal Canadian Mounted Police. For lack of a better descriptor, it is a 'system' which is apparently without close comparison elsewhere in the world and appears to contradict the division of powers contained within the Constitution. In particular, s. 91(27) places criminal law and procedure within the purview of the federal government while s. 92(14) gives the authority and responsibility to administer justice within their borders to the provinces.

The prevailing view of these provisions is that the federal government creates the nation's criminal law and the provinces administer it, the latter function necessarily including the

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In this thesis, the words 'agreement' and 'contract' are used synonymously when describing the federal-provincial and federal-municipal contracts for Royal Canadian Mounted Police services.

In this thesis, the Royal Canadian Mounted Police is variously referred to as the "Force" or the "Mounted Police," as well as the "N.W.M.P." (North-West Mounted Police) for the period before 1904, the "R.N.W.M.P." (Royal North-West Mounted Police) between 1904 and 1920 and the "R.C.M.P." (Royal Canadian Mounted Police) thereafter. The peace officers within the Force are often collectively referred to as "members." A list of rank and other abbreviations used in the thesis is found in Appendix H.

Constitution Act, 1867 (U.K.) 30 & 31 Vict., c. 3.
operation of a police force. Despite this, the federal government reserves the right to create and operate a police force, ostensibly by authority of the 'peace, order and good government' residual clause in the preamble to s. 91.

An Act of Parliament in 1873 established the North-West Mounted Police, according it a mandate to bring law and order to the vast expanse of the North-West Territory. The legendary exploits of the early Mounties: the settlement of the west, the pacification of the American Sioux, the North-West Rebellion, the Klondike gold rush and the opening of the far north are all well known chapters in Canada's history. By 1900, however, the Force's original mission neared completion. With western settlement proceeding peacefully and provincial status imminent for those parts of the Territory now known as Alberta and Saskatchewan, it appeared as if the Force would be dissolved. Surprisingly, the creation of provinces in the western prairies proved to be a blessing in disguise for the Mounted Police. As will be seen in

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7. A contrary view is described in chapter six.

8. An Act respecting the Administration of Justice and for the establishment of a Police Force in the North West Territories, S.C. 1873, c. 35. The statute did not explicitly name the Force although reference is made to the "Police Force of the North West Territories." Not until 1879 did the Force's better known appellation, The North-West Mounted Police, receive statutory recognition (An Act to amend and consolidate as amended the several enactments respecting the North-West Mounted Police Force, S.C. 1879, c. 36).

9. In 1873 the North-West Territory comprised what are now the Provinces of Alberta and Saskatchewan as well as much of northern Manitoba.
chapter four, both Alberta and Saskatchewan signed contracts with the federal government allowing the R.N.W.M.P. to continue as a provincial police force, in exchange for a monetary payment to Ottawa. It was the beginning of a most curious situation and one which defies the accepted *de jure* division of powers in Canada.

THE CONTRACTS

Within the next 50 years the federal government signed contracts with six other provinces, again permitting the Force to perform provincial policing duties in return for financial compensation. In 1935, Ottawa signed a similar contract, permitting the R.C.M.P. to assume the duties of the defunct Flin Flon, Manitoba municipal police department. The result and present situation is that members of the Force may, depending on their location, wear not one, but two and sometimes, three hats: those of federal, provincial and municipal police officers.

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10 The enabling legislation in Saskatchewan was the *Constables Act*, S.S. 1906, c. 20 and in Alberta, the *Constables Act*, S.A. 1908, c. 4.

11 Appendix A and the inset chart illustrate the commencement dates of the various contracts.

12 Public Archives of Canada (PAC), P.C. (PC) 533, Mar. 4, 1936.

13 Throughout this thesis reference is made to federal-provincial contracting for the services of the R.C.M.P. The exigencies of space and time do not permit similar treatment of federal-municipal or federal-territorial contracting, although reference is frequently made to the former. Due to the present
The complexity of the arrangements becomes apparent if one considers that R.C.M.P. officers under contract take direction from the provincial attorneys-general (and, in addition, from town or city councils in the case of municipal contracts), yet remain federal employees under the control of the Solicitor General. Although implementation of the contracts generally proceeds in an amicable fashion, their very nature invites problems because they essentially supplant the accepted constitutional division of power respecting criminal law and law enforcement. Despite this fact and although the subject of control often becomes important at the time of contract renewals, fiscal concerns regularly capture center stage.

At some point during the twentieth century, each of the provinces formed a provincial police force. Generally their creation was an attempt to appease local concerns over lawlessness or to fill a policing void. Largely due to the rise of contracting, only three survived past 1950, those of Ontario, Quebec and Newfoundland. Meanwhile, the R.C.M.P. mushroomed in

constitutional status of the Yukon Territory and the Northwest Territories, agreements which exist between the territorial governments and Ottawa for the services of the R.C.M.P. are essentially a housekeeping measure within the federal bureaucracy.

Appendix A and the inset chart illustrate the dates of formation and dissolution for provincial police forces.


The Quebec Police Act, S.Q. 1870, c. 24 created the Quebec Provincial Police Force.
size from 150 persons in 1873 to over 19,000 at present. More important in terms of this thesis, however, is the fact that almost two-thirds of the R.C.M.P.'s membership compose the contract police forces of eight provinces, both territories and 191 municipalities. In consideration of their services, the provinces, territories and municipalities share the costs incurred with the federal government on the basis of relatively complex formulae. Arriving at an agreed split and determining the cost base are regular stumbling blocks around the negotiating table.

17 Newfoundland presents an interesting situation, having once possessed two provincial police forces, the Newfoundland Company of Rangers and the Royal Newfoundland Constabulary. Only the latter remains, now sharing provincial duties with the R.C.M.P. (see chs. 5 and 6).

18 The R.C.M.P. had an authorized strength of 19,894 person-years in fiscal 1987-8 (Solicitor General of Canada, Annual Report 1987-1988 (Ottawa: Supply and Services Canada, 1989), p. 26). In 1985, the peace officers employed by the Force represented 27% of the nation's total police strength. The importance of this statistic can be appreciated when one considers that in 1986 the Force acted as the primary (local or municipal) law enforcement service for in excess of 50% of the population of five provinces: British Columbia (71%), Saskatchewan (57%), Prince Edward Island (78%), Nova Scotia (55%) and Newfoundland (66%) (Statistics Canada, Policing in Canada 1986 (Ottawa: Supply and Services, 1987), p. 73, et pas.).

19 Ibid. Solicitor General of Canada, Annual Report 1987-1988, p. 34. The person-year statistics contained within the Report isolate those of employees engaged in contract work, 9,364 person-years, however do not include within that number the many others, equally necessary to implement the contracts, who are engaged in administrative support roles (p. 35). This matter is considered further in chapter six.

20 See generally, chs. 4 to 6 and App. B.

21 The present series of contracts can be traced in an uninterrupted line to the Saskatchewan agreement of 1928. Then the provincial government's share ostensibly approximated 40% of policing costs. Its share under the present formula will represent
Although present indications do not suggest a movement away from contracting when the present arrangements expire with all eight provinces on March 31, 1991, they do point toward a continued rethinking by all levels of government of the desirability of contract policing.

Why this ad hoc system arose and took such firm hold in Canada is not easily explained. Clearly it resulted from the co-mingling of numerous factors over a long period of time. This thesis seeks to examine those factors, the consistency of certain policy ideas and concepts which they reflect and the impact of contracting upon policing in Canada. Furthermore, it traces the changing positions of governments toward the system, in order to better understand past decisions and future policy developments.

The unique nature of the present arrangements accounts in large part for the R.C.M.P.'s omnipresence in Canadian law enforcement and appears to contradict an historic tradition of localism in policing, a paradigm which took firm hold in England many centuries ago and carried forward to the colonies, the United States being the nearest and most obvious example of a nation in which it continues to thrive. The system of contracting demonstrates great resilience, having survived numerous changes of

70% in fiscal 1990-91. These percentages are also affected by changes in the method of calculating the cost base (see generally, chs. 5 and 6).

22 The temporal length of contracts for R.C.M.P. services varied through the years, however is currently ten years.

23 See chapter 3 for a detailed discussion of this point.
government at both the federal and provincial levels as well as various political and policing disputes. In each case various factors, though not necessarily the same ones, combined to allow the Force to withstand such change or unpleasantry. It is a system which arguably produces a heightened degree of stability and consistency in the delivery of policing services throughout the nation. At the very least, it is one which richly deserves examination.

THE RESEARCH PROBLEM

An explanation for why a system of contracting evolved could surely consume this entire thesis. That, however, is not its purpose. Rather, its intent is to focus upon a "neo-institutional approach" to public policy-making developed by Professors Bruce Doern and Richard Phidd in their work, Canadian Public Policy - Ideas, Structure, Process. As the title implies, it is the authors' thesis that the making of public policy is a product of the interplay of ideas, structures and processes:

Ideas refer to the broad normative content of policy

24 Certain of these 'unpleasantries' are overviewed in chapter 6.


including ideas which are the central basis for the existence of the key institutions.... Structures refer to organizations and bureaucracies and the persons who head them, including those in public and private sector institutions. Processes refer to the changing dynamics which arise when decision makers are required to deal with uncertainty and with a changing environment...  

They postulate that these components are found in all fields of governmental activity, or "policy fields," though in differing proportions and relationships.  

Doern and Phidd demonstrate the utility of their model by attempting to apply it to some of these fields and remark that the model can likewise be applied to an unlimited number of others. Although they do not accord policing the status of a policy field, the authors do include "law enforcement" as a sub-component within the "social policy" field.  

The central question of this study is, therefore, to determine whether the rise and continuation of R.C.M.P. contracting can be explained through the use of Doern and Phidd's model. Closely related to this question are others which will hopefully find answer in the research. What factors contributed to its rise and continuation? Has or has not the policy rationale for contracting remained consistent over time at both the federal and provincial levels? Was the creation of a 'national' police force desired by the federal government at the outset of contracting? Does the

27 Ibid., p. 34.  
28 Ibid., p. 42. In this thesis, the term "interplay model" is used as a shorthand descriptor of this approach.  
29 Ibid., Pt. 3.  
30 Ibid., pp. 360-61. Also, see pp. 37-9.
federal government benefit from the system or is it little more than a thinly veiled form of federal grant-in-aid? What motivates provincial governments to contract out their policing responsibilities? Is it plausible that in the future, the R.C.M.P. will revert to being a purely federal Force? In attempting to answer these questions, the dominant ideas, structures and processes which characterize the system of contracts will be identified and explored.

This thesis argues that contracting is a thinly guised form of federal subsidy to the provinces, one which prospered because it is advantageous to the contracting provincial and municipal governments and the structural pressures which play upon the federal government as the result of the R.C.M.P.'s almost sacrosanct place in Canadian society. Although the federal government obtains a national presence and pool of resources which serve to ensure internal stability within the nation as well as a visible presence in that part of the country outside the economic and cultural hub of Ontario and Quebec, the importance of these factors in the late twentieth century is far outweighed by the cost of the subsidy. 31

The system does, however, assist the federal government in meeting its obligations to the 'outlying' regions by a redistribution of tax dollars. The contracting provinces and municipalities traditionally opt for the financial advantages of

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31 These points are discussed at length in chapters 4 to 6, inclusive.
the contracts over local control, accountability and their own jurisdictional opportunity. Spared the necessity of organizing and administering a police force, they obtain one with good credentials and that is both non-unionized and a veritable national institution, at a bargain price. The stability of cost-efficient policing arrangements generally outweighs the ever-present desire for a policing system identified with and under their complete control.

This thesis seeks to address the issue of contracting for R.C.M.P. services from the perspective of all three levels of government, but primarily the federal and provincial. It examines the policy constructs which underly the system and their development over time. In so doing, it also comments upon Doern and Phidd's model.

THE SCOPE OF THE RESEARCH

There is no in-depth study of R.C.M.P. contracting. Instead, historians tend to deal with it as a peripheral issue. This thesis does not pretend to fill that void. Although historical in many senses, it can only hope to provide an overview of the roots of contracting, concentrating instead on the policy decisions which played a pivotal role in its development. Of necessity, reliance is placed on secondary sources for basic data and information concerning Canadian and Force history, however considerable resort
is made to primary materials respecting the contracts, including interviews with policy makers.

No attempt is made to evaluate the quality of service provided by the R.C.M.P. to its client governments or, conversely, the quality of service which municipal and provincial police forces provide to their masters. Such study falls outside the parameters of the analysis, except when it bears upon the creation, renewal or nonrenewal of a contract for service. Even in those situations it becomes of interest, not because of the true quality of the service, but rather by virtue of the perception held by provinces and municipalities of its quality and, accordingly, its ability to encourage contracting or affect contract renewal negotiations.

Furthermore, this thesis does not deal with the R.C.M.P.'s federal duties, \(^{32}\) except as they relate to its contractual responsibilities. For the sake of clarity, the terms "contractual role" and "federal role" will be used to distinguish the R.C.M.P.'s contractual obligations to provincial and municipal governments from its primary responsibility to the federal government.

THE ORGANIZATION OF THE THESIS

Chapter two presents an overview of the interplay model and its precursors in the field of public policy analysis. As will be

\(^{32}\) For example: drug enforcement, national police services, v.i.p. security, customs and excise and immigration enforcement.
seen, various models exist, yet all gradually made room for others in the never-ending quest for a more adequate explanation of how governments function and, more particularly, how the public policy process operates. The interplay model is examined in some detail as are its critics who, not surprisingly, appeared shortly after the model itself. In addition, the rationale for choosing interplay over other models is outlined.

Chapter three provides a comparative overview of policing in selected foreign nations which either influenced the development of Canada's police (Britain, France and the United States) or are similar in terms of their environmental constraints and federal systems of government (the United States and Australia). The chapter examines the tradition of local control over policing which developed in England over one thousand years ago and became enshrined as a form of dominant idea in policing, later being exported to the colonies, including the United States and Australia. Its approach is comparative in nature and serves to place in perspective the later discussion of the development of Canada's police.

Chapters four and five overview the origins and development of contracting for R.C.M.P. services from Confederation until 1950. Included is a review of the ideas, processes and structures which account for the rise and fall of provincial police forces in eight of the provinces and the consequent expansion of the R.C.M.P.

Chapter six, considers the years from 1950 to the present, overviewing the contract renewals, problem areas and most
important, policy rationales for contracting. In addition, brief case studies are presented of contentious matters relating to the contracts; specifically, the Newfoundland Loggers Strike of 1959, the Newfoundland Constabulary Highway Patrol, the New Brunswick Highway Patrol and the possibility of a future realignment of policing services in the Lower Mainland of British Columbia (the latter three by way of appendices). Again, these issues are examined by utilizing the interplay model as a framework for analysis.

Chapter seven completes the thesis by bringing together the research outlined in chapters three to six, inclusive. In so doing, an attempt is made to explain the system of contracting by reference to the model. Comment is made on the model itself, its strengths and weaknesses. Finally and as a result of this analysis, a commentary is provided on the immediate and long term future of the contracting system.
In order to effectively analyze the policy decisions which account for the development and continuation of contracting for R.C.M.P. services, a theoretical framework is required. To use an overworked term, one must simplify reality in the hope of thereby obtaining a better understanding of the relationships which underly and give rise to specific government policies. This is generally accomplished through the use of what have variously been described as models, theories or approaches:

A model is merely an abstraction or representation of political life: it should order and simplify our thinking about politics.... A model should point out where to look for explanations of public policy and suggest the conditions under which we should expect to observe particular policy outcomes.

The study of public policy remains a fledgling academic discipline, still attempting to distance itself from both the traditional study of political science and the rather narrow parameters of public administration. In essence, its concern is

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2 Dye, p. 22.

3 Practitioners fail to agree on a definition for public policy. Leslie Pal divides the numerous alternatives into two categories: those which focus on the intent of policy makers and those which concentrate on the effect of their decisions (Leslie A. Pal, Public Policy Analysis (Agincourt, Ont.: Methuen Pubs.,
the practice of government; the "how", "why" and "to what effect" of governmental behaviour. To find a model which adequately organizes and simplifies the policy process and which points toward the causes and effects of policies is a tall order indeed. The achievement of a paradigm continues to elude. None possesses universal acclaim, all have their proponents and detractors, and each tends to favour a different academic discipline, be it economics, political science, sociology or administrative studies.

The creators of interplay offer a dual challenge to students of public policy. They claim that theirs is more realistic than earlier approaches and can be applied to most, if not all, policy fields. Interplay is also attractive for other reasons. First,

A set of interrelated decisions taken by a political actor or group of actors concerning the selections of goals and the means of achieving them within a specified situation where these decisions should, in principle, be within the power of these actors to achieve" (W.I. Jenkins, Policy Analysis (London: Martin Robertson, 1978), p. 15, as quoted in Doern and Phidd, at pp. 33-4).


Doern and Phidd, p. 41.

Ibid., p. 42.
the model is ideally suited to the historical review of a particular policy field because the ideas, structures and processes which interplay suggests give life to government policies can, with the benefit of hindsight, be dissected with greater ease. Given the nature and development of contracting for R.C.M.P. services, this thesis will include a review of the history of contracting.8 Second, interplay is an approach which its creators contend is purposely tailored for application to the Canadian public policy process, alive to Canada's unique environment and politics.9

8 See generally, chs. 4-6.

9 It is often said that Canadians and Americans share a commonality which forsakes any differentiation on the basis of political attitudes, mores and behavior. This view is fast being displaced, however, by the opinion that there are certain real differences which are founded in the early familial origins of each nation.

At a theoretical level, the work of Louis Hartz is generally considered to be the starting point. Hartz developed a theory which argues that New World colonies represented, not a cross-section of their respective mother country, but a fragment of it. Depending on what ideology dominated the fragment which was exported, so the colony would develop in like fashion. In this manner, it has been argued that the United States reflects the pre-Revolutionary liberalism and belief in the individual which characterized Lockean thought whereas Canada is the product of a milder form of liberalism, one based upon English toryism and characterized by a stronger sense of elitism and collectivism. The latter is believed responsible for, among other things, a greater willingness to become involved in social welfare programs than is found in the United States and the increased degree of respect accorded to instruments of law and order, such as the R.C.M.P. (Louis Hartz, *The Liberal Tradition in America* (Toronto: Longmans, 1955) and *The Founding of New Societies* (Toronto: Longmans, 1964)).

Seymour Lipset has argued that the differences in political culture between the United States and Canada can, in part, be ascribed to the different manner by which each was created, the former through revolution, the latter not, as well as to the nature of their western expansion, warlike on the one hand and peaceful on the other (Seymour M. Lipset, "Revolution and Counterrevolution: The United States and Canada," in *The Canadian Political Process:*)
According to a critic, it is the "first book-length effort in recent memory that systematically studies Canadian public policy under the rubric of a general, integrating conceptual scheme." Third, it is postulated that the 'hands-on' approach of interplay is better suited to an empirical study than are more esoteric and broadly-based models. Fourth, although policing is not listed by


LeSage, p. 463.

Another who took up the challenge presented by interplay, in part for this reason, is N. Jean McNulty ("Broadcasting Policy in the Canadian Context," unpub. doctoral dissertation, Simon Fraser Univ., June 1986).
Doern and Phidd as a specific policy field, law enforcement is identified as a subset of the quality of life sub-field of social policy.\textsuperscript{12} Fifth, Peter Aucoin argues that traditional models often ignore policies which are intended, not to obtain a specific policy output, but rather to improve a person or an organization's influence in government.\textsuperscript{13} The latter are often of overriding importance to interest groups which seek a greater say in government. The right to participate in the policy making process is viewed by them as a necessary precondition, a means to an end. Interplay acknowledges the influence of bureaucracy, interest groups and personalities on the policy process and thereby largely overcomes these shortcomings.

ALTERNATE APPROACHES

Despite the foregoing, an overview of the approaches which the creators of interplay seek to better is required. Of these approaches, four are central. They are of two kinds: the rational and incremental models concentrate on individual decision making while the public choice and class analysis, or neo-Marxist, models

\textsuperscript{12} Doern and Phidd, pp. 360-61.

examine policy making as an inseparable part of a larger process.\textsuperscript{14} This overview is followed by a discussion of the interplay model's holistic approach.

In the hope of applying the 'laws' of scientific management to bureaucracies, theorists in the early part of this century sought the "most rational" or "one best way" of solving a problem.\textsuperscript{15} The rational model, which results from this quest, views policy making as a highly structured process encompassing various stages: recognizing a problem, categorizing it, presenting alternatives, ranking these alternatives, predicting their relative worth and arriving at a decision.\textsuperscript{16} Although attractive, the approach is highly structured, requiring adherence to a regimen similar to the 'scientific method.'\textsuperscript{17} In its application to Canadian government between 1968 and 1979, one observer believes that it produces "analysis paralysis."\textsuperscript{18} Furthermore, its emphasis on the process of policy making is done at the expense of other essential ingredients, structures and ideas if one is to accept Doern and

\begin{flushright}
\textsuperscript{14} Jackson, Jackson and Baxter-Moore, pp. 571 and 576.


\textsuperscript{16} Aucoin, p. 15.

\textsuperscript{17} Doern and Phidd, p. 140.

\textsuperscript{18} H. V. Kroeker, author of Accountability and Control - The Government Expenditure Process (Montreal: C.D. Howe Research Institute, 1978) and a senior, central agency bureaucrat in the federal government, in a 1980 Ottawa interview with Patrick J. Smith, for broadcast on the Knowledge Network of the West (Spring 1981).
\end{flushright}
Phidd's alternative. It is postulated that contracting for the R.C.M.P.'s services originated and continues, not as the result of a highly structured policy making process but through the operation of numerous environmental, organizational and political influences.

In view of the foregoing, the rational model does not appear well suited for this research, particularly with respect to the discussion in chapter 4 of the R.C.M.P. service contracts which both predate the appearance of a unified provincial bargaining position and the advent of formal rational approaches as major components of policy making in Canadian government. Nevertheless, its influence on interplay cannot be denied for, as Doern and Phidd themselves state:

...the model remains important since it supplies for many policy actors and organizations a general, albeit often vague, normative standard against which many decisions and policies and the policy process as a whole are tested in a rough-and-ready way, particularly in the rhetoric of debate.

Incrementalism is also described as other than a model or approach, closer to their antithesis. Writing almost twenty years ago, Aucoin referred to it as "[p]erhaps the most influential model of the policy-making process" and one which essentially developed as a reaction to the rational school. Coined by its creator,

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19 Jackson, Jackson and Baxter-Moore, p. 572 and Doern and Phidd, p. 140.
20 Doern and Phidd, p. 140.
21 Aucoin, p. 13.
Charles Lindblom, as "the science of 'muddling through'," incrementalism is the epitomy of micro-models for it views decision making as corrective, the making of "marginal adjustments" to problem policies. Rather than wrestling with the concepts which underly policy choices, incrementalists choose a preferred route from among alternate approaches, each representing only a marginal shift in behaviour. They tend to be quite pragmatic in their handling of policy questions, favouring pragmatism over idealism.

Although it is generally agreed that the model's greatest weakness is its inability to explain policy decisions which represent fundamental change, others suggest it is also inherently conservative and unable to explain the persistence of underlying ideas, implicit in certain policy decisions.

Various theorists attempted to improve upon the incremental model or marry it with other seemingly paradoxical approaches.

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24 Doern and Phidd, p. 142.


26 See Doern and Phidd, p. 562. The persistence of certain dominant ideas in the history of contracting for R.C.M.P. services, despite considerable change in government and society, is seen in chapters 4 to 6.

27 Interplay may also have the potential of allowing for such accommodations.
Amitai Etzioni's "mixed scanning" model differentiates between incremental and fundamental decisions, seeking to show that they are not mutually exclusive.\textsuperscript{28} Theodore Lowi categorizes the types of policy decisions which exist - distributive, regulatory and redistributive - and ascribes to each a different policy making process.\textsuperscript{29} Yehezkel Dror argues that Lindblom's thesis has "limited validity," essentially applicable only to societies with a stable social structure. He feels that it may even have a dangerous side effect, propelling policy makers into a state of non-effort.\textsuperscript{30} He offers a "normative-optimum" model in its place which Lindblom, in turn, describes as "simply a series of discreet observations and prescriptions."\textsuperscript{31} The debate continues.

Although enticing, incrementalism does not explain certain shifts which occurred in R.C.M.P. contracting during the first half of this century; particularly, the move to provincial policing on the prairies during World War I, Saskatchewan's reversal in 1928 and the move away from provincial policing west of Ontario and east


\textsuperscript{29} See Theodore Lowi, "American Business, Public Policies, Case Studies, and Political Theory," \textit{World Politics}, vol. 16, no. 4 (July 1964). Both Etzioni and Lowi's approaches are adaptations of other models that seek to find a middle ground. In many ways, they are utilizing an 'incrementalist' approach to model-building.

\textsuperscript{30} Dror, pp. 153-56.

of Quebec between 1932 and 1950. Similarly, it does not explain the decision making process involved in certain, more recent controversies in the area, such as the Newfoundland Loggers' Strike of 1959 and the rise and fall of the Newfoundland Constabulary and the New Brunswick highway patrols. Nevertheless, as with the rational approach, interplay acknowledges that incrementalism is appealing for various reasons, including its commonsensical nature and close relationship to the manner by which "many societies learn and change." 

Public choice theory is "the economic study of non-market decision-making," or more particularly, the manipulation of power by a small number of skilled practitioners. Although it can be argued, for example, that John A. Macdonald's National Policy, R.B. Bennett's assault on the Depression and R.C.M.P. Commissioner MacBrien's influence with Bennett explain the system of contracting, the skill which each person utilized in effecting policy change cannot be viewed in isolation from outside forces, 

32 These points of departure are examined in detail in chapters 4 and 5.

33 This thesis explores both the historical backdrop and the current agenda of police contracting in chapters 4 to 6, inclusive.

34 Doern and Phidd, p. 142.


37 See generally, chs. 4 and 5.
primarily the economic and political realities of the times, which acted upon them and shaped their decisions.

As a theory of policy analysis, Doern and Phidd reject public choice for "[subsuming] all or most public activity at the altar of economic determinism." Furthermore, it calls into question the existence of ideas, structures and altruism in individuals. This thesis demonstrates that certain dominant ideas and structures indeed played an important role in R.C.M.P. service contracts. Similarly, policy makers often, particularly in the early years of contracting, rose above political and personal partisanship when shaping agreements.

Class analysis finds its origins in Marxian thought, particularly in the operation of those famous socio-economic laws which are reputed to perpetuate a society of haves and have nots, those with power and those without, one wherein the state serves the needs of capitalism by fostering an environment which promotes capital accumulation through pacification of the masses. Doern and Phidd treat this approach with respect, however criticize both its inability to deal with certain enduring ideologies and ideas, such as regionalism and nationalism, and its single-minded belief

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38 Doern and Phidd, p. 568.
39 Ibid., p. 145.
40 Ibid., p. 562.
41 Ibid., p. 143.
42 Jackson, Jackson and Baxter-Jones, p. 584 and Doern and Phidd, pp. 146-47.
in "economic determinism." They argue that it does not satisfactorily deal with "reality" and is somewhat simplistic, an easy answer where there are likely no easy answers.

As indicated in this thesis, the unique character of Canadian society, the strength of regions, the federal nature of its government and the subtle but significant differences between Canada and other federal states, such as the United States, are all of importance in a study of the R.C.M.P.'s expanded role in law enforcement. Although it can be argued that the prevention of labour strife and the importance of obtaining a cost-efficient policing presence contribute to the R.C.M.P.'s 'popularity,' class analysis fails to explain the effect on policy making of the larger than life image which many citizens hold of the Force or explain why federal governments, in recent decades, consistently renewed the policing contracts despite an absence of strong and tangible benefit (and, for that matter, at a financial loss). Although a follower of the class analysis school may argue that the latter is merely an example of the state seeking to ensure the continued existence of a powerful instrument of social control, it does not explain why this function could not be performed equally well by the contracting provinces, or the converse, why the central provinces continue to maintain their own forces.

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43 Doern and Phidd, p. 562.
44 Ibid., p. 568.
Doern and Phidd acknowledge, however, the important influence of the class analysis school in four areas: the redistributive role of government, the analysis of social welfare reforms in the last quarter-century, the identification of unequal representation of certain segments of the population in the corridors of power and the international perspective which it brings to policy analysis. The authors obviously bore these influences in mind when constructing interplay, particularly in their isolation of such 'dominant ideas' as redistribution, equality and efficiency.

Allowing that no approach to policy analysis dominates the discipline, it must be reemphasized that the intent of this thesis is neither to downplay the worth of other approaches nor to compare them with the interplay model, but rather to select a framework for analysis which appears to best meet the needs of the research.

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46 Although interplay does not pretend to marry other approaches, its implicit flexibility and historicism have the potential of explaining why policy-making in Canadian government appears to sway between incremental and rational methods of problem-solving at different points in the nation's history. For example, Macdonald's National Policy and Trudeau's 'Just Society' hardly represent incrementalist approaches. On the other hand, the method of policy-making during the quiet days of Louis St. Laurent's administration and the later years of the Diefenbaker as well as the early years of the Pearson administrations bear strong resemblance to such an approach. In this regard, it is postulated that interplay is more all-encompassing than the traditional models and therefore better able to explain major shifts.
THE INTERPLAY MODEL

To quote Doern and Phidd:

...the public policy system is a subsidiary but central part of the Canadian political system. It consists of an amalgam and interplay of ideas; numerous structures headed by individual elected and appointed persons who are engaged in ranking, balancing and allocating scarce resources of money, personnel, political energy and time; and processes." 47

As such, the authors adopt a systems approach to the study of policy making wherein a number of elements combine to achieve a result. 48 The emphasis being theirs, it is obvious which elements are crucial to the model: ideas, structures and processes. They admit, and at least one critic agrees, that the meshing of these ingredients is not entirely new. 49 Richard Simeon, in a challenging article, came very close to developing a similar model eight years earlier, when he wrote: "Policy emerges from the play of economic, social, and political forces, as manifested in and through institutions and processes." 50

Furthermore, Doern and Phidd acknowledge that their model is limited. First and foremost, it does not pretend to state laws of

47 Doern and Phidd, p. 34.

48 Woll, p. 50.

49 Doern and Phidd, p. 41 and LeSage, p. 467. Although acknowledging that an interplay approach is not a novel idea, Doern and Phidd view theirs as "the first to try to carry out this task in an integrated way across several policy fields and in an historical context."

"public policy causality" which could allow an analyst to predict policy outcomes in specific situations because, quite simply, such scientific certainty is unattainable in social research.51 Second, its concentration is on policy formulation as opposed to implementation,52 due to both a perceived void in the literature and the exigencies of space.

Interplay is, as LeSage writes, a "heuristic" model.53 The constant intermingling of its various elements ensures no easy solutions. Nevertheless, to the practitioner, these ideas, structures and processes act as directional guides in a journey through the maze of government policy-making.

IDEAS

Ideas, Doern and Phidd write, represent "the broad normative content of policy" and are the essence of "key institutions."54 They are of two "interrelated" kinds: first, general ideologies

51 Doern and Phidd, p. 566. Despite this qualifier, the authors do allow, for example, that dominant ideas become institutionalized in governmental agencies and are important and persistent "criteria for evaluative judgement." Thus, although scientific accuracy is unattainable, it can be argued that projections for the future, however tentative they may be, are contemplated by the interplay model.

52 Ibid., p. 37.

53 LeSage, p. 474.

54 Doern and Phidd, p. 34.
and dominant ideas and second, institutional ideas, the core of key political institutions and of their interrelationships.\textsuperscript{55}

General ideologies are the 'isms' of Canadian politics, the distinct historical streams of political thought which Campbell and Christian, among others, traced in the previous decade: liberalism, conservatism, socialism and nationalism.\textsuperscript{56} Doern and Phidd believe that general ideologies serve to "foreclose" or lessen interest by policy makers in certain areas\textsuperscript{57} and, at the same time, combat the all too common belief that policies are the product of personalities, that mainstream Canadian politics is an amorphous grey, devoid of ideology.\textsuperscript{58} In their words, "the ultimate analytical task is to try to understand the persistence of ideas that transcend leaders or incumbents in office."\textsuperscript{59} The concern, of course, with such an approach is a concomitant tendency to ignore entirely that which the authors seek to minimize, the influence of personalities and the power which they wield in the corridors of government. This thesis acknowledges the influence of personalities, yet argues that the model is sufficiently flexible

\textsuperscript{55} Ibid., pp. 59 and 560.


\textsuperscript{57} Doern and Phidd, p. 53.

\textsuperscript{58} Ibid., p. 43.

\textsuperscript{59} Ibid., p. 569. Similarly, the ultimate task of this thesis is to determine why the system of contracting for the R.C.M.P.'s services continues, despite organizational, governmental and political change.
to allow for its inclusion. LeSage argues that the acknowledgement of certain general ideologies as 'givens' is nothing short of a cop-out for it serves to create a "liberal-democratic perspective" in preference to debating "fundamental principles." Were one to suggest that interplay possessed universal appeal, this criticism might be warranted. Allowing that Doern and Phidd's approach is specifically limited to the Canadian political scene, the expectation is probably unrealistic. In fact, the acceptance of such ideological 'givens' helps to explain why interplay is to be preferred, in the Canadian context, for it prevents unnecessary argument on certain fundamental issues which might tend to obfuscate the more specific policy questions being addressed. In terms of this thesis, it is accepted that Canadian political culture and Canadian political institutions and processes are different in many ways from those of other Western democracies. This should not, however, prevent comparisons with other nations. What it does require is that comparisons be alive to the inherent differences among democracies as manifested in the particular aspect of policy making under examination.

Dominant ideas include those "of efficiency, individual liberty, stability, redistribution and equality, equity, national

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60 LeSage, pp. 467-68.

61 This proposition is not intended to detract from the importance of the debate inspired by Hartz, vis-à-vis Canada and the United States (supra, ft. 9).
identity and integration, and regional sensitivity." According to Doern and Phidd, the integration of such dominant ideas within interplay serves to ensure the applicability of their approach to "virtually" all policy fields. They view paradigms as a form of dominant idea, however generally consider them to be policy field specific; for example, the emergent challenge of monetarism during the 1970's to the dominance of Keynesian economics as a paradigm in macroeconomic policy making.

To the authors, institutions are important because they are "capable of exercising power and influence." Among those which they view as central to Canada's political system are "federalism, Cabinet-Parliamentary government, interest groups, the electoral system and political parties and the mass media." In their

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62 Doern and Phidd, p. 560. Each of these dominant ideas plays a role in the history of R.C.M.P. contracting (see generally, chs. 4 to 6, inclusive).

63 Ibid., p. 42. Although acknowledging that interplay may not be applicable to every policy field, the authors do not name any which are inconsistent.

64 Ibid., p. 57.

65 Ibid., p. 59.

66 Ibid., pp. 27-8. The evolutionary changes which characterize federalism in Canada are crucial to an understanding of the rationale for R.C.M.P. contracts and thereby make it a central focus of this paper. The other institutions which Doern and Phidd list, though important, pale by comparison.

A summary of five concepts or "abstractions" of federalism in Canada is provided by Edwin Black:

The centralist concept, in vogue from the time of Confederation until the 1960's, envisions a strong, central government. Upon completion of the process of nation-building, provinces were to become mere administrative units.

The administrative concept, prevalent since 1920, emphasizes a close working relationship between both levels of government,
opinion, ideas are at the core of institutions and create "entrenched patterns of behaviour," behaviour which then serves to perpetuate the same ideas. The R.C.M.P.'s strong organizational ethos and the sense of mission inculcated in new employees and ingrained in the general membership is a recurring theme in this thesis.

particularly among bureaucracies.

The coordinate theory, in vogue since the end of the last century with the exception of the 1940's and 1950's, allows that both levels are independent and possess exclusive authority over certain activities.

The compact theory, dating between approximately 1880 and 1940, views federalism as the result of a compact between the founding provinces, similar to the birth of the United States. As a result, changes to the compact require the consent of all the provinces.

The dualist concept, which found expression during the Trudeau years, interprets Canada as the creation of two separate peoples, the English and the French (see generally, Black, Divided Loyalties).

Patrick J. Smith suggests that these "competing definitions of the federation" actually predate Confederation and continued to compete with each other as late as the time of the repatriation negotiations in 1981 ("Faustus Bidgood and the Kiwanis Club: Making Canada's Constitution," unpub. paper based upon extensive interviews with key actors and observers of the constitutional negotiations, presented to the Atlantic Provinces Political Science Assoc. (1986)).

The influence of such concepts of federalism often played an important role in the policy-making process which surrounds the R.C.M.P. contracts (see generally, chs. 4-6).

67 Doern and Phidd, p. 28.

68 Ibid., p. 59.
Structures, according to Doern and Phidd, are "organizations and bureaucracies and the persons who head them [both] public and private." They are the most tangible [elements] of interplay, inextricably linked to the dynamics of organization, the good and the bad. Structures are the vehicles by which ideas are allowed to either prosper or become stale, they are the framework for the exercise.

By accepting the crucial role of bureaucracy in policy formulation, the authors acknowledge the importance and impact of institutional and environmental theory in government. Institutional theory recognizes that every organization has a past which influences, to some degree, its future. In this fashion, a military unit consciously indoctrinates its new members with the legendary heroism of former warriors and the pride in uniform and mission demonstrated by the battle decorations which festoon its headquarters. In so doing, the organization creates and perpetuates a unique identity and will invariably strive to ensure its survival despite the changed nature or elimination of its

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69 Doern and Phidd, p. 34.
70 Ibid., p. 567.
71 McCorquodale, p. 178.
original mission.\textsuperscript{72} As evidenced in the following chapters, although the R.C.M.P.'s raison d'être changed many times over the years, its present mission is strongly influenced by the provincial and municipal contracts.\textsuperscript{73}

Environmental theory acknowledges the link which exists between organizations and their environment, the degree to which one is influenced by the other. It also recognizes that organizations, such as bureaucracies, must maintain a positive relationship with both the world at large and with competing bureaucracies in order to survive and flourish.\textsuperscript{74} As with a living organism, the perpetuation of life is generally viewed as an organization's pre-eminent goal and, accordingly, changes in the surrounding environment will always be of great concern.\textsuperscript{75} Some are obviously better than others at adapting to unavoidable change. Despite its cautious and conservative manner, the R.C.M.P. acquired, perhaps unwittingly, this capacity.

Doern and Phidd acknowledge the political power wielded by prime ministers, premiers, cabinet ministers, central agencies and senior bureaucrats. Although the differences in the manner by


\textsuperscript{73} See ch. 4.

\textsuperscript{74} See generally, Anthony Downs, \textit{Inside Bureaucracy} (Boston: Little, Brown and Co., 1967). Downs' basic premise is that bureaucrats are strongly motivated by self-interest.

\textsuperscript{75} Reed, pp. 19-23.
which first ministers initiate policy change is obviously important, they also recognize the strong part played by senior bureaucrats; oftentimes the initiators or "massagers" of policy and those who can block or frustrate the goals of elected officials.\textsuperscript{76}

The impact of each of these groups in determining policy in matters related to police contracting is central to this thesis.

\textbf{PROCESSES}

The third element within interplay is process:

...the changing dynamics which arise when decision makers are required to deal with uncertainty and with a changing environment, an ever present feature of policy making.\textsuperscript{77}

'Softer' than structures, processes are an amorphous group that "mould"\textsuperscript{78} policy, including the broad patterns of "social" and "economic" activity; governing instruments, including the process of taxation, regulation and spending; and the method by which certain formal structures, such as Parliament, and informal structures, such as pressure groups and inter-governmental meetings, function.\textsuperscript{79}

LeSage expresses confusion with the method by which Doern and

\textsuperscript{76} Doern and Phidd, pp. 36 and 218.

\textsuperscript{77} Ibid., p. 34.

\textsuperscript{78} McCorquodale, p. 178.

\textsuperscript{79} Doern and Phidd, p. 36.
Phidd distinguish processes from structures. Are the latter always certain and fixed while the former are changing and fluid? Can one transform into another? He suggests that processes may, on occasion, reflect a steadier state. In view of Doern and Phidd's assertion that ideas can be found in structures and processes, for example, their presence as the core ideas of institutions, one can sympathize with LeSage. Nevertheless, the apparent overlap may simply underscore the fact that interplay, by reason of its innate complexities, does not offer a simple solution to policy analysis. This thesis contributes to this debate through its case-based approach to the model.

LeSage suggests that an increased emphasis on implementation could have strengthened the understanding of processes. The omission to do so, he feels, may result in a failure to appreciate the impact on policy-making of public servants at lower levels within the bureaucracy, an omission which incrementalists, for

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80 Ibid., p. 28.
81 LeSage, pp. 473-74.
82 Ibid., pp. 469-70. James Q. Wilson examined the influence of special agents of the United States Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA) on the attainment of organizational goals, postulating that the traditional 'top-down' analysis fails to adequately explain the behaviour of those organizations:

Tasks are supposedly chosen, defined, revised, or discarded as a result of the efforts by administrators to achieve organizational goals or respond to public demands. I hope to show that tasks are defined by forces that are far more profound, and accordingly far more resistant to change, than the preferences of administrators (James Q. Wilson, The Investigators (New York: Basic Books, Inc., 1978, p. 8)).
example, would never allow. This thesis deals with implementation in regard to the present, past and future of R.C.M.P. contracting and thereby responds to LeSage's criticism of Doern and Phidd's model.

UTILIZING THE MODEL

In order to transform theory into practice, Doern and Phidd had to identify the ideas, structures and processes which affect the many policy fields that exist in Canadian government. Admitting that it would be unrealistic to expect practitioners to learn the features which are unique to every field and sub-field, the authors decided instead to revert to the concept of dominant ideas. These they have neatly packaged into three umbrella policy fields: economic, social and foreign/territorial. The social field is obviously of greatest interest to the instant research as it contains the sub-fields of "social welfare policy" and "quality of life", the latter including "justice, corrections and law enforcement."83

Within the social policy field, the dominant ideas of individual liberty, stability, equity, equality and redistribution, regional sensitivity and national integration84 are identified.85

83 Doern and Phidd, pp. 360-61.
84 Ibid., pp. 350-51.
Presumably these are also found across the quality of life sub-field, although it is unclear to what extent they exist in its component parts and, for that matter, whether interplay itself has a bottom line, below which it does not function as a model. The system of contracting for R.C.M.P. services provides a valuable opportunity to explore these inner limits of interplay.

Doern and Phidd argue that "[t]he overall plausibility of the interplay approach is increased precisely because it involves an historical time frame rather than only a short-term period."\(^{86}\) According to them, interplay forces one "to deal more rigorously with the historical continuity, persistence and drift of public policy over recent decades."\(^{87}\) For example, the authors, who place great emphasis on the setting of priorities by political leaders, write that "hindsight...has its much advertised advantages" when one attempts to delineate those which dominate in a particular period. Their case studies emphasize this approach.\(^{88}\) Likewise, this thesis seeks to demonstrate this advantage.

Although the historical approach and interplay are viewed as complementary, one should not expect that the application of interplay to historical facts will, of necessity, resolve arguments over competing historical interpretations. Interplay is designed


to assist in understanding policy analysis. It accepts as given
the constitutional framework of Canadian government and,
accordingly, allows for the continued existence of differing views
on the nature of the Canadian state.\textsuperscript{89}

SUMMARY

This thesis utilizes Doern and Phidd's interplay model as a
framework within which to analyze the system of contracting for
R.C.M.P. services which exists in Canada. Its choice from among
many other models available to policy analysts is made for a number
of reasons, though principally because it is fashioned expressly
for the Canadian political environment.

Interplay is an amalgam of ideas, structures and processes,
each meshing with the others in varying degrees depending upon the
policy field in question and the historical time frame. Ideas are
the least visible yet most pervasive, taking many forms and finding
their way into the others. Structures, on the other hand, are the
most visible, composed of organizations and bureaucracies.
 Processes, such as governing instruments and inter-governmental
meetings, are the glue which binds the elements together. The
creators of interplay suggest that the model is applicable to all
public policy fields. They identify law enforcement as a subset

\textsuperscript{89} \textit{Supra}, ft. 66. Edwin Black and Patrick Smith would likely
agree with this advantage of interplay.
of the social welfare field.

To better understand the Canadian policing system and provide a backdrop for our later discussion, the following chapter offers an overview of the historical roots of Canada's police. A comparative approach is used to examine not only the English system but also the French, as well as the adaptations of the English model found in Australia and the United States.

By this method, the ideas, structures and processes which developed in Western policing systems are identified for later application to the Canadian police. Prominent among them is a belief that law enforcement is properly a function of local government. This belief, existent in English policing for almost one thousand years, is the central focus of the following chapter.

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90 The strength which localism in government brings to democracy has been a recurring theme in the history of political thought. See generally, ch. 3.
CHAPTER 3

LOCAL CONTROL AND POLICING

A democracy does not allow its citizens an unfettered right of action. Faced with the age old conflict between order and liberty, but cognizant that without the former, the latter cannot exist, all democracies create legal orders, generally reflected in part by a system of penal laws. Acknowledging the frailties of human beings, it is axiomatic that for a legal order to survive it must possess sufficient coercive power in the form of a police force, a judiciary and a correctional system, to ensure adherence to its ordinances.¹

John Sewell, a former Mayor of Toronto, once described policing as "the most important of all governmental activities."² In a similar vein, Samuel Skoler termed it "the most local of all functions" and [one which] must pervade every community and

¹ According to Herman Goldstein:

...the police, by the very nature of their function, are an anomaly in a free society.... Yet a democracy is heavily dependent upon its police, despite their anomalous position, to maintain the degree of order that makes a free society possible (Policing a Free Society (Cambridge: Ballinger Pub. Co., 1977), p. 1).

neighbourhood. Without doubt the police do play an important role in the lives of all citizens and are essential to ensuring a requisite degree of peace and tranquility within a community.

A very basic consideration must, therefore, be to determine which level of government is the most appropriate to supply law enforcement services. With that in mind, this chapter attempts to explore what is described as an historic tradition of localism in policing, one in which the police are controlled directly by the citizenry; in modern terms, through the medium of local government.

This tradition of localism invites various interesting questions. Did it develop at a local level, independent of external forces, or was its development a reaction to the imposition of central control? What, ideally, are the limits of local control? Under what circumstances and conditions should a central government come to the aid of local governments? Is such assistance necessarily detrimental to the concept?

Whether local control of the police ought to be recommended or rejected is not a question which presents a ready answer nor is it one which this thesis pretends to answer. However, by examining

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4 Sir Robert Peel described it as the "historic tradition that the police are the public and the public are the police" (Sewell, p. 18).

5 The word 'local' does not presuppose a specific level of government. In its purest sense, it is intended to refer to that which is closest to the citizenry in terms of participation and access. In most cases this will equate with the municipality.
the roots of localism as well as its influence on the history of law enforcement in selected nations, the importance and weight to be attached to the concept can be better understood. To that end, this chapter attempts to isolate those ideas which contributed to its development and assess whether local control exists today as a paradigm in law enforcement policy making. The search for answers must begin with the philosophic underpinnings of political localism.

LOCALISM IN GOVERNMENT

Municipalities are generally viewed as the level of government 'closest' to the populace. The forever poignant descriptions of town hall meetings in rural New England underscore a belief, generally held in North America, that the practice of government and politics at a local level is to be preferred to that at state or provincial and national levels. It is perceived as purer and more reflective of the ideals which form the basis of constitutions and the intentions of nation-builders. This belief in the greater efficacy of 'grass roots democracy' is not unique to North America but rather was a recurring theme in political thought during at least the last three centuries.

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John Locke, a great seventeenth century English theorist, postulated that political power originates with the individual as opposed to the sovereign. His 'state of nature,' later described as an "atomistic collection of individuals," was one in which all men were "free, equal and independent" and not subject to the nonconsensual rule of others. Man, Locke wrote, may emerge from this state of nature and form political societies characterized by legislatures exercising supreme, yet not arbitrary power over its individual constituents. Locke's compact among men was quite foreign to the realities of life during his day, for it was kings and queens, princes and potentates, not legislators, who held power in most countries; democracy was but a fledgling concept which would not take firm hold for many years. The novel suggestion that government existed primarily for the benefit of the individual gained a form of respectability only after bloody revolutions on both sides of the Atlantic, most notably in France and in the American colonies.

The French theorist, Jean-Jacques Rousseau, did much to popularize Lockean thought. Believing that Locke was wrong, however, to stress the preeminence of the individual over any form of society, Rousseau cast back in history to Plato's city-state to find justification for his view that communities are essentially

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7 Campbell and Christian, p. 25.
9 Ibid., p. 68.
healthy creations which exert a "moralizing" influence over their inhabitants. To Rousseau, "the fundamental moral category is not man but citizen":

...wherever individuals have a common interest they form a society, permanent or transient, and every society has a general will which regulates the conduct of its members. Larger societies are composed not directly of individuals but of smaller societies, and each more inclusive society sets the duties of the smaller societies that compose it.

Rousseau was a strong believer in direct democracy, believing that representative government was inimical to popular sovereignty. Similarly, the French philosopher, Alexis de Tocqueville, a great friend of America, wrote:

Without power and independence a town may contain good subjects but it can have no active citizens. A nation may establish a free government, but without municipal institutions it cannot have the spirit of liberty.

This is not unlike his oft-quoted statement that local government seems to be other than the handiwork of mortals: "it is man who makes monarchies and establishes republics, but the township seems to come directly from the hand of God." Today, belief in the superiority of local government remains very strong

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11 Ibid., pp. 581 & 585-6.

12 Ibid., p. 592.


14 Ibid., p. 60.
in the United States and, to a lesser extent, in Canada\textsuperscript{15} and other Western nations.

Despite its popular attraction, one should not assume that local government is necessarily an indispensable ingredient of democracy. From an examination of various western nations, Georges Langrod concludes:

\ldots there appears to be no justification for asserting that there exists an inevitable tie of reciprocal dependence between democracy and local government. Democracy does not come into being where local government appears, nor does it cease with the disappearance of the latter.\textsuperscript{16}

It is Langrod's position that, by definition, democracy is "an egalitarian, majority and unitarian system" which, in its purest form, is characterized by a highly centralized governmental structure.\textsuperscript{17} L.J. Sharpe also examined the nexus between democracy and local government. He suggests that, in the context of modern Britain, central government actually constitutes a check on the depredations of local authorities.\textsuperscript{18}

\begin{footnotesize}
\begin{itemize}
\item The continued influence of this concept in Canada is considered in chapters 4 to 6.
\item Langrod, p. 4.
\item A. Jane Arscott writes: "In the nineteenth-century it was tentatively suggested that there might well be a high degree of compatibility between democracy and centralized administration. The twentieth century seems to have borne witness to the truth of the suggestion with regard to socialist as well as to democratic governments" ("Centralization and the Prospects for Democracy," unpub. paper, St. Hilda's College, pp. 26-7).
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Although it seems clear that local government plays an important role in most democracies, it is probably not an indispensable ingredient. Many western nations survive quite well with a strong unitary political structure. Nevertheless, virtually all democracies possess a form of local government, be it endowed with strong law-making authority or a mere conduit for services. The historic resilience of local government is undoubtedly due in large part to its unique ability to fine tune the delivery of services, remain abreast of change and most importantly, permit an increased level of public participation in the processes of government. In today's world, however, the ability of local governments to make an effective contribution is, almost everywhere, already or fast becoming inextricably tied to their fiscal resources.

In North America the increasing demands placed upon the

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Sharpe believes that 'efficiency' is the strongest justification for local government. Municipalities not only have the ability to adjust the delivery of services to the requirements of a community, but can also avoid the tendency among central governments to ignore local concerns once programs have been centralized and engrained within a national bureaucracy. Sharpe terms this latter condition "capital starvation," a malady which can only be overcome by persuading the central government that a movement to effect change to such programs has a broader than local following (pp. 38-9). It is akin to an ailment described by Joshua Smith: "Centralization,...once conjured up, [is] beyond the control of its creator" (Smith, Original Articles (May 21, 1855), p. 75, as quoted by Arscott, at p. 18).

Arscott's paper is also interesting for its analysis of little known writings by John Stuart Mill concerning the French political system. Mill ascribed the political ills of France "to a lack of municipal institutions without which political capacity could not be educated and, more fundamentally, to a lack of real representation" (p. 2).
shoulders of local governments, particularly those with a small population or tax base, cause many to fail rather dramatically in their endeavours. One observer describes municipalities as simply "unequal to the challenges" presented. Encumbered by their nebulous constitutional foundation, which creates total dependence for financing on higher levels of government, they often find themselves with arms outstretched in order to survive. Senior levels of government are seldom willing to simply dole out funds, preferring instead to attach conditions to grants and loans, in itself a further restriction on the ability of municipalities to control their own destinies. Answers must be found. Invariably those suggested are of two kinds.

The first examines the functions of government and attempts

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21 A concise examination of the financial dilemma in which many Canadian municipalities find themselves is contained within *Puppets on a Shoestring - The Effects on Municipal Government of Canada's System of Public Finance*, a publication of the Canadian Federation of Mayors and Municipalities (1976). The report concludes that Canadian municipalities are in a state of crisis through no fault of their own, but rather due to inadequate funding and a failure of the public and of senior governments to recognize the herculean tasks which they face. Beset by ever-increasing demands for services, such as policing, the report urges a realignment of government financing.


The attractive financial benefits to municipalities which contract for the R.C.M.P.'s services are overviewed in chapters 5 and 6 of this thesis.
to match responsibility for a particular function with the level of government that can most efficiently perform what is required. The downside of such a functional approach is clearly its emphasis on efficiency over accountability. The provision of policing services is a prime example. Despite strong argument in support of the proposition that law enforcement is truly a function of local government, modern policing requires tremendous expenditures of money as well as highly specialized personnel and facilities which are beyond the resources of many small municipalities.  

Economies of scale should also be possible by eliminating the duplication of administrative and operational services which is often the byproduct of a multiplicity of small forces operating in close proximity to each other.

The second approach is actually a reaction to the first for it seeks to create a fourth tier of government, a metropolitan or regional level, with power to control certain area-wide services.

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22 For example, crime detection laboratories, field identification services, police dogs, a marine capacity, specialized investigators and crime prevention units. See Grant, The Police, pp. 64-5.

23 Peter Self cautions that "in government it is as dangerous and possibly futile to make an idol of 'efficiency' as it is to give up the subject as a bad joke" (p. 277). Self emphasizes the difficulties inherent in attempting to assess efficiency in public enterprises which, as opposed to private concerns, are inimical to 'bottom line' evaluation (Administrative Theories and Politics (Toronto: Univ. of Toronto Press, 1973), ch. 8). Ignoring efficiency can also create problems, most notably, a tendency to ignore the cost of government programs!

24 The metropolitan forms of government which exist in Toronto, Montreal and Winnipeg are examples of this approach.
Regional governments are intended to remain sufficiently close to the citizenry for local input in decision-making to remain feasible. Despite its obvious appeal, such an intermediate level is, according to Robert Dahl, less than acceptable:

Any unit you choose smaller than the globe itself, and that exception may be temporary, can be shown to be smaller than the boundaries of an urgent problem. Rational control over such problems dictates ever larger units. Yet the larger the unit, the greater the costs of uniform rules, the larger the minorities who cannot prevail, and the more watered down is the control of the individual citizen.

Where then does this leave the policing function? That it touches directly upon the citizenry is undisputed. That the public

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25 The Graham Royal Commission (supra, ft. 21) attempted to achieve an acceptable balance between the 'functional' and 'fourth tier' approaches. Utilizing the existent counties, the commissioners sought to realign the functions of municipal government between the province and its counties. According to their recommendations, general services (including the administration of justice), should be a provincial responsibility while local services (including police protection), would become the responsibility of municipalities, usually county governments (vol. 1, pp. 4-11). The Report's rather confusing recommendations respecting the specifics of a realignment of police services are reviewed in chapter 6 of this thesis.

A regional form of government which has probably undergone as much study as any in the world is that of Metropolitan London. Later in this chapter it will be seen that the New Police of Sir Robert Peel survived and prospered despite numerous reforms and changes in the governmental structure of that metropolis, but at the expense of local control.

26 Robert A. Dahl, "The City in the Future of Democracy" in Politics and Government of Urban Canada: Selected Readings, 4th ed., Lionel D. Feldman, ed. (Toronto: Methuen Pubs., 1981), p. 47. At the time of his writing (1967), Dahl, a strong proponent of the virtues of local government, estimated that "the all-round optimum size for a contemporary American city was between 50,000 and 200,000" (p. 54). In a more recent work, however, he concluded that the optimum size of a "political system" was not calculable (Robert A. Dahl and Edward R. Tufte, Size and Democracy (Stanford: Stanford University Press, 1973), p. 135).
must control the police is similarly accepted in a democracy. At this point, however, different questions arise. How closely or directly must this control be exercised? Is effective control in some way diminished if one level of government supplies the service, yet shares control with another? The policy choices which are implicit in these questions and the ideas, structures and processes which give life to them are as important in Canada today as they are in most nations. In an attempt to address these issues, a comparative approach is utilized in the following pages.

A COMPARATIVE OVERVIEW

Dell Hitchner and Carol Levine describe the purpose of comparative politics as an attempt to "discern uniformities and differences, to determine variable and constant phenomena, to distinguish the unique from the common."27 This field of political science serves as a vehicle by which researchers seek answers to problems through cross-border comparisons. It is a field that underwent substantial change during the past three decades. Like the study of political science generally, comparative politics tends now to distance itself from the more traditional, institutional studies which were once its lifeblood. Guy Peters characterizes this change in emphasis as two-pronged. One

approach, the "scientific," places increased emphasis on the environment vis-à-vis government and the political system by examining quantifiable subjects, such as voting behaviour and political attitudes. The other, an economic approach, stresses the "macro-structural aspects" of government. Peters decries the accompanying loss of interest in studies of the "formal institutions of decision making," stressing that administrative studies remain one of the best subjects for comparative research due to the similarity of like tasks in the government bureaucracies of different nations.  

In an attempt, conscious or otherwise to fill this gap, came the relatively new school of public policy analysis. Drawing from various disciplines, principally political science, it focuses, according to Stuart Nagel, on the "nature, causes, and effects of alternate public policies that address specific social problems." Nagel views the field as linking together "the more pragmatic aspects of public administration with the more theoretical aspects of political science."  

As one might expect, policy analysis, like political science, tends to emphasize a comparative methodology. Richard Rose justifies this approach on two grounds. First, many major problems

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30 Ibid.
facing Western governments are similar in kind. Second, in the case of national policies, the absence of an intra-national variant mitigates against assessing the former's efficacy. Comparative analysis can be further enhanced by longitudinal studies wherein government policies are not only compared between nations but over a period of time within each. A commonplace and quite beneficial result of the exercise is, according to Rose, the "non-decision":

...any study that shows two nations responding differently to a similar problem provides the raw data for the analysis of a "non-decision," that is, why one of the countries did not decide what the other did.32

When Rose speaks of decisions, he is really speaking of decisions to create new policies or to continue existent ones. It is a concept which Doern and Phidd embrace33 and which finds expression in this thesis. In particular, it will be seen that although Western nations are all afflicted, to some degree, by the problems of crime and other social ills, their responses differ. Such differences can serve a very useful purpose when studying law enforcement strategies in a nation such as Canada, for they

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32 Ibid., p. 70. Numerous examples of 'non-decisions' are overviewed in chapters 4 to 6, as Canadian governments saw fit to continue the R.C.M.P.'s role in provincial law enforcement despite the contra example of other nations and the de jure authority of provincial governments.

33 Doern and Phidd, p. 37.
oftentimes provide a refreshingly new approach to old problems.

The police in Western democracies are well suited to comparative examination due to their similarity in origin, duties and responsibilities. The balance of this chapter is not, however, a true comparative analysis of the police for that, in and of itself, would be a lengthy task. Instead, as mentioned in chapter one, the intent is to paint with broad strokes, an overview of the history and structure of policing in certain foreign nations which either influenced the development of Canada's police or which face similar environmental constraints.\(^{34}\) Not surprisingly, those

\(^{34}\) The influences on Canada's police are drawn together in chapter 4 to 7. Of interest in any discussion on the spread of ideas, structures and processes is the literature on 'policy diffusion.' Inspired by American scholars, it examines the 'ripple' effect in policy-making. Often one political jurisdiction will enact new and innovative legislation, only to find others following the lead shortly thereafter. Compulsory seatbelt usage, the minimum drinking age and Sunday shopping are examples of legislative initiatives that spread, from one province, across Canada. Diffusion can occur either at the domestic or international level. United States federal and state legislation is often mimicked by Canadian legislators. For example, the recent *Criminal Code* (R.S.C. 1985, c. C-46) amendments intended to check the proceeds of crime strongly resemble the American Racketeer Influenced and Corrupt Organizations (R.I.C.O.) statutes. One problem with diffusion is its inability to explain exceptions (for example, the absence of sales tax legislation in Alberta).

Dale Poel concludes that although the diffusion phenomenon is clearly at work in Canada, it cannot be explained by either the "physical proximity" or the "socioeconomic similarity" of the nation's political divisions. This is probably not surprising considering the artificial nature of Canada's political boundaries (i.e. the intentional defiance of the more natural tendency toward north-south relations). He does note, however, the importance of "socioeconomic variables" and "political variables" as determinants of diffusion ("The Diffusion of Legislation among the Canadian Provinces: A Statistical Analysis," *Canadian Journal of Political Science*, vol. 9, no. 4 (Dec. 1976), p. 605).
nations which one might expect influenced Canadian policing the most are Britain, France and the United States. For this reason, these nations are examined, along with Australia which, like Canada, is a federation and a former British colony.

THE BIRTH OF THE ENGLISH CONSTABLE

The many books which describe the development of policing in the English-speaking world generally cite Sir Robert Peel's reforms in England as the beginning of the modern era. Although the importance of Peel's 'New Police' is acknowledged, a cursory examination of these accounts might cause one to assume that the history of law enforcement which predates his 1829 reorganization of London's police is of little contemporary interest. Such is hardly the case. As will be seen later in this chapter, Britain began exporting its system of policing to the many colonies in its far-flung Empire long before Peel's reforms. The policing model

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36 Peel (1788-1850) is considered the founder of the modern Conservative Party. An Oxford-trained politician of remarkable talent, he became Home Secretary in 1822 and Prime Minister in 1834. During his years as Home Secretary, he modernized the entire criminal justice system.
which exported changed over time, generally, but not always, reflecting the system in vogue within Britain. Similarly, its acceptance differed among the colonies, in some it thrived, in others it changed.

British history records the emergence of early forms of policing at some point during the reign of the Anglo-Saxon kings in the ninth and tenth centuries. The form which survived and grew was one involving a system of "collective security and collective responsibility" whereby citizens banded together in groups of ten families, called tythings, and from their midst, elected one person to be the communal head, the tythingman. It was the duty of such tythings and, in particular the tythingman, to ensure that the community remained crime-free and, if it did not, all members became subject to a monetary penalty. This system of mutual obligations acquired the name, 'frankpledge.'

What is important is that the tythingman's "original authority was not essentially derived from the sovereign, but from the community [he] served." Likewise, each and every citizen, rather than the monarch, shared the obligation to maintain peace and order. The apparent product of this system, which Charles Reith describes as "kin policing," was an "almost perfect state of

37 Stenning, p. 2.
38 Ibid., p. 15.
39 Ibid., p. 18.
internal security and absence of crime."\(^4^0\)

The monarch did not abdicate his or her authority in the area of law enforcement, however. Paralleling the creation of local self-policing units was the imposition of central authority through the creation of counties or shires, each composed of many tythings and under the control of a sheriff. The latter acted as a Royal delegate, assigned the task of ensuring that the policing system operated effectively across the land.\(^4^1\)

David Bayley writes that, during feudal times, neither the creation of a judicial system nor the very process of nation-building itself necessarily included the development of centralized law enforcement agencies. In fact, the very opposite was often a prerequisite before feudal lords would allow a larger political state to develop.\(^4^2\) External forces could, however, upset such power balances and England was no exception.

The Norman Conquest resulted in a strengthening of central control over all aspects of English life, including policing. The sheriff became a much more powerful individual and a Royal Writ in 1252 codified the tythingman's role, including the perceived duality of his allegiance: not simply to the community, but to the Crown as well. The Statute of Winchester in 1285 became the first


\(^4^1\) Stenning, pp. 15-6.

English legislation to deal with law enforcement. Its effect was threefold: hundreds remained responsible for crimes which occurred within their communities, citizens were to assist the sheriff in the pursuit of law breakers through the 'hue and cry' (not unlike a posse) and townsfolk partook in a 'watch and ward' system of guard duty, ensuring the safety of their town from intruders during the hours of darkness.

The Statute of Winchester, embodying a fusion of Saxon ideas, may thus be conveniently regarded as marking the end of the first police 'system' in England, which can be seen to pivot largely round the part-time constable, a local man with a touch of regal authority about him, enshrining the ancient Saxon principle of personal service to the community and exercising powers of arrest under the common law.

In an attempt to solidify control over feudal lords during the late twelfth century, King Richard I sent knights into the countryside with instructions to monitor the citizenry and guard against uprising and rebellion. These knights, called wardens or keepers of the peace, performed a role which tended to combine certain judicial responsibilities with policing duties. They received the title of 'justice of the peace' in 1361. The following centuries saw a gradual shift in responsibility for policing from the local constable to the justices, who soon came to outrank even the sheriff. Increased central control gradually destroyed the system of frankpledge and resulted in further duties.

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44 Critchley, p. 7.
being heaped upon the constable's shoulders. As the frankpledge disintegrated and the office of constable became less desirable, the justices began appointing constables. Few sought the position. The many and varied, yet unpaid, duties of a constable were a burden to those with other employment. A practice soon developed whereby persons chosen to hold the office hired others, generally the poor and uneducated, to function in their stead, at a minimal wage. After Henry VIII's break with Rome, parishes emerged as the principal units of local government and the constable increasingly worked in consort with the churchwardens, particularly in the administration of the poor laws. Oftentimes the church nominated persons for the office who, in time, became known as the "parish constable." It is generally agreed that the evolution of the constable's office took place over the course of many centuries. It did not occur through conscious design, but rather reflected the various changes in British society, and more specifically, its government, from the time of the Conquest until the Industrial Revolution. The original office, the common law and statutory responsibility to preserve the peace, a sacred trust given to the constable by his fellow citizens, was not extinguished. Instead, a second office developed, one which required the performance of certain tasks for the Crown. In essence, the constable became, and remains to this

day, the servant of two masters - the public and the state.

The English constable at the time of the founding of North America was, therefore, the lineal descendent of the Anglo-Saxon tythingman. He was a "local peace officer, generally subordinate to local justices and paid a modest salary for the performance of his duties." As with most aspects of its government and society, the British exported the offices of justice of the peace, sheriff and constable to the colonies:

...because of the close interrelation between the British political and social structure and the Colonial offshoots from the same background of ideas, the evolution of the police in Britain has had a profound influence and effect upon the establishment and growth of police forces in the Colonies. According to Stead, Britain exported two distinct policing systems, the 'home' and 'colonial' models. The former crossed over to the United States, Australia and New Zealand, the latter to Asia, Africa and Ireland. The common law constable served as the core of the home model whereas the colonial system was quasi-

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48 Charles Jeffries, The Colonial Police (London: Max Parrish & Co. Ltd., 1952), p. 21. Roderick Macleod does not share the view that the diffusion of European policing systems to the colonies was a passive phenomenon. Instead he sees it as part of a larger European desire to extend its culture and government to the "less fortunate parts of the world.... Criminal law, police, courts, and prisons were usually the first institutions imposed on European colonies in Africa and Asia" (Lawful Authority (Toronto: Copp Clark, 1988), p. 2).

THE 'NEW' POLICE

By the close of the eighteenth century, the ugliness of the Industrial Revolution manifested itself in the burgeoning towns and cities of England. Rapid urbanization brought with it street riots, mob violence and increased crime. These factors, combined with too few, untrained and quite unprofessional constables, helped vault the nation into a state of near anarchy. The parish constable system worked well in a pastoral setting, however in the country which England became, the ancient office began to disintegrate. It could not keep abreast of rapid urbanization and instead, became ineffective, oftentimes corrupt and, in many ways,

50 Although this distinction has some merit, it is doubtful that the Colonial Office consciously deployed different systems to the colonies, at the same time. Charles Jeffries' view is to be preferred. He distinguishes the types of colonial forces on the basis of the era in which they were formed. Until the mid-nineteenth century, local constables provided basic law enforcement services. Then came semi-military forces, patterned on the Royal Irish Constabulary, which had the capacity to deal with problems on a larger scale. In the third stage, these semi-military forces were converted into civilian police departments, similar to the New Police, though retaining certain military characteristics.

Jeffries' typology helps to explain the development of the parish constable system in the United States and also the quasi-military structure of the North-West Mounted Police (although the latter was admittedly the creation of a sovereign state and not the Colonial Office). This typology will again be examined in the following chapter (Jeffries, pp. 33-4).
London was not alone. The rioting which began there spread to other cities, most notably Birmingham, and later to the countryside, aided by agrarian discontent and famine. With the benefit of hindsight, it seems clear that an effective system of law enforcement was long overdue. The dilemma, however, was to find a structure which incorporated the best of the common law yet could adapt to the rigours of an increasingly industrialized society.

The idea of a new system generated considerable objection, particularly among those who profitted from the lawlessness. Opposition was not confined to this element, however. A deep-seated distrust of alternate systems of policing permeated the nation. Many feared the advent of a continental system, such as the French, where some felt the people were not free, a man's home was not his castle and the state, through its police and spies,

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51 Sewell, pp. 23-4. Sewell notes that police work was considered to be "fit only for the unemployed, idiots and ne'er-do-wells" (p. 24).

52 Reith, A Short History, pp. 16-21.

53 Corruption became endemic. Charles Reith describes the many unscrupulous, yet oftentimes prominent persons, who exploited the poor. Improved law enforcement would hardly advance the objects of these profiteers. He writes:

Magistrates, deputy-constables and night-watchmen all worked together in enhancing the ease with which criminal and other laws could be broken.... The fact that large numbers of the population were thieves brought into being a widespread trade in the receiving of stolen goods, which acquired the reputation of being one of London's leading commercial enterprises" (ibid., pp. 5-15).
could deprive citizens of their liberties at will. To those so persuaded, the choice was between the preservation of civil rights in a lawless society and the creation of a less free but more lawful society—hardly pleasant alternatives. With time however, the forces of change gathered strength and eventually triumphed.

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55 Lamford notes that the increased severity of punishments was a fruitless attempt to curb the tide (p. 402).

56 Although Peel is quite properly considered the 'father' of the New Police, many influences contributed to the successful passage of the 1829 legislation. Jeremy Bentham is credited with bringing together those who commended the virtues of a prevention-oriented, public police similar to that of France and the early Utilitarians, who decried any interference with individual liberties. Drawing upon earlier efforts of the Bow Street foot (1749) and horse patrols (1762), founded by Henry and John Fielding, the innovative writings on policing of Patrick Colquhoun later in the century and his own conception of Utilitarianism, Bentham forged a consensus which allowed Peel the latitude he required. This consensus, combined with the strong support of the Prime Minister and discontent with the inefficiencies of the present state of policing carried the day and the bill passed, without opposition (Critchley, "The New Police," in Police in America, p. 14).

Peel did, however, defer to strong external pressure from the inner City of London, exempting it from the legislation. The adroit political skills which he possessed were without question an important factor in the successful passage of the legislation. He has been described by Critchley as a "politician of exceptional genius" who, despite an early interest in creating a police system which could serve the entire nation, awaited a politically-opportune time to do so (Critchley, "The New Police," pp. 12-3). Were it not for Peel's political acumen, longevity in the legislative arena and purposeful approach, reform may well have been delayed for a considerable period of time.

In many respects, Peel's influence over British policing is not unlike that of J. Edgar Hoover's, the legendary head of the F.B.I., over American law enforcement. Although Peel was a statesman and Hoover a bureaucrat, the power which each wielded strongly influenced the implementation of legislative change and served to alter existent policing patterns in their respective nations. It is doubtful, however, that Hoover had anywhere near
The *London Metropolitan Police Act*\textsuperscript{57} of 1829, which Peel manoeuvred through Parliament, served to change the character of policing in England, and elsewhere, forever.\textsuperscript{58}

Created was a paid, civilian, uniformed department,\textsuperscript{59} structured in a hierarchial and bureaucratic fashion, espousing professionalism in conduct and work. Promotion to all ranks was, unlike the military, to be from within. Its recruits were of "working-class" backgrounds, in part due to a desire for public acceptance of the concept.\textsuperscript{60} The statute severed the ancient link between constables and local parishes and magistrates, placing the new force under the control of commissioners who acted under the authority of the Home Secretary. It retained the constable's common law office, which each new member swore to uphold and which had the same impact on policing outside his country as did Peel.

\textsuperscript{57} Entitled a *Bill for Improving the Police in and Near the Metropolis*, 10 Geo. IV, c. 44, the statute was similar to legislation proposed, but later withdrawn after considerable opposition, by Prime Minister Pitt in 1785.

\textsuperscript{58} This statute was apparently part of a broader legislative movement toward centralization in government, which occurred at Westminster between 1828 and 1835 (Charles B. Dupont-White, *L'Individu et l'état*, 2nd ed., 1858, at pp. 143-44, as quoted in Arscott, p. 6).

\textsuperscript{59} In this thesis, the term 'New Police' is used in a generic sense to describe the new structure of policing created by this legislation and which became influential in most English-speaking democracies.

\textsuperscript{60} Lamford, p. 403. Lamford suggests that both the type of individual employed by the New Police and the military background of its first head combined to create a "paramilitary organisation." The R.C.M.P. is a classic and continuing example of this paramilitary structure (see generally, chs. 4-6).
all held equally, despite their position within the internal hierarchy. At first blush, the legislation might be considered a triumph of the virtues of efficiency over accountability. In reality, it succeeded in combining both, although no longer was accountability direct to the public, but rather to an appointed government official.

Although today's police, reliant as they are upon electronic wizardry of one sort or another, may appear quite different from Peel's of the early nineteenth century, in terms of their internal stratification and role in society the changes in the past 160 years are minor. Peel's legislation continues to be the statutory basis for the Metropolitan Police.\footnote{Critchley, "The New Police," p. 15.} In addition, and most importantly, the New Police concept gradually spread throughout Britain\footnote{Legislation passed in 1835 and 1839 allowed British municipalities to form similar departments. The County and Borough Act of 1856 made it compulsory (John Andrade, World Police and Paramilitary Forces (New York: Stockton Press, 1985), p. 213).} and crossed the Atlantic and Pacific Oceans, taking firm hold in many nations.\footnote{Supra, ft. 50.} It is a classic example of the cross-border diffusion of innovative political initiatives described by Poel and others.\footnote{Supra, ft. 34. The absence of intermediate levels of government in Britain and the supremacy of Parliament, were crucial factors in the successful introduction of an innovation which might not find succour in a nation possessed of a federal or republican system of government.}
recognize the importance of municipalities and the unique problems apparently intrinsic to them. In the past, numerous commissions considered the boundaries and functions of local government and reorganizations were almost commonplace. What emerged is a complex, yet workable, interrelationship between the national and local governments, described by J.A.G. Griffith as follows:

[It] can be regarded in terms which are formal, informal, statutory, non-statutory, legal, extra-legal, financial, official, personal, political, functional, tragical-comical-historical-pastoral...65

In this relationship, the hewers of wood and drawers of water are the municipalities. They possess primary responsibility for education, housing, land use, roads, policing, fire fighting and many social services, while the central government ensures a certain uniformity of service across the country.66 Today, the nation's 43 police forces,67 each representative of either a large metropolitan or rural constituency, are all structured in a fashion similar to the Metropolitan Police, possessing equivalent powers and distinct territorial jurisdiction.68

66 Ibid., pp. 17-18.
67 Lamford, p. 405.
Local governments and Westminster share control over law enforcement. The counties, which double as police authorities, pay fifty per cent of policing costs. Although not involved in its daily administration or operations, the national government exercises strong influence over most aspects of policing, a degree of central control which Richards argues is greater than in the case of other bilateral functions. Buttressed by the power to

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69 Peter G. Richards, *The Local Government System* (London: George Allen & Unwin, 1983), p. 69. The three traditional units of local government in Britain are parishes, boroughs and counties (the latter being the Norman equivalent of the Anglo-Saxon shire). Civil parishes emerged from the ecclesiastical tradition through their gradual assumption of responsibility for the administration of the poor laws during the Seventeenth Century. With the expansion of the Metropolitan Police in 1856 (supra, ft. 63), all village constables were replaced by county police forces. The Police Act of 1940 further decreased the number of departments by forcing the absorption of "the remaining non-county borough forces" into the county departments and later, the Police Act of 1964 caused the amalgamation of all county and county-borough forces. The Royal Commission which precipitated the 1964 legislation advocated the consolidation of forces plus increased central oversight, however rejected the idea of a national police force (Lamford, pp. 401 & 405; Richards, *The Local Government System*, pp. 11-2, 20 & 65).

Police authorities are currently "composed of two-thirds elected councillors and one-third magistrates." Their functions are described as: "the maintenance of an adequate and efficient force, properly housed and equipped; and the appointment, and if necessary removal, of the chief constable." The "control and direction" of each force remains the exclusive preserve of the respective chief constable who is "accountable on questions of administration, equipment, etc.; and accountable in a general way for the general conduct of the force but not for particular matters of policy and law enforcement" (Lamford, pp. 405 and 408).

withhold its annual equivalency grant, Westminster sets and enforces uniform employment, administrative and operational standards for all forces. In addition, it operates an inspection service, has veto power over the appointment and dismissal of chiefs and operates recruit training centers in various locations, specialist schools and a senior staff college. D.E. Regan observes:

The control and influence which the Home Secretary has over the appointment, dismissal, discipline, pay and working conditions of police is not typical of central control over local authority staff. The Home Secretary's power over these police matters is enormous. Not only does he possess the specific statutory powers described but he also has the potent lever of grant to enforce his wishes.

As a result, local control of Britain's police is clearly not absolute. Although police authorities exercise an important and visible control function, their authority is shared. In many respects this is in keeping with a broader trend toward centralization which occurred in Britain during the past two centuries, evidenced in part by the inordinate amount of

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71 Richards notes that the power of inspection is an "old English tool" of central government (The Local Government System, pp. 25-26).

72 D.E. Regan, "The Police Service: An Extreme Example of Central Control Over Local Authority Staff," Public Law (1966), p. 13, at 32. Regan observes that, not only is the threat to withhold the grant occasionally made, but grants were in fact withheld on four occasions between 1945 and 1964. Generally, however, the Home Office's approach is one of non-interference with local decision-making, intervening "to only the minimum extent commensurate with their responsibilities."

73 This causes Stead to suggest that the notion of kin police is passé in England (P.J. Stead, "The kinds of policeman," p. 1106).
legislation enacted with respect to municipal government. Increasingly the implementation of government programs and resources is linked to the concepts of program and jurisdictional consolidation, hoping thereby to combine the virtues of consolidation and centralization with the historic devotion to local government shared by the British people. 74

The uniformity of the British system is marred by two anomalies: 75 the London Metropolitan Police and the City of London Police. The former, although historically the model for all county forces, developed a dual persona. Not only does it retain responsibility for policing the 800 square miles of the Metropolis, but it also serves as the central government's own police force. 76

74 This move toward the consolidation of units is, at the level of the police, merely a continuation of what was begun by Peel in 1829.

75 In addition, specialized police forces exist to deal with certain transportation facilities and offshore islands (Lamford, p. 405).

76 The Metropolitan Police appears to have retained some gremlins from its past as well. In 1983 it was reported that the force possessed a "cosy Victorian character" which ensured that less than one per cent of its constables were other than white (Stephen Handelman, "Scotland Yard badly tarnished", The Province (Vancouver), April 24, 1983, p.B4). The Brixton and other riots of 1981 brought this imbalance to a head and forced the Police to reassess their ethnic composition. A drive to increase minority recruitment has made certain inroads. In 1969, all officers were white. In 1989 there are 425 officers of other ethnic backgrounds. This figure is still considerably less than the corresponding proportion of ethnic minorities in the general population, however: 0.5% compared to 4.0% ("Community Relations in Britain: Policing London in the Post-Scarmar Era," a speech delivered by Sir Peter Imbert, Commissioner of the Metropolitan Police, to the Policing for a Pluralistic Society Conference, Ottawa, Ont., Mar. 29, 1989, p. 11).
In this latter capacity, it advances the Home Office's role in policing through various national operations: a criminal record depository, fingerprint bureau, forensic laboratories, telecommunication services, a national computer facility and liaison with Interpol. In addition, it handles governmental protective services, combats terrorism and gang violence and operates the police training academies. Its criminal investigation department, known throughout the world, serves as a model for many police detective bureaus and is available to assist local forces. 77

Despite its municipal responsibilities, the Metropolitan Police is a part of the Home Office and therefore, under the direct control of the Home Secretary. 78 Why this aberration from the pattern of control exists can be ascribed to the unique political history of the Metropolis. The enormous voting power created by

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77 A central government's need for its own police force is a theme which will be seen in France, the United States, Australia and Canada.


Sir Peter Imbert notes that Lord Scarman's inquiry into the 1981 riots called for an improvement in "the accountability of the police in a way which did not interfere with their operational independence and their freedom from political control." As a result, consultative committees were established in all London boroughs to "provide the opportunity for the local community to influence policing policy and practice through questioning and debate" (Imbert, pp. 6 & 12). It can be argued that resort to such citizens committees is necessary only because there is no other form of local control over the Metropolitan Police.
London's size virtually guaranteed that, historically, reforms of its boundaries or governance were the product of heated debate. Westminster is generally reluctant to allow the city any greater power than it already possesses, for fear that it will increase even further the tremendous influence which the Metropolis already exercises in national affairs. 79

The City of London, the minuscule yet truly historic city within a city, escaped Peel's reforms and continues to resist consolidation attempts.80 As with the county forces, however, its control is presently divided between the City's Common Council and Westminster.81

Anomalies included, the influence of the British police on

79 The London County Council's creation in 1899 was an attempt to deal with the problem of a city which had long since swallowed its own artificial political boundaries. It came a decade after a similar reform of local government elsewhere in the nation, the delay being largely the product of political discord. The question of police control was of such importance to the London debate that the suggestion that the Metropolis should control its own force almost caused the reform legislation to die in 1888. One hundred years later, the police remain outside its jurisdiction.

Patrick J. Smith argues that the Metropolis "has always been recognized as an anomaly in the structuring of local government in Britain." As such, central governments have been "fearful" of it and central reform of its governmental structure has "substantially been a product of political conflict" ("Policy Conflicts between Local and Senior Governments: Canadian, British and American Comparisons," unpub. paper, International Political Science Assoc., XIII World Congr.esse (Paris), July 1985, p. 11).

80 Constituted by the City of London Police Act (1839), it replaced an earlier civilian force which dated back to Norman times (Andrade, p. 214).

81 Ibid., p. 70. There is a financial cost to remaining an exception as the central government funds only one-third of the City's policing costs (Lamford, p. 405).
western law enforcement cannot be overemphasized. As will be seen later in this thesis, it served as a role model for policing in both the United States and Australia. Similarly, Canada's police remain strongly influenced by Britain's nineteenth century reforms and colonial policing initiatives. The same cannot be said of Canada's other founding nation. Nevertheless, the radical differences between the British and French policing systems highlight different attitudes and approaches toward the structuring of law enforcement which are of considerable interest.

FRANCE

Despite also possessing a unitary political system, the French state is vastly different from the British. While the governments of both nations are highly centralized, some argue that France lacks, or avoided, a strong system of local government such as in Britain. In this respect, it is important not to confuse reality with the legal fiction. Likewise, although certain early historic similarities can be detected, the structure of policing in France is quite different from its counterpart across the Channel. Organized law enforcement in the country has a long and varied history to which justice can hardly be accorded in a thesis of this nature. Certain important themes do emerge, however.

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82 Arscott, p. 1.
In feudal times, the law enforcement function rested with territorial chieftains or lords, oftentimes monarchs in their own right, who were granted or seized the authority to apprehend and punish criminals.83 Citizens could do likewise in certain situations and avoid liability for any personal injury or damage which might result.84 With the gradual assertion of central control over the countryside, the monarchs utilized a form of police to both defend the center, Paris, and help extend the tentacles of the legal system to all corners of the nation.85

In France, both military and civilian police co-exist. The former, called the Maréchaussée until after the French Revolution,86 originated as an army provost corps which, over time, obtained additional, non-military responsibilities. Tasked during the twelfth century with policing the King's Highways and the rural areas of the nation, it soon became a highly visible central presence in the countryside.

A night watch existed in Paris as early as the seventh century.87 More structured police forces emerged in towns and

83 Bayley, p. 35.
84 Ibid.
85 Ibid., p. 36.
cities during the later Middle Ages. Interestingly, they were controlled locally, apparently out of a desire on the part of successive monarchs to encourage the development of municipal institutions as a counterbalance against the power held by the landed nobility. This pattern of control continued until the eighteenth century when Louis XIV imposed, largely for political reasons, a control mechanism to ensure greater uniformity. This he accomplished through the establishment of Lieutenants-General of Police. The new positions became a prime tool for patronage. Municipal officials, upset by the loss of their traditional power, apparently regained much influence by simply purchasing appointments. Paris remained the exception as the monarch, for "the best of all selfish reasons - self-protection and self-enrichment," insisted on exerting direct control over the police through the medium of a provost or chief of police.

With the end of the French Revolution and the rise of Napoleon came the creation of a uniform criminal code and the development of a modern police establishment. Napoleon fine tuned the police, creating an efficient and tightly controlled apparatus.

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89 The true reason for the development of a uniform system of law enforcement was apparently the desirability of attracting revenue through the sale of high-level patronage appointments (*ibid*, pp. 21-2).


Unfortunately, he also utilized it as an instrument of repression and internal security.\(^{92}\)

Reith describes the system which evolved, variously termed "gendarmerie-style" or "ruler appointed," as both representative of European policing systems generally and of the ancient city-states.\(^{93}\) Despite wars and other upheavals in society, including many changes in government, it continues to bear close resemblance in terms of its structure to that which emerged during the Middle Ages. Philip Stead observes:

Royal officials then, republican officials today, they stand for the authority of the state of France in a way that no police official in America or Britain stands for the federal or national governance of the two countries. The evolution of the French police is an inseparable process in the evolution of the French state.\(^{94}\)

France today is a strong unitary state with local governments being in law, although not necessarily in practice, appendages of the center. The nation is divided into 24 regions, which in turn encompass 96 departments and in excess of 36,000 communes, or municipalities. Most local government activities are in principle controlled by the Ministry of the Interior and Decentralization, which in practice utilizes the various levels of local government

\(^{92}\) Macleod, Lawful Authority, p. 83.


\(^{94}\) Stead, p. 158.
as conduits for national policies and programs:95

Intergovernmental relations in France form a pattern of intricate ties and mutual interdependence, both vertically between levels and horizontally among locally elected officials and Paris-controlled career civil servants.96

Civil servants of the Interior Ministry are in all areas of France. Historically, the prefect, an agent of the minister, acted as their supervisor, administering and coordinating central government programs. The local department heads of the various central ministries theoretically reported to him and locally elected mayors and municipal councils implemented programs under his oversight.97

As the result of a major restructuring of responsibilities, much of the control previously exercised by prefects is now in the hands of councils at the regional, "departmental" and local levels. Each commune has one, which in turn elects a mayor to be its chairman and the local agent of the state (as distinct from the political agent of the central government). Nevertheless, the prefect, renamed a Commissioner of the Republic, retains primary responsibility for public order maintenance, including the


96 Ibid., p. 59. French local government politics are a perfect example of the difference between formal and informal structures.

97 The method of implementation depends on many factors, including the political strength of the mayor. Some mayors, who also hold positions in the central institutions of the state (for example, the Senate) are powerful political figures in their own right.
administration and operation of the police. This is in keeping with age-old tradition:

Education and police...have always been provided by field services of ministries in France, under the supervision of the resident representatives of the government - the Rectors and Prefects.

Not surprisingly in view of the strong political centralism in France, the organizational structure of its police remains similar to that of the Middle Ages. Two parallel police systems exist.

The National Gendarmerie, which emerged from the Maréchaussée, remains an integral and elite military unit, reportedly a model for paramilitary police forces throughout the world. It polices most of rural France, communities of less than 10,000 persons, the highways, overseas possessions and military installations. It also counters terrorist threats and acts as an emergency reserve.

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98 McHale, p. 58.


100 Andrade, p. 68. There is no indication that it served as a model for the North-West Mounted Police, whose pattern was principally the Royal Irish Constabulary (see ch. 4).

101 The Overseas Gendarmerie dates back to the Gendarmerie Imperiale, which acted as an internal security force for Napoleon and subsequently served in every overseas war involving France. It presently has contingents in various parts of the world, including the islands of St. Pierre et Miquelon, south of Newfoundland (Andrade, pp. 67 and 70).

102 Ibid., p. 70.

103 Ibid.
for the civil police. Although ultimately answerable to the Minister of Defence, it functions under the local prefect's superintendence in regard to routine policing operations. The Republican Guard, a unit of the Gendarmerie, performs ceremonial functions within the capital.

The parallel civilian organization is the Police Nationale, better known by its former name, the Sureté Nationale, a large force which polices all towns and cities with over 10,000 citizens. In addition, it acts as a border patrol at entry points, polices civilian transportation facilities, provides v.i.p. protective services, combats the illegal traffic in drugs

104 Ingleton, pp. 78-80. Use of the Mobile Gendarmerie can be actioned by the Departments in the event of disturbances or other emergencies (Andrade, p. 70). Consisting of over 15,000 persons, it is heavily armored and dispersed throughout the country (Kurian, p. 128).

105 Ingleton, p. 118.

106 Kurian, p. 128.

107 Ibid.

108 Stead notes the friction between the Police Nationale and the Gendarmerie, caused by population growth. Once a town or city suburb exceeds the 10,000 population threshold, policing is supposed to be handed over to the Police Nationale. This does not always occur: "the Gendarmerie, having policed the area since time immemorial, see no reason why they should now withdraw, and given administrative inertia in high places (usually a safe bet), they will probably keep their turf" (The Police of France, p. 128).

Population thresholds play an important part in R.C.M.P. contracts, giving rise to conflicts when they are exceeded or when an exception is contemplated (see generally, ch. 6).

109 In addition, the Directorate of Technical Surveillance screens and gathers intelligence on foreigners in the country (Andrade, p. 68).
and acts as a national criminal investigative, administrative and scientific resource. It also maintains a mobile reserve and powerful intelligence-gathering and counter-espionage services. As a part of the Interior Ministry, its municipal operations are centrally-controlled, although local municipalities play an increasingly active role.

Paris retains a status in the political and social life of the nation quite different from other municipalities. Its police are no exception. The prefect of police, or chief commissioner, is the city's principal law enforcement officer. Although technically part of the Police Nationale since 1968, his department operates in a parallel and quite independent fashion. Its bureaucratic structure mirrors that of the national force, however is smaller in physical size and, again, independent of the larger department. The chief commissioner reports to the city's director general of police, as opposed to the Interior Minister.

The French police are more visible within the country than

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110 The Republican Security Companies are similar to the Mobile Gendarmerie in overall size and dispersement (Kurian, p. 129).


112 Kurian, p. 128.

113 Ingleton, p. 119 and Andrade, p. 68.

114 Ingleton, pp. 77-8.

115 Andrade, p. 68 and Kurian, p. 129.
their North American counterparts. Included among their duties are the issuance of licenses, passports and identity documents, as well as responsibility for the fire service, civil defense, and various regulatory activities. Stead identifies various factors which help to explain the difference in roles between French police and their counterparts in Britain and North America.

Although their numbers are not proportionately greater, the concentration of units in central locations, particularly Paris, is more pronounced. In addition, in the larger cities they are more aloof from the public; more powerful in terms of legal authority; better armed; and fulfill a broader role in social control. They continue to perform a strong intelligence-gathering function in areas of government which, in North America, are not

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- United Kingdom...1:414
- France...........1:630
- United States....1:460
- Australia........1:460
- Canada............1:360
normally associated with the police. In terms of their governance, Stead writes:

"...nearly all police officers in France are either civil functionaries of the central administration or members of the military forces, in either case virtually independent of local political control."

Why the French police did not develop alike the British is explained by Bayley in terms of the strength of municipal institutions. In medieval France, monarchs sought to discourage local government, except if it served their purposes. However, they were not always successful in asserting their authority over the "corps intermédiaires," including the "bourgeois" who ruled some of the larger cities and towns. Without strong control over the nation, the retention and expansion of strength became a necessary obsession. Once in place, the policing system demonstrated a resilience which allowed it to survive changes in government and society, wars and revolution, relatively un tarnished.

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117 Stead, The Police of France, p. 7. Although most Western nations have an intelligence capacity within their police and security agencies, the French system appears to be different from the norm. In Canada, for example, the Canadian Security Intelligence Service (CSIS) is specifically charged with countering subversion and espionage within the nation. In France, intelligence-gathering is less specific. There the police perform a much greater role in the monitoring of conflict generally, be it political, ethnic, religious or other.

118 Ibid., p. 9.

119 Reith suggests that the tendency to centralize policing institutions is greatest when a nation's political order is threatened. Considering France's turbulent past, this could assist in explaining the centralized nature of its law enforcement establishment (The Blind Eye of History, p. 244).
The overseas role of the Gendarmerie during the nineteenth and twentieth centuries is well known. Little is known, however, and almost nothing is written about the early policing system which existed in New France.\textsuperscript{120} As will be seen in the following chapter, a form of night watch or municipal police did emerge during the eighteenth century but collapsed with the rise of British hegemony. Today, the French system of law enforcement is of interest purely for comparative purposes. Its impact on Canada's police is minimal, certainly it does not compare with the very strong British and American influences. The police system which exists in the United States, however, is both different from the French and, in many respects, a throwback to early Britain. In terms of Canadian policing, it is of considerable importance.

THE UNITED STATES

Not surprisingly, the first English settlements on the eastern seaboard of what is now the United States adopted the parish constable and the night watch\textsuperscript{121} as their basic instruments of policing.\textsuperscript{122} Due to the Founding Fathers not creating an alternate

\textsuperscript{120} \textit{Supra}, ch. 1, ft. 1.

\textsuperscript{121} The first night watch took to the streets during the 1630's, in Boston (Kurian, p. 417).

\textsuperscript{122} \textit{Ibid}. This was probably an inevitable result considering the earlier described tendency of British colonies to mimic the political and social regimes existent in the mother country. It is also consistent with Hartz's 'fragment theory' of colonial
law enforcement mechanism, independence in 1776 merely served to entrench these institutions.\textsuperscript{123} Reith observes that the constable's office thrived in the fledgling nation. Certainly it meshed quite nicely with the decentralized character of early American government and society as well as the individualism and spirit of liberalism espoused by its citizens.\textsuperscript{124}

The Founding Fathers envisioned a central government which would bind the former colonies together yet could exercise only limited power in its own right. This fear of strong central government found expression in every facet of American life, particularly in its institutions of government. The police were no exception. David Johnson notes that the distrust of central authority which emerged from the colonial era embued America with a belief that control over the police should be at the local level.\textsuperscript{125} He suggests that republicanism, as practiced in the United States, ensures that a community's commitment to law enforcement will always be the subject of spirited public debate. Republicanism, he writes, "relies upon local interests to promote development (supra, ch. 2, ft. 9).

\textsuperscript{123} Reith, The Blind Eye of History, p. 83. Reith boldly suggests that the American colonies might never have revolted from the yoke of mother England had it not been for the inadequate colonial policing system (p. 81).

\textsuperscript{124} Ibid., p. 81.

the general welfare."\(^{126}\)

Others argue that the Revolution created an invisible barrier which served to prevent innovative concepts, such as Peel's police system, from gaining early access to the nation.\(^{127}\) The argument continues that the United States both continued and expanded its pre-Revolutionary policing system.\(^{128}\) In at least one respect, that being the popular election of constables and sheriffs, it even attempted to reverse the British move toward increased centralization of law enforcement.\(^{129}\)

Today, the local constable can still be found in many corners of the nation:

In many respects the single, local policeman in the United States is almost an exact replica of the English parish-constable of bygone days, and an anachronistic

\(^{126}\) Ibid., p. 9.

\(^{127}\) Kurian suggests that the military's assumption of policing duties during the Revolution may have helped sidetrack reform (p. 417). This is arguable, however, when one considers that the American military at the time of the Revolution was really a volunteer, citizens' army that virtually disbanded shortly after independence, long before Peel's reform movement gathered momentum.

\(^{128}\) Peel's innovations belatedly reached urban America. Philadelphia created the first "full time police force" in 1833, followed by Boston in 1838 and New York in 1845 (Andrade, p. 221). Philadelphia's force did not strictly conform to the New Police model however, being merely an organized day and night watch (later described as the "first...24-hour organized metropolitan police service" in the United States (Kurian, p. 418)). New York had night watchmen as early as 1638 and a uniformed police officer by 1693. The night watch and the uniformed force combined in 1844 and legislation, similar to Peel's, was imposed upon the city in 1857 (Kurian, pp. 417-18).

\(^{129}\) Kurian, pp. 417-18.
survival from the colonial period.\textsuperscript{130}

Bayley observes that "no other part of the world has carried local autonomy in police management to such extreme lengths" as the United States. \textsuperscript{131} Today, there exist approximately 25,000 police departments in the nation. \textsuperscript{132} The great majority are small in size and rural in location whereas the preponderance of officers work

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\begin{itemize}
\item \textsuperscript{130} Reith, The Blind Eye of History, p. 97.
\item \textsuperscript{131} Smith, Police Systems in the United States, p. 301. This diffusion is largely the result of a constitutional arrangement which, in the early years of nationhood, presented few alternatives. Until central government developed a semblance of respectability during the late nineteenth and early twentieth centuries, local and state governments wielded great power within the United States. Why a similar situation did not occur in Canada is examined in the following chapter.
\item \textsuperscript{132} Bayley, p. 55. It is hard to achieve unanimity on this point. Andrade, writing in 1981, estimates that there are 17,500 forces (p. 221).
\end{itemize}
in the statistically fewer urban departments. Do such a vast, almost incomprehensible number of forces militate against effective and efficient, let alone uniform, law enforcement? Herein lies a problem similar to that seen earlier in Britain. Is there a point at which the benefits to be obtained by local control are outweighed by the presumed inefficiency and lack of economy which characterize a small department? Complaints, such as a limited service capability, low training, poor standards and an inability to deal effectively with cross-jurisdictional offences, regularly surface in regard to such American forces. Most who study the police would likely answer that the benefits are outweighed, certainly in the case of very small municipal departments.

133 The tremendous segmentation of policing in America becomes clear when one considers that within each of Cook County, Illinois (which includes Chicago) and Allegheny County, Pennsylvania, there are 100 police departments. The count in Los Angeles County and greater St. Louis, Missouri, is eighty (Skoler, p. 56).

Skoler counts 20,000 police departments, 90% with fewer than 10 officers while 70 forces account for one third of the total number (p. 4). Federal statistics for October 1981 show the following raw numbers of full and part-time police employees, according to level of government (U.S. Department of Justice, Bureau of Justice Statistics, Justice Expenditure and Employment Extracts: 1980 and 1981 Data from the Annual General Finance and Employment Surveys (Washington: U.S. Gov't. Printing Office, 1984), Table B, as cited in Kurian, p. 431).

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</thead>
<tbody>
<tr>
<td>Federal</td>
<td>55,505</td>
</tr>
<tr>
<td>State</td>
<td>76,477</td>
</tr>
<tr>
<td>County</td>
<td>135,919</td>
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<tr>
<td>Municipal</td>
<td>448,699</td>
</tr>
<tr>
<td>Total</td>
<td>716,600</td>
</tr>
</tbody>
</table>

134 Skoler, p. 62.

135 See Skoler, p. 37.
Assuming agreement on the need for a threshold size, the next and daunting task is that of implementation. Bruce Smith views a reduction in the number of departments as a partial solution, although he notes:

...it is unlikely that impending revisions will adhere to any one pattern. On the contrary, the local differences that characterize existing arrangements almost assure adaptations to such special needs in the future.136

Recent experience appears to support this view. State and local governments constantly grapple with the problem of balancing a need for area-wide police services with a desire for local control. Solutions, to date, include the consolidation of small departments, increased interagency contracting or co-operation, 'team policing' within large departments and increased state and federal involvement.137

Skoler views contracting as the best example of consolidation, without the elimination of local political units. In the United States, contractual arrangements are still comparatively few in number, generally existing between municipalities or between a municipality and its county government.138 In Skoler's opinion,

137 Skoler, pp. 76-7.
138 Skoler cites examples in his text at pp. 82-3. He notes that "full service" contracts undertaken by county-wide police forces increased in number from 100 in 1968 to over 600 in 1977 (likely due, in part, to the tremendous influx of federal monies and the number of commissions which studied the problem of urban crime during the late 1960's and early 1970's). Skoler describes contracting as an "excellent way of combining municipal forces with area-wide county police or sheriff's departments" wherein the consumer governments can 'buy' as much or as little service as they wish and still retain a policy role. Furthermore, he writes that
the impetus for change toward increased contracting must come from senior levels of government, otherwise the status quo remains the most comfortable, and possibly inefficient, accommodation. From an examination of the British policing system, he concludes that:

...a tradition of localism and efficient local service can be reconciled with fewer production units and more central controls.... England, however, is not America. Despite our police organizational ties to British origins, the analogy...can be only suggestive and the reality is one of sharply differing traditions and evolution.

Today, it is the multiplicity of American municipal police forces which serves as the most obvious reminder of 'pre-modern' policing. In other respects, municipal departments share the innovations which characterize the New Police, most important being the dual subordination of its members and a hierarchically-structured bureaucracy. Although control of most municipal forces

the municipality "can provide for special needs and accountability and can even negotiate a policy role in the quality and kind of policing it receives." He views the R.C.M.P.'s involvement in contract policing as "the most striking" example of "extensive contract policing arrangements" (p. 83).

139 Ibid., p. 83.

140 Ibid., pp. 77-8. Alan Bent agrees with this position:

Our federalism, by contrast, makes the application of the unification of governmental functions a highly improbable occurrence, especially in light of the supremacy of the principle of local autonomy. The federal government plays an important role in law enforcement although, admittedly, its role is restricted to carefully defined parameters (p. 68).
is delegated by councils to oversight bodies, many urban and most county electorates retain a final say through the popular election of chiefs of police and sheriffs.

Despite the external protection of direct accountability to the electorate and the internal protection afforded by an increased level of professionalism, only an ostrich could ignore the problem of corruption within American municipal law enforcement. It is a problem which continues to plague the United States and was often used as a justification for large, unified police forces. That corruption occurs is not in dispute. What is interesting, however, is that the literature does not support the contention that larger departments are necessarily 'cleaner.' Both large and small appear susceptible to the scourge and, in fact, corruption in large

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141 New York agonized over an effective governing body for years. It experimented with a "bipartisan board," composed of Democrats and Republicans (a tacit "admission that politics would never be completely eliminated from police management"); a "commission government plan," an elected body; and a "unified administrative leadership," one person appointed by the city to run the police (Kurian, p. 419).

142 Sheriffs are elected in 47 states (Skoler, p. 32).

143 Bent notes that graft, corruption and inefficiency among municipal departments occasionally results in states threatening to or actual taking over departments (p. 67).

144 Similarly, it has been suggested that the same methods for controlling corrupt practices can be utilized in departments of any size, although the tactics must differ (Lawrence W. Sherman, Controlling Police Corruption - The Effects of Reform Policies - Summary Report (Washington: National Institute of Law Enforcement and Criminal Justice Law Enforcement Assistance Administration, Feb. 1978), p. 1).
departments is regularly reported in the popular press.\textsuperscript{145}

A saving grace for many municipal forces is the relatively recent acquisition of a heightened degree of professionalism. University law enforcement programs are found everywhere in the United States; the literature, scholarly and otherwise, on police operations and administration is massive; commissions and think tanks continue to examine law enforcement problems;\textsuperscript{146} and there are many professional conferences and associations which meet regularly.\textsuperscript{147} In addition, the presence of many innovative leaders hastened this process.\textsuperscript{148}

Despite its tradition of localism in policing and although the Constitution gives little in the way of criminal law power to the central government,\textsuperscript{149} a federal law enforcement establishment

\textsuperscript{145} The scandals which rocked the New York Police Department in 1970 and resulted in the formation of the Knapp Commission are an example. New York's police now possess a "manual of corruption hazards" (ibid., pp. 3 and 12)!

\textsuperscript{146} For example, The President's Commission on Law Enforcement and Administration of Justice (1965), the National Advisory Commission on Civil Disorders (1967), the National Commission on the Causes and Prevention of Violence (1968) and the President's Commission on Campus Unrest (1970) (Goldstein, p. 5).

\textsuperscript{147} For example, the International Association of Chiefs of Police, the Police Executive Research Foundation, the National Organization of Black Law Enforcement Executives and the Academy of Criminal Justice Sciences (Kurian, p. 431).

\textsuperscript{148} Kurian suggests that the Depression assisted, by forcing highly educated, unemployed persons into the ranks of the nation's police. Also, government work programs constructed many new facilities for the police (p. 420).

\textsuperscript{149} Counterfeiting and treason are the only such powers enumerated (Art. 1). Policing was not mentioned in the original United States Constitution or the Articles of Confederation. The Articles of 1781 did not even make reference to a national
emerged in the United States which is extremely complex in structure and professional in delivery. By the early nineteenth century, many acknowledged that certain crimes had national implications. There being no express federal mandate to deal with those other than counterfeiting and treason, it fell to local government to fill the void.

The earliest federal law officers, "marshals," were appointed by George Washington under the authority of the Judicature Act of 1789. Their intended function was to act as an arm of the courts: serving documents, escorting prisoners and providing general security. In time they were used for various other duties, including census taking, property repossessions, and chasing

judiciary.

The Federal Law Enforcement Training Center in Georgia provides training facilities for at least 48 federal agencies (Andrade, p. 223). Many are regulatory bodies which have various investigative powers, such as The Federal Communications Commission and The Federal Trade Commission. Others play a more direct role in law enforcement. A recent compilation (1985) of the latter includes the following in the Departments of Justice and the Treasury, alone:

- The Drug Enforcement Administration
- The Federal Bureau of Investigation
- The Immigration and Naturalization Service Border Patrol
- The Division of Probation, U.S. Courts
- The U.S. Marshals Service
- The Bureau of Alcohol, Tobacco and Firearms
- The Criminal Investigation Division, Internal Revenue Service
- The Inspection Service, Internal Revenue Service
- The Office of the Inspector General
- The Treasury Police Force, U.S. Secret Service
- The U.S. Secret Service
- The U.S. Customs Service

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fugitive slaves.

The opening of the American west posed a multitude of problems for the central government. The Army, somewhat mercilessly, proceeded to conquer the aboriginal people. Settlement followed, as did the need for a law enforcement presence. The marshals performed this function, becoming immortalized in legend. After reaching a sufficient population, territories obtained statehood and assumed responsibility for law enforcement, which they in turn gave to their municipalities. Reith describes this process in the following terms:

The law enforcement machinery which they [the frontier communities] succeed in establishing is often crude and violent but, in time, the authority, laws and law-enforcement machinery of the parent community follow and overtake them, and gradually the young community reverts to dependent status and enjoyment of the benefits and protection of the independent parent community in which it shelters.

In this manner, there was a continuous devolution of authority from the federal government to very local units of government, with no apparent desire on the part of the former to retain any policing rôle. This, of course, was quite in keeping with the nature of federalism in the United States during the nineteenth century.

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153 One should not assume that all local police forces were alike. According to Johnson, they took a "confusing variety of forms due to the absence of well-developed, standardized government." He adds that the juxtaposition of states and federal territories encouraged outlaws to flee from the former to the latter, from which there could be no extradition (p. 89).
Created by a compact among former colonies, the purpose of a federal government was to make the states collectively stronger, not itself.

Despite the emergence of small investigative agencies, the federal government continued to resist active involvement in policing, other than in the territories, until well into the twentieth century. Although it passed legislation which ushered in an era of prohibition, Congress did not see fit to create a federal agency to enforce its strictures. It was only when local governments evidenced a complete inability to cope that the national government came to their aid, albeit with too little and too late. Ignoring the excesses of prohibition served to introduce an even greater vice, organized crime. Again, however, the federal government shied away from involvement, for almost thirty years.

Postal inspectors emerged after passage of the Postal Act in 1829, termed the first statute to confer "police powers...on a federal agency" (Kurian, p. 417).


The Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, now the Bureau of Alcohol, Tobacco and Firearms, was the answer (Kurian, p. 421).

See Sanford J. Ungar, FBI (Boston: Little, Brown & Co., 1976), ch. 17: "Arriving Late at the Scene of the Crime," pp. 391-425. Many have questioned why the F.B.I., under Hoover, failed miserably to check the expansion of organized crime syndicates. Was it a case of a purposeful 'non-decision' on the F.B.I.'s part or did ulterior motives prevail?

Ungar suggests that the Bureau failed to keep abreast of developments in three areas: civil rights abuses, organized crime and illicit drug trafficking. Forced into the first by the Kennedy
David Johnson traces the expansion of federal regulatory and criminal law to the 'Progressive Era,' the first decades of the twentieth century. Federal involvement in the areas of foreign trade, interstate commerce and national security greatly expanded. World War I and the Bolshevik 'threat' which followed on its heels, accelerated these initiatives.\(^{157}\) In 1908, a famous former police commissioner of New York City, Theodore Roosevelt, created the Bureau of Investigation, later the Federal Bureau of Investigation (F.B.I.).\(^{158}\) Shortly thereafter, a narcotics section developed

administration during the early 1960's, the Bureau was steadfast in its refusal to become involved in the latter, allowing the predecessor of the Drug Enforcement Administration to fill the gap. Organized crime was thrust upon it when the state police in New York created a national stir by discovering a meeting of 'godfathers' in upstate New York during 1957. Ungar writes that the conference "was as much news to the Federal Bureau of Investigation as to anyone."

Hoover's astute avoidance of controversial, corruption-prone crime or investigations which carried little publicity value came back to haunt him. In many ways his had been a conscious decision to avoid work of that generic complexion, not a conscious decision to ignore, for example, crime syndicates. Hoover simply preferred to believe that organized crime syndicates did not exist, on one occasion calling the suggestion "baloney," yet adding that any such activity would be the responsibility of local law enforcement agencies. To him, the alternative was the creation of a national police department, a concept which he argued against with great vigour. Hoover's personal charisma and the F.B.I.'s almost sacrosanct position in American life serve to emphasize the important part played by personalities and structures in the policing world.

\(^{157}\) Johnson, p. 117. Early legislation which it enforced included the \textit{Mann Act} (1910) and the \textit{Dyer Act} (1919). Both prohibited certain forms of interstate transportation, the former of women for purposes of prostitution, the latter of stolen vehicles (Kurian, p. 423).

\(^{158}\) Johnson, pp. 40 & 55. The Bureau of Investigation was formed in July, 1908 and renamed in July, 1935 (Andrade, p. 222 and Kurian, p. 419).
within the Treasury Department to enforce new drug laws, beginning with the Opium Exclusion Act of 1909.\textsuperscript{159}

The Progressive Era gave way to the economic decline of the late 1920's and ultimately the Crash of 1929, however a trend in the direction of increased central strength continued, fueled largely by Roosevelt's New Deal legislation. It suddenly became respectable for Washington to involve itself in areas previously the sole preserve of the states. Due largely to the tremendous influence of its legendary Director, J. Edgar Hoover,\textsuperscript{160} the F.B.I. capitalized on this trend by exploiting various newsworthy issues: the perceived menace of communist espionage and subversion, the Lindbergh baby kidnapping and the rural banditry of such characters as 'Machine Gun' Kelly, Baby Face Nelson, Ma Barker, Canada's Alvin Karpis and John Dillinger, to increase its visibility within the law enforcement community.\textsuperscript{161} To this day, the Bureau justifies its involvement in many criminal matters by the interstate nature of a particular offence.\textsuperscript{162} Though wishing that his agency would

\begin{footnotes}
\item[159] Johnson, p. 107.
\item[160] Hoover headed the Bureau for almost fifty years, from 1924 until 1972 (Andrade, p. 222).
\item[161] Ibid., pp. 69-77 and Kurian, p. 423.
\item[162] Ungar counts in excess of eighty areas of criminal jurisdiction, ranging from protecting the Smokey Bear symbol to combatting crimes aboard aircraft (p. 78). Its jurisdiction to investigate a matter is sometimes rather obtuse. For example, the Bureau retains authority to investigate bank robberies, despite robbery falling under the ambit of state criminal law. It does so by virtue of the loss to the federal treasury of insured bank funds.
\end{footnotes}
become preeminent among federal law enforcement bodies, as its name suggests, Hoover steadfastly opposed the concept of a national police force.¹⁶³

Although such a force did not develop, Washington makes many millions of dollars available yearly to the states and municipalities in the form of law enforcement grants.¹⁶⁴ It also provides, generally through the F.B.I., various services, including a national fingerprint and computer capability, forensic laboratories and advanced training facilities. Although these services do not necessarily create a dependence by state and local forces on Washington, they do provide a national repository of information and expertise which would otherwise be lost amid the fractured structure of American policing. After 1960, the federal government became increasingly pro-active, first with money and lately, with both money and human resources.¹⁶⁵ The tremendous influx of persons and money into the war on drug trafficking, for example, far outstrips the individual or cumulative efforts of municipalities and states in dealing with the problem.¹⁶⁶

¹⁶³ Ungar, p. 79.

¹⁶⁴ The principal conduit, until 1982, was the Law Enforcement Assistance Administration, created by the Omnibus Crime Control and Safe Streets Act of 1965. At present, the Office of Justice Assistance, Research and Statistics, created by the Justice System Improvement Act of 1979, is the primary funding channel (Kurian, p. 431).

¹⁶⁵ Johnson, p. 181.

¹⁶⁶ Ibid., p. 79. The absence of a uniformed national police capability affected the federal government's ability to enforce the terms of civil rights legislation during the 1960's and forced it to press both the Marshals Service and the military into action
Although the promulgation and administration of criminal law is a state responsibility, the states were slow to enter the law enforcement arena,\textsuperscript{167} preferring always to devolve policing

(for example, the epic confrontation between Governor Wallace of Alabama and federal authorities intent on permitting the enrollment of black youths at the University of Alabama). In the 1970's, members of the Marshals Service attempted to combat aerial hijackings. In the 1980's, the Border Patrol "became akin to a military presence on the Mexican border and the Customs Service and the Coast Guard act as an increasingly visible arm of the federal government's war on international drug trafficking.

Faced as they are with overlapping mandates and unabashed egos, considerable friction exists between the various federal police agencies. At one time, for example, the FBI and the Secret Service apparently sought supremacy in the federal law enforcement field, their differences occasionally festering in public: "They quarreled openly at the Warren Commission; the FBI accused the Secret Service of poor security in Dallas, and the Secret Service charged the FBI had denied it intelligence data which would have made it possible to avoid the assassination." (Frances Lang, "State Police," \textit{Hard Times}, Dec. 1970, p. 12).

Jurisdictional battles plague the ongoing war on drugs, resulting in the appointment of a "drug czar" in the person of former Secretary of Education William Bennett. At least 58 federal agencies exercise jurisdiction over one aspect or other of drug enforcement, creating confusion and internecine "warfare," described as "entirely rational" behaviour in "the bizarre world of Washington bureaucratic infighting." Turf wars become ridiculous when federal agencies reportedly steal the seized proceeds of crime from each other, by way of computer money transfers (Steven Waldman, "Turf Wars in the Federal Bureaucracy," \textit{Newsweek}, Apr. 10, 1989, pp. 24-6).

The absence of uniforms also produces very basic problems for federal law officers. On occasion, visibility is important; for example, when making arrests or searching premises. As a result, most agencies have adopted ball caps and jackets, bearing their agency's insignia, for use at crime scenes.

\textsuperscript{167} Two rather anomalous forces, the famous and sometimes notorious Texas Rangers, formed in 1835, and the Massachusetts state police of 1865-75, were the only state forces which existed during the early and mid-nineteenth century (Bayley, p. 237, nt. 9).
responsibilities to the municipalities. Because of the policing void at the state level, local police were often required to become interdependent in an attempt to apprehend wrongdoers.

State forces did eventually develop throughout the land however, for a variety of reasons: to combat labour strife, to regulate the automobile or to battle the traffic and sale of liquor during prohibition. By the end of World War I, most states had such an agency, performing one or a combination of these functions. With the influx of federal funds during the 1960's

168 An interesting exception was New York state's move to take over the City's policing, on the basis of corruption. Its Metropolitan Police Act, 1857, patterned on Peel's, required that police officers be accountable to a board appointed by the governor. The result was the carnival-like scene of two parallel police forces, virtually at war with each other. The state-sponsored force eventually prevailed (Kurian, p. 418).

169 The Pennsylvania State Constabulary, formed in 1905, became a model for many other state forces (Andrade, p. 221 and Kurian, p. 419). Patrick Murphy notes, however, that for many years its contribution to social progress left something to be desired: "[it] made virtually no contribution to public order other than to keep plants open, to permit strikebreakers to make it past picket lines" (Patrick Murphy and Thomas Plate, Commissioner (New York: Simon and Shuster, 1977), p. 113n).

170 Kurian, pp. 430 and 434. The state forces currently range in size from over 8,000 employees (California) to less than 50 (Hawaii).

State governments have always been careful not to give the appearance of usurping the primacy of municipalities in the provision of policing services, as is evidenced by the following description of instructions given to the first officers of the Maine State Police, in 1925:

[D]esigned to become more sophisticated than the local police and county sheriffs...the new state troopers were entrusted with enforcement power equal to those of sheriffs, but, unlike the county-bound sheriffs (and the town-tied policemen), they could investigate, arrest and detain offenders anywhere in the state. They were to be relatively free agents...unburdened by small-town political commitments
and 1970's, they began acting as a conduit for these monies and coordinating police training, computerization and organized crime probes. In terms of involvement in law enforcement at an operational level, their primary function remains highway traffic regulation (which is also where two-thirds of state monies for law enforcement are dedicated). Most refrain from involvement in traditional policing duties.

In limited situations however, they provide manpower on a contract basis or specialized resource services, such as crime scene and drug investigators, forensic laboratory facilities, training academies and communications networks. Skoler opines that most states and municipalities accept such involvement in the interest of a more uniform and efficient system of law enforcement. Clearly the intent is to assist in the provision of

and biases...Governor Brewster warned the state's new law enforcers not to lord their power over the sheriffs and local police. The troopers nodded, but the sheriffs and police were not pleased (Karen Lemke, Down East Detective (New York: Bart Books, 1987), p. 10).

171 Bent, p. 66.
172 Kurian, p. 430.
173 Skoler, pp. 57 and 76.
174 Ibid., p. 76. The reason for this attitude may well find its origin in the previous century. Alan Bent writes:

In earlier days, state legislatures were apt to interfere with local police administration for dubious reasons. Ostensibly because of alleged failures of city authorities to maintain proper standards of order, state governments took control of police departments in New York, Chicago, Boston, Cleveland, Detroit, Baltimore, Cincinnati, St. Louis, New Orleans, and Kansas City, among others.... When it became apparent that the
a modern and adequate policing service to small municipalities, without assuming direct responsibility for law enforcement. Moves by the states to assume or regionalize municipal policing responsibilities are almost unknown.

The social historian, Frederick Turner, would not be surprised by the continued dominance of local government control over policing in the United States. In his oft-quoted theory of the development of the American people, Turner suggested that the ever-present frontier helped create a unique people, instilled with a strong sense of individualism and a belief in a decentralized form of democracy. ¹⁷⁵ The development of policing in the United States, from the beginning, reflected the belief in localism which is inherent in Turner's view of America and stands in stark contrast to law enforcement in other western nations.

Reith agrees that the frontier played a pivotal role in the history of America's police, however believes that the national obsession with the accumulation of personal wealth; "the blinding,

reason for the takeover of these police departments was often an attempt by state politicians to extend the range of their patronage activities, urban disapproval and opposition mounted until state control was subsequently removed.... The unhappy experiences with state-controlled municipal police departments occurred during the nineteenth century, when distrust and hostility between rural-dominated state legislatures and the developing urban governments were at their height. However the memory of these experiences has lingered, making local units of government protective of their dominion over...the police bureaucracy (p. 67).

but binding, inspiration of the American people," was even more important.¹⁷⁶ American capitalists traditionally favoured decentralized government and a minimum of intervention in the private sector. Local institutions blend quite nicely with this philosophy. Interestingly, Reith views the obsession with acquiring material wealth as a curious binding force which allowed the nation to survive with a policing system which would be too "consistently and extensively" weak to keep other nations intact!¹⁷⁷

Despite their common frontier heritage, the structure of modern Australian law enforcement does not display the extreme localism which characterizes America's police. The system created there, though different, bears remarkable similarity to the clean, uniformity of its British counterpart.

AUSTRALIA

The history of Australian policing is relevant to Canada's police because of the similarities between the countries; including

¹⁷⁶ Reith, The Blind Eye of History, p. 88. He writes:

The principle was expounded that accumulation of wealth by the individual citizen was a moral and patriotic duty, because increase of individual wealth was synonymous with increase of national wealth; .... Money-making became accepted as a primary virtue throughout the nation, and the belief brought with it the unfortunate corollary that any means were justified by which money was acquired (p. 91).

¹⁷⁷ Ibid., p. 87.
a common familial origin, the achievement of nationhood in close
temporal proximity, a federal system of government, a western
frontier and a small population in relation to their geographic
size. In addition, the political and social forces which acted
upon Australia during its colonial years and infancy as a nation
are akin to those which Canada faced. These similarities give
rise to various questions. Are the police systems in both
countries alike? Did they develop in a similar fashion? What
influence did mother England have on Australia's police? Did
Australia mimic the British police system? What impact, if any,
did local government have on Australia's law enforcement
establishment? These are all questions which are explored in the
following pages.

For over half a century, the continent of Australia was a
'dumping' ground for the 'criminal class' of English society.
Beginning in 1787, the courts ordered the transportation of almost
160,000 convicts. Robert Hughes, author of The Fatal Shore, a
modern classic of that period in Australian history, writes:

This was the largest forced exile of citizens at the behest
of a European government in pre-modern history. Nothing in
earlier penology compares with it. In Australia, England
drew the sketch for our own century's vaster and more terrible

178 In 1987, Canada had a population of 25,857,943 occupying
9,970,610 square kilometres of land, divided into 10 provinces and
two federal territories, whereas Australia was populated by
16,072,986 persons within 7,686,848 square kilometres, divided into
six states and two federal territories (Bruce Swanton, Garry
fresco of repression, the Gulag. No other country had such a birth...179

The colonies which came together to form Australia were at the time of first settlement but an extension of the prison bureaucracy which accompanied the convicts from England. Sydney Harbour, in what later became the colony of New South Wales, was the first to be settled. Later came Van Dieman's Land, now Tasmania. Over time, other colonies emerged from the former: Victoria in 1851 and Queensland in 1859. Settlement of Western Australia and Southern Australia occurred during the first half of the nineteenth century.

Just as the prison system controlled all facets of life, so too did the new colonies. Federation in 1901 did not change this fact. Instead it created a central government as a convenience for the former colonies, vested with only enough power to carry out the specific functions assigned to it, such as external relations, immigration, and defence.180 At the opposite end of the spectrum, municipal governments did not prosper either. Miller and Jinks view this as a direct result of the centralism which characterized the prison system. Once in place, it became the accepted and

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179 Robert Hughes, The Fatal Shore (New York: Alfred A. Knopf, 1987), p. 2. Ironically, Peel's New Police may have inadvertently contributed significantly to the rise of transportation. The number of persons banished to Australia reached its zenith in 1833. This date corresponds to the time that the New Police commenced its clean-up of the criminal element. Hughes notes that Peel's police system accounted for "a huge rise, not in gross crime, but in successful arrests and convictions" (pp. 160-62).

normal state of affairs, a self-perpetuating phenomenon of government:

...the citizens of the various local areas, particularly those in outlying districts, showed no enthusiasm for schemes of local government under which they would pay for their own roads, schools and police. They argued that they were pioneers...and that the whole community should pay for these improvements...\(^\text{181}\)

As a result, local government in Australia today is quite different from that in Britain. Although not apolitical, party lines are much less clear in the municipal arena.\(^\text{182}\) Local government is not responsible for certain important public services which are handled locally in Britain: education, housing and the police.\(^\text{183}\) Careers in municipal politics likewise do not attract the cream of the political cadre.\(^\text{184}\)

It seems plain that to attract public attention, local government must be concerned with major questions. While these are reserved entirely to other forms of government, local government will fail to rouse interest.\(^\text{185}\)

Miller and Jinks observe that in the absence of a "single system of local government in Australia," exceptions affect any generalizations. The municipal structure which developed in each colony did so independent of those in the neighbouring colonies.

\(^{181}\) Ibid., p. 32.

\(^{182}\) In this respect the Australian municipal system is similar to Canada's, yet very much the opposite of the American experience.

\(^{183}\) In Canada, education and housing, but not municipal policing, are a provincial responsibility.

\(^{184}\) Miller and Jinks, p. 180.

\(^{185}\) Ibid.
Policing was no different. The history of early policing is, in the case of each colony, a tangled web of departments, oversight bodies and other control mechanisms.\textsuperscript{136} Their operational histories are strewn with stories of daring exploits, ineptitude, professionalism and corruption. The end product in all is, however, remarkably similar. There are no municipal forces. All local policing is the responsibility of state forces and each is alike in terms of appearance and organizational structure. A commissioner heads the internal hierarchy and external political control is in the hands of a member of cabinet.\textsuperscript{137} How and why this result occurred differs, however certain broad similarities can be discerned. The history of the New South Wales force is representative of the general pattern.\textsuperscript{138}

In its formative years, New South Wales was little more than a colossal Alcatraz. The policing which emerged was of two kinds: military and civilian. The military functioned as jailers and also provided the power and might to quell disturbances, although their direct involvement in policing was limited. Civilian night watches, similar to those which existed in Britain, came with first

\textsuperscript{136} A Centenary History of the New South Wales Police Force 1862-1962 (Sydney: Victor C.N. Blight, 1962), p. 13. The colonial forces and their approximate dates of formation are: New South Wales (1824), Western Australia (1829), Victoria (1836), South Australia (1838), Tasmania (1857) and Queensland (1860).

\textsuperscript{137} Swanton, p. 13.

\textsuperscript{138} The standard work on Australia's police is O'Brien's slightly dated book, The Australian Police Forces (n.p.). The discussion which follows of New South Wales relies heavily on it, in particular pages 13 to 31.
settlement. Initially composed of the 'better' convicts, the military provost marshal commanded the watches. Later its members became known as constables and, in 1804, fell under magisterial oversight. Internal command remained with the military, however. About this time, an attempt to imitate the English parish constable system in Britain occurred through the election of constables. Being unpaid, except for a weekly rum ration, the office held as much appeal as its counterpart in the mother country.

An 1820 British inquiry into the New South Wales police noted its "unsatisfactory condition" and recommended that one police officer be placed in overall command of all forces within the colony. Although nominally accomplished in 1825, in reality policing remained in a state of shambles. Civilian control replaced military superintendence in 1833, with the enactment of legislation which permitted the appointment of justices to act as police magistrates and oversee law enforcement matters. A move was also made to recruit police officers in Britain. Unfortunately, those who came were too old to be of much service.

In 1839, an enlightened civilian, also imported from England, took charge of the police organization. He began to implement Peel-like reforms, however the poor quality of manpower, a poor pay scale for constables and his own propensity to imbibe on duty doomed the effort! With Sydney's incorporation in 1842 came the requirement, similar to that in modern Britain, that the municipality pay fifty per cent of the cost of maintaining a police force. In 1850, rioting and the still inefficient police system
gave rise to a board of inquiry which recommended that other British innovations be implemented; specifically, the creation of an inspector-general of the police and authority in the governor to appoint and remove officers, including chiefs.

The discovery of gold in 1851 heralded a new age for the colony. It also brought with it increased policing problems, most notably racial disturbances in the goldfields. Up to this point, O'Brien notes that the reputation of the police was less than desirable:

...the Sydney police, before the discovery of gold, had signally failed to win the respect of the community they so indifferently served; and during the boom days of the goldfields nothing was done to create a new confidence...\(^{189}\)

The problems in the goldfields broke the proverbial camel's back. The **Police Regulation Act, No. 16**, passed in 1852, constituted the "first real attempt to create a singly-controlled constabulary." It complemented the appointment of an inspector-general, who set about adapting the New Police innovations to the colony. O'Brien notes that by 1874 a firm foundation for policing and the beginning of public confidence in the police could be discerned. The 1862 legislation, much like Peel's, created a system which essentially remains to this day.

Centralization occurred in the other colonies after similar haphazard beginnings. Although opposed by Tasmanian municipalities when first suggested in 1877, legislation eventually passed with

apparently little opposition. In Queensland, the appointment of a single commissioner to oversee the metropolitan, rural, water and native police forces began in 1864, five years after acquiring colonial status. In Victoria, the New Police model took hold as early as 1853. In addition, over fifty London policemen volunteered to serve in the colony, helping to make its police a model for law enforcement organizations in the neighbouring colonies. Policing, by the military continued in Southern Australia until the 1830's when less desirable elements from outside began to tax the military's resources and the public demanded and received a centralized policing system. Clashes between settlers and the aboriginal population threatened to doom the expansion of Western Australia during the 1830's. The solution was "to placate the settlers by the establishment of a more adequate police force." Not only were the police expected to preserve order but also to 'civilize' the natives. Ad hoc measures culminated in a colonial force which obtained legislative

190 Ibid., p. 36.
192 Ibid., p. 53.
193 Ibid., pp. 69-70.
194 Ibid., p. 44.
195 The N.W.M.P. also performed this function, achieving considerable success among the aboriginal people of western Canada (see ch. 4).
sanction and structure in 1861.  

Today the states are responsible for, among other things, education, hospital services, public housing, land management and the police. Each has its own code of criminal law and court structure, although shares with the others a common final court of appeal, the High Court of Australia. The decisions of this final level of appeal are considered binding on the states. The states delegate to municipal governments the power to handle very local functions, such as road construction and repair, the provision of sanitation facilities, street lighting, sewerage and water, as well as certain regulatory duties, but not policing. Richard Spann observes that "[l]ocal government in Australia has always been primarily an administrative arrangement devised by colonial and then State governments to deal with specific local tasks."  

Without a tradition of local policing such as that represented by the parish constable, Australian forces developed in a manner

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196 O'Brien, pp. 45-6.

197 See generally, J. David Murphy and Robert Reuter, Stare Decisis in Commonwealth Appellate Courts (Toronto: Butterworth & Co. (Can.) Ltd., 1981), ch. 4. The High Court's decision in H.C. Sleigh Ltd. v. State of South Australia (1977), 12 A.L.R. 449 illustrates the fine balance which the appellate court must maintain:

The principle of stare decisis has a particularly important application in a field such as the limits of the taxing powers of the States. The difficult and delicate balance between the Commonwealth and the States on fiscal matters may be currently being preserved on the basis of decisions previously given by this court (pp. 471-72).

similar to most other segments of the judicial system, as appendages of the states. Despite a gradual strengthening of the federal government's role in the country, particularly in regard to fiscal matters, the state police departments today remain responsible for virtually all law enforcement problems within their boundaries. Furthermore, although most tax and other revenue sources are now in the hands of the central government, again largely for purposes of convenience, the constitutional division of powers militates against using money as a lever to increase federal power. 199

The inevitable byproduct is the development of extremely large state police forces. 200 Ingleton suggests that the system works in large part as the result of strong cooperation between the states and their respective forces, complemented by agreements or treaties. 201

The federal government did not avoid the field of law

199 Supra, ft. 197.

200 In 1981, the total strengths of the state forces were as follows (Andrade, pp. 10-13):

- New South Wales..... 9,468
- Victoria............. 8,196
- Queensland........... 4,557
- South Australia..... 3,220
- Western Australia... 2,656
- Tasmania............. 1,029

201 Ingleton, pp. 15 and 22. A long-standing tradition of informal cooperation exists between the state forces. O'Brien notes that the first joint investigation, the arrest of outlaws, brought Sydney detectives and Queensland mounted policemen together during the mid-1860's (pp. 24-5).
enforcement entirely, however. In fact, its involvement began shortly after Confederation when a financially beleaguered South Australia transferred control of the vast Northern Territory to the federal government in 1910. The Northern Territory Mounted Police replaced the departing contingent of South Australian police. In 1927, Parliament obtained a permanent home in Canberra and the Federal Capital Territory Police Force came into existence. In 1957, a new Commonwealth Police Force, established to enforce federal laws, protect government buildings and police the Territory, absorbed the Northern Territory police. In 1979 it also absorbed the Capital Territory police, being renamed the Australian Federal Police. By 1985 the Force numbered approximately 2,800 personnel and is currently empowered to enforce

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202 Prior to 1863, New South Wales controlled the Territory (O'Brien, p. 73).

203 Swanton, pp. 12-13. The South Australian police remained for a few years to provide consistency during the new department's formative years. The force became the 'Northern Territory Police' in 1935 (O'Brien, p. 74).

204 Swanton, p. 13. The capital territory became part of the Commonwealth in 1910, however New South Wales continued to police it until 1927. In that year, some officers left to become the nucleus of the new territorial force (O'Brien, pp. 75-6), subsequently renamed the Australian Capital Territory Police Force.

205 Andrade, p. 10. Prior to this, the central government utilized the Commonwealth Investigation Service to investigate federal offences and a uniformed branch of that Service, the Commonwealth Peace Officer Guard, to provide protective services (O'Brien, p. 76).

206 The Territory retains a semblance of control through its Department of Police and Customs (Andrade, p. 13).

207 Swanton, p. 13.
federal laws, provide governmental protective services, airport policing, a national bureau for Interpol and operate a national police college.\textsuperscript{208} It also encourages cooperation among the state forces through a central intelligence bureau.\textsuperscript{209}

How can the Australian experience be rationalized with that of the United States, where colonial and territorial policing gave rise to a decentralized law enforcement structure? Can the answer be found in the unique qualities of the two founding peoples? Is it due to a stronger British influence in Australia? Is timing the crucial factor? In all likelihood, the answer to each of these questions is a qualified 'yes.'

The early settlers of both nations were very different people. Immigrants to America sought a fresh start, free from religious persecution, agrarian servitude and poverty, while the early white Australians were a sad assortment of convicts. British influence in Australia was total. In the beginning, the continent was little more than a large British prison. Freedom of expression and the pursuit of pecuniary wealth did not find the early home in Australia that they did in colonial America. Despite the introduction of the parish constable to both countries, the office arrived much later in Australia and after falling into disrepute in Britain. Without a national political philosophy which stressed individualism and localism, the parish constable was as much an

\textsuperscript{208} Ingleton, p. 23.

\textsuperscript{209} Andrade, p. 10.
anachronism when introduced in Australia as it had become in Britain. Unfortunately, the continued military and penal control of colonial Australia stymied the early introduction of Peel's concept of law enforcement. When adopted, it blended well with the strong centralism which prevailed in all aspects of government.

SUMMARY

Quite obviously, the systems of law enforcement in the democracies examined above are dissimilar in many respects. In terms of external political control, they range from the extreme centralism which characterizes the French system to the decentralism of American law enforcement. Apparently neither central nor local control of law enforcement is an indispensable ingredient of democracy, nor does either lead to any conclusion with respect to the state of democracy in a nation.

Although autocratic regimes traditionally create centralized policing systems, the corollary that such are always to be found in other than democratic countries is simply not true, France being a prime example.\(^{210}\) Not unlike Langrod, George Berkley notes that a highly centralized policing structure is inherently better at preserving democracy for it allows increased efficiency, the standardization of operating procedures and equal treatment of the

\(^{210}\) Bayley, p. 131.
public throughout a nation.\textsuperscript{211} His tangential opposite is Reith, who suggests that one need not "look far beyond" centrally controlled police structures "to account for the failure of democracy elsewhere than in Britain and the United States."\textsuperscript{212} In his view, such structures "have produced the power, and the menace, of the modern totalitarian state."\textsuperscript{213} The truth no doubt lies in the grey area between.

David Bayley postulates that all systems of law enforcement can be characterized as one of the following: singular centralized, multiple centralized or multiple decentralized.\textsuperscript{214} When considering which category applies, he utilizes a de jure test. Does a nation's central government have the legal ability to control its police? Where systems are either multiple centralized or multiple decentralized, Bayley asks an additional question. Is there any jurisdictional overlap which prevents effective coordination? He also adds two caveats. Virtually all nations will have a central police force to investigate offences which overlap intranational boundaries. As well, specific government functions may require a specialized police capacity.


\textsuperscript{212} Reith, \textit{The Blind Eye of History}, p. 244. In fairness to Reith, it should be noted that his work examines certain selected nations and the comment may be restricted to them. He does not discuss either Canada or Australia.

\textsuperscript{213} \textit{Ibid.}, p. 242.

\textsuperscript{214} Bayley, pp. 53-60.
Utilizing his classification, Bayley describes the structure of policing in France as a multiple coordinated, centralized system while that of the United States he places near the opposite end of the spectrum, multiple uncoordinated and decentralized. Great Britain he views as multiple coordinated and decentralized. The only mention of Australia is that its system is moderately decentralized (and presumably multiple coordinated). Table 3.1 illustrates Bayley's model.

TABLE 3.1

An Adaptation of Multiple Systems in Bayley's Classification

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<td>(France)</td>
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The inability of Bayley's model to definitively categorize all the world's police systems is evident. Nevertheless, it is an interesting beginning and one to which the present Canadian system
is related later in this thesis. Bayley suggests that the history of law enforcement in a nation is characterized by a pull between the center and the periphery. Where the latter is weak, such as when cities are powerful, greater centralization will occur.\textsuperscript{215}

This argument appears to be supported by the French and American experiences, the former possessing a strong center, the latter not.

Closely akin to the foregoing discussion is the fact that in each of the nations examined in this chapter, the law enforcement system apparently developed a degree of structural permanence\textsuperscript{216} which allowed it to survive the oftentimes violent transition from monarchial or dictatorial regimes to elected legislatures. Whether this is attributable to the stability which policing presumably requires in order to be effective, to the coercive power which it offers to a new regime or still other reasons is open to question.

Roderick Macleod suggests that more than structural permanence is required by industrial societies. He argues that a system of criminal justice must reflect a greater degree of both uniformity and predictability than existed in pre-industrial society. In his view, "an integrated system of criminal justice is one of the essential defining characteristics of the modern industrial state."\textsuperscript{217} Accepting this proposition invites further question.

\textsuperscript{215} Bayley, pp. 69-70.

\textsuperscript{216} In Bayley's opinion, national systems of policing, once established, rapidly develop a permanence which tends to survive political change (p. 60).

\textsuperscript{217} Macleod, \textit{Lawful Authority}, p. 1.

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Does the integration of which he speaks, inexorably require that the police be centrally controlled or can the requisite uniformity and predictability be obtained in a decentralized setting?

Obviously the setting matters. The centralism which characterizes the structure of the French police reflects the nature of its political system, in the same fashion that the power of the states in Australia's federation is reflected in the strength of the state forces. The decentralized character of American policing demonstrates the continued influence of localism in its public institutions while in Britain's unitary state, local governments continue to play a vital role in matters of policing.

Setting is inexorably tied to yet another factor, timing. America's continuation of a decentralized form of law enforcement, centered around the parish constable, was partly due to the severance of ties with Britain after independence. Accepting the tendency toward permanence in police systems, the decentralization of America's police may simply result from the absence of a system akin to the New Police, prior to 1776.

Although the policing function touches closely upon every citizen, it is possible for a central government to provide the service without an appreciable decline in public order. In and of itself, the enforcement of criminal law is not compromised by either or a combination of central and local control. Were accountability the only factor to consider, local control would necessarily be preferred in a democracy. Accountability is defeated, however, by a system which is inadequate for the needs
of a community. Although efficiency in government is itself a concept which invites argument, a strong rationale can be presented for the proposition that, in law enforcement, there is a threshold size, beneath which small forces simply cannot provide adequate service. It is doubtful that local control can be considered a paradigm in Western policing during the late twentieth century. Nevertheless, it is a consideration which underlies many policy initiatives and thus remains extremely influential.

The R.C.M.P.'s contractual role provides an interesting vehicle by which the impact of structural permanence, the diffusion of policy initiatives, setting, timing and the perceived conflict between local and central control can be studied. In the following three chapters, the development of this role is overviewed, using the interplay model as a framework for analysis.
CHAPTER 4

THE ADVENT OF CONTRACTING

Despite the many differences in the policing systems examined in the preceding chapter, all evidence one strong similarity, that being the close alignment of the 'de jure' authority to police with the 'de facto' operation of a police force. A similar alignment is not found in Canada.\(^1\) Stenning characterizes the legal framework which governs Canada's police as one of "fragmented and diversified arrangements."\(^2\) The use of the word "arrangements," implying an extra-statutory accommodation, is quite deliberate for it acknowledges the R.C.M.P.'s important contractual role in all but two provinces.

Through the use of interplay, this chapter overviews the development of contracting from Confederation to 1920. In many respects, it represents an attempt to explore uncharted waters. As with the history of Canadian law enforcement generally,\(^3\) the R.C.M.P.'s contractual role is mentioned in many books and

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1. Grant, *The Police*, p. 34.
2. Stenning, p. 3.
3. Stenning describes the available historical information on Canada's police as "pitifully inadequate" (p. 35).
articles, however none provides a comprehensive analysis. Not surprisingly, in order to properly understand the emergence of R.C.M.P. contracting, recourse must first be made to early Canadian history. Various dominant ideas, structures and processes which impacted on its contractual role are discussed in the pages which follow as are certain similarities and differences from the policing systems of the countries examined in chapter three.

PRE-CONFEDERATION

Brian Chapman observes that "before Confederation each area of British North America had its own specific policing characteristics depending upon the time of settlement, the racial origin of the settlers, and the characteristics of the country." These variations included policing by the military, local militias,

4 In an insightful work which examines the Mountie mystique, Keith Walden describes the literature dealing with the Force in the following terms:

Until recently, almost all publicly available materials about the force were directed at a mass audience, and there was a lot of such material...but few [descriptions of the Mounties] possessed any degree of sophistication, and even those accounts that aspired to some academic respectability were pitched at a general readership (Visions of Order: The Canadian Mounties in Symbol and Myth (Toronto: Butterworth and Co., 1982), p. 3).

volunteer night-watches, constables, sheriffs, justices of the peace and self-policing by native bands and corporate entities, such as the Hudson's Bay Company.⁶

A laissez-faire attitude toward law enforcement apparently permeated the white settlements.⁷ In a tone reminiscent of early nineteenth century England, many considered a police force unnecessary. In Grant's words: "people were still able to argue that the benefits to be acquired by having a public police force would, in every case, be outweighed, by the disadvantages."⁸ Generally, governing authorities were first to recognize the need for such bodies.

The early ad hoc policing arrangements in St. John's, Halifax, Montreal and Toronto were similar to the mode of policing existent in Britain. Stenning notes that "the essential legal authority and status of the constable...had been established [in England] by the sixteenth century" and "it was this office that was introduced into Canada in the eighteenth century,"⁹ taking firm hold by the middle

⁶ See generally, Stenning, p. 7 and Kelly and Kelly, Policing in Canada, ch. 1.

⁷ As noted in ch. 1, ft. 1, the situation in aboriginal communities is not well documented.


⁹ Stenning, p. 33.
of the following century. 10

Peel's New Police received a warm reception in British North America, largely because its arrival coincided with a general move by the colonies to bring structure and the franchise 11 to municipal government. 12 After acknowledging the need for a law enforcement presence, few apparently disagreed that, quite in keeping with the British experience in law enforcement, control of this function should rest with local government. 13

Ibid., p. 39. This includes Quebec, forced into line after the conquest of 1759 (Stenning, pp. 35-7). Talbot suggests that Frontenac, by his implementation of a uniform police code for New France in 1676, envisioned the establishment of a colonial police force. The plan never reached fruition however, and the subsequent British conquest ensured the localization of policing (C.K. Talbot, The Thin Blue Line - An Historical Perspective of Policing in Canada (Ottawa: Crimcare Inc., 1983), pp. 40-1). Stenning traces the introduction of the "English-style office of constable" to An Ordinance to Explain and Amend an Ordinance for establishing Courts of Criminal Jurisdiction in the Province of Quebec of 1787 (pp. 36-7).

It appears that the trauma of conquest essentially ended any domestic French influence on Canadian policing. Furthermore, with Confederation, Quebec retained its civil, but not its criminal code.

Even the Red River Colony, the nucleus of the future Province of Manitoba, had 'common-law' constables (Stenning, p. 39).

Electoral participation did not include women or natives. 11

For example, the 'Baldwin' Act of 1849 provided not only for the election of local governments but also for the establishment of town police forces (Stenning, p. 9).

Control by municipal councils or police boards, an American innovation which sought to ensure control without political domination, was the norm (Stenning, pp. 51-2).

The move to local police forces contradicts the Australian experience overviewed in chapter 3. Most likely, the continued disdain for local government shared by many Australian citizens prevented the emergence of permanent municipal forces.
Although Confederation transformed four British colonies into one nation, it did not, nor did it intend to diminish the influence of all things English. Talbot observes that the new "Canadian government was dominated by mid-Victorian British colonials who perhaps over-valued the political system they had inherited."\textsuperscript{14} Confederation was a political realignment, generally considered another stage on the historical continuum along which all colonies of the Empire must proceed, much the same as the development of municipal institutions earlier in the century. The perceived inevitability of nationhood could not, however, lessen either the challenges which lay ahead or the strength of leadership required to ensure the new nation's survival.

With his election as Prime Minister in 1867, John A. Macdonald pursued the task of nation-building with great vigour. An unabashed centralist, Macdonald charted an ambitious course for the young country, intending to transform it into a Dominion from coast to coast. Known as the 'National Policy,' Doern and Phidd describe it in the following terms:

...an array of policies intended to create an industrial base in Ontario and Quebec under a protective tariff, unite the country from sea to sea by building the Canadian Pacific Railway, and settle the West to develop its resources and to supply the Eastern industrial heartland, and also to head off encroaching American interests...\textsuperscript{15}

\textsuperscript{14} Talbot, p. 11.

\textsuperscript{15} Doern and Phidd, pp. 229-30.
With the acquisition of the western interior from the Hudson's Bay Company in 1869, Canada obtained the land which was crucial to Macdonald's plans. It presented unique challenges, however. To settle the west meant dispossessing the aboriginal people of their traditional hunting grounds, stopping American expansionist sentiment at the forty-ninth parallel and constructing a transcontinental railway. Each required either a military or a police presence, or both.

The federal government had its own police agency in 1870, however it appears that Macdonald did not consider the Dominion Police Force (D.P.F.) suited to the task. Created in 1868, it was, according to Stenning, "the first major departure in Canada from the English model of the local constable." In some ways the Canadian parallel of the early United States Secret Service, the D.P.F. countered subversive activity and operated a counterfeit bureau. It was best known, however, for the mundane security duties which it performed in and about the federal buildings in Ottawa. Dressed like London bobbies and headed by commissioners appointed by the Governor-in-Council, the department reflected the organizational hierarchy of the New Police. The importance of the

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17 Police of Canada Act, S.C. 1868, c. 73. The history of the Dominion Police remains unwritten. Attempts have been stymied by the absence of early annual reports and other documents (interview of Mr. S.W. Horrall and Dr. W.P. Beahen of the R.C.M.P.'s historical section, July 1989).

18 Stenning, p. 41.
D.P.F. in the structural history of Canadian policing is two-fold. The force demonstrated a willingness on the part of the federal government to both form a federal police force and to utilize the New Police as its model.\(^1\)

For the west, Macdonald envisioned a police force different in kind from the D.P.F. He sought the amalgam of an army and a police presence: the equivalent of the frontier marshal, the cavalry and the town constable rolled up into one; a force which could earn respect, not through strength of numbers, but by its bearing and civility.\(^2\)

The result was the creation, in 1873,\(^3\) of the North-West Mounted Police. On paper, it closely resembled the New Police: a

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\(^1\) Prior to Confederation, the colonies of Upper and Lower Canada raised a form of centrally-controlled police force to quell labour strife at the Welland and St. Lawrence Canals (1845) and to end rioting in Montreal (1849) (Stenning, p. 42). In addition, at the time of its formation, the Dominion Police absorbed members of the Western Frontier Constabulary, a unit created during the American Civil War to prevent the use of British North America as a staging ground for southern incursions by the Confederacy (D.C. MacDonald, D.S. Rickerd and Guy Gilbert, Freedom and Security under the Law Second Report – Volume 1 of the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police (Ottawa: Supply and Services Canada, 1981), pp. 54-5).

\(^2\) The most authoritative review of Macdonald's thinking and decision-making with respect to the formation of a police force for the west is contained in S.W. Horrall, "Sir John A. Macdonald and the Mounted Police Force for the Northwest Territories," Canadian Historical Review, vol. 53, no. 2 (June 1972), p. 179.

\(^3\) It is generally agreed that the authority for its establishment is derived from the "peace, order and good government" residual clause found in Section 91 of the Constitution Act, 1867 (Grant, p. 17).
uniformed, yet civilian force; headed by a commissioner (who was also a police officer); reporting to a cabinet minister; paid a salary (albeit a pittance); emphasizing education in recruitment; and allowing both lateral and vertical entry to the commissioned ranks. The members of the Force typified the dual status of the New Police, possessing the common law office of constable in their own right, yet subservient to superiors within the internal hierarchy. It differed, however, by being an armed and strictly federal body. In reality, it more closely resembled an army unit than a police force:

From the beginning it has been stamped with characteristics of the Army: the mode of organization, its barracks life, the uniform, address and bearing of the members, esprit de corps and discipline.  

This was not unintentional. Horrall quotes Macdonald:

...though nominally policemen the men will be dressed in scarlet uniform, and possess all the characteristics of a

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The present French appellation for the Force is 'Gendarmerie Royale du Canada.' Stead notes that 'gendarmerie' traditionally describes a force under military, not civilian, control ("The kinds of policeman," p. 1106). By way of contrast, the civilian police of France are simply referred to as 'police' and the Quebec provincial police are titled the 'Sureté du Quebec.'
military force. 23

As such, the N.W.M.P. strongly resembled the contemporary second wave of British colonial policing institutions. Led by the pattern established by the Royal Irish Constabulary, similar semi-military forces emerged in India, South Africa, Jamaica, British Guiana, Ceylon and the Bahamas, among others. 24

The Force's enabling legislation designated its members as constables "in and for the whole of the North West Territories." 25

S. 35 read as follows:

The Governor in Council may from time to time enter into arrangements with the Government of the Province of Manitoba for the use or employment of the Police Force, in aiding the administration of justice in that Province and in carrying into effect the laws of the Legislature thereof; and may, in any such arrangement, agree and determine the amount of money which shall be paid by the Province of


Macdonald chose the Royal Irish Constabulary (R.I.C.), a quasi-military force, and not the Metropolitan Police as a pattern for the Force. He felt that policing the prairies resembled the task faced by the British in India and consequently viewed the R.I.C. organizational style as the most appropriate (Horrall, "Sir John A. Macdonald and the Mounted Police Force for the Northwest Territories," pp. 182-83).

24 Jeffries, pp. 33, 64 and 126. Roderick Macleod describes the Force as "a radical departure from the British pattern of law enforcement" by reason of its centralized management, military orientation and its senior officers doubling as ex-officio justices of the peace. In reality, the central control and military orientation were not untypical of the colonial semi-military forces, although it differed by permitting senior officers to also accept appointments as justices of the peace. Macleod notes that this dual role exceeded even the power of European police forces (Lawful Authority, p. 5). Stenning suggests that it was the first time that such a combination occurred in Canada (p. 45).

25 An Act Respecting the Administration of Justice and for the establishment of a Police Force in the North West Territories, S.C. 1873, c. 35, s. 27.
Manitoba in respect of any such services of the said Police Force.  

Section 35 serves as the first tangible evidence of the federal government's intention, or willingness, to enter into contractual relations with the provinces for the Force's services. A May 1874 amendment to the Act repealed and replaced the section with another, almost identical, which substituted reference to Manitoba with the words, "any province of the Dominion." Tucked away at the end of others intended to enshrine a rank structure, a pay schedule and judicial powers for certain commissioned officers, the rationale for the change to s. 35 is unknown. It is doubtful that the government intended to expand the Force eastward. More likely, an abundance of caution arising from

26 Ibid.
27 An Act to amend "An Act respecting the administration of Justice and for the establishment of a Police Force in the North-West Territories, S.C. 1874, c. 22, s. 35. The Force's present authority for such arrangements is remarkably similar:

The Minister may, with the approval of the Governor in Council, enter into an arrangement with the government of any province for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in the province and in carrying into effect the laws in force therein (Royal Canadian Mounted Police Act, R.S.C. 1985, c. R-9, s. 20(1)).

28 Turner, in his official history of the Force, describes the amending legislation but not the specific amendment to s. 35 (John Peter Turner, The North-West Mounted Police 1873 - 1893 (Ottawa: King's Printer, 1950), vol. 1, pp. 111-12).
certain developments in the west accounts for the change.\textsuperscript{29}

Macdonald resigned amid scandal on November 6, 1873 and the Liberals, led by Alexander Mackenzie, won the ensuing election. Although anxious to stamp out the whiskey trade in the west,\textsuperscript{30} Mackenzie's greater concern was the previous government's promise to construct a transcontinental railway to the Pacific. Having

\textsuperscript{29} The Minister of Justice, Antoine-Aimé Dorion, obtained leave to introduce the amendments on May 15, 1874. First and second reading followed on the same day, with third reading on May 16 and Royal Assent on May 26 (\textit{Journals of the House of Commons, 1874, vol. 8}). The debates of 1874 were not committed to print, leaving reporting of deliberations to contemporary newspapers, principally \textit{The Daily Globe} of Toronto and \textit{The Daily Citizen} of Ottawa. Both make only passing reference to the legislation.

The Justice Department's legislation file for the 1873-4 session contains a draft copy of the Act, dated May 4, 1874, however is of no assistance as section 35 is typed in final form (PAC, RG 13, vol. 1378, Legislation/Bills (1873-74)). Unfortunately, most of the Force's early records were destroyed by fire. Those that remain are often incomplete. A letter from Commissioner G.A. French to the Minister of Justice, dated January 11, 1875, which does survive makes reference to s. 35. It reads as follows:

Sub-Inspector Walker who is commanding N.W.M.P. at Dufferin, informs me that a Magistrate there, has on two occasions called on him for the services of Constables in carrying out the Laws in that Vicinity, and he has complied with his command.

It appears to me that under section 15 of 35 Vic Chap. 35. our men can be called on to perform the duties of Constables in this Province. Section 35 of same Act would appear to indicate that certain arrangements should first be entered into between the Dominion & Local Governments in the matter.

Requesting early instructions on this matter (PAC, RG 18, vol. 3, no. 1875-34).

\textsuperscript{30} Horrall, \textit{The Pictorial History of the R.C.M.P.}, pp. 40-1. The N.W.M.P. was not his first choice for the assignment, however. Mackenzie initially considered seeking American assistance.
entered Confederation in 1871 on the basis of this promise, British Columbia now clamoured for action.\textsuperscript{31}

The 1873-74 Session saw various legislative initiatives directed toward the railway megaproject. Most notable was \textit{The Canadian Pacific Railway Act, 1874},\textsuperscript{32} which provided for the railway's construction, including the creation of a right to expropriate land for twenty miles on either side of the rail line, the hiring of railway constables, the incorporation of offences under \textit{The Railway Act, 1868}\textsuperscript{33} and the appointment of justices to try offences. The amendment to the Force's enabling legislation may have been the Liberal government's attempt to bring the Force's governing legislation, enacted by Macdonald's Conservatives, in closer alignment with its plans for the west.

Another factor not to be ignored was Louis Riel's continued presence on the Canadian political stage. His name was well known to Mackenzie, not only for the prominent part he played in the Rebellion of 1869-70 but more recently for his election to the House of Commons as Member of Parliament for Provencher, Manitoba.

\textsuperscript{31} In Pierre Berton's words: "This, then, was the fait accompli Mackenzie faced: a deadline determined, a sod turned, a terminus established and a province militant" (\textit{The National Dream - The Great Railway 1871-1881} (Toronto: McClelland and Stewart Ltd., 1970), p. 189).

\textsuperscript{32} S.C. 1874, c. 14. Royal Assent on May 26, 1874 preceded the N.W.M.P.'s westward march by less than two months.

\textsuperscript{33} S.C. 1867-68, c. 68.
Exactly one month before the Minister of Justice introduced the amendment to s. 35, his fellow Members of Parliament expelled Riel from the Commons because of his fugitive status. While free, Riel remained a political liability for any government in Ottawa.

Regardless of the reason for the amendment, by the summer of 1874 the groundwork for the N.W.M.P.'s future development was in place. Considered essential to a peaceful settlement of the west, the Force was clearly an integral part of the National Policy. It is doubtful, however, that many realized just how closely it would become aligned with both.

THE MARCH INTO HISTORY (1874 TO 1904)

The N.W.M.P. departed from Fort Dufferin, Manitoba on July 8, 1874. Lorne and Caroline Brown describe the Force's parallel march into the annals of Canadian history as the creation of an "officially sanctioned mythology," the "central theme" of which being:

...that a benevolent government created the NWMP to protect the Indians from white whiskey traders and swindlers to ensure that all the people of the Canadian North West - Indians and Metis, settlers and traders - might have the opportunity of living under a system of law impartially enforced and guaranteeing equal rights to all.

34 John Peter Turner, vol. 1, p. 111.

The true reason for the Force's creation was, according to the Browns, the imposition of peace between the aboriginal people and white settlers in order to foster economic development. Roderick Macleod's analysis is more precise, describing the N.W.M.P. as "an essential although usually unacknowledged part" of Macdonald's National Policy:

Development of Western Canada was the keystone of the National Policy and no development could take place without a peaceful environment.

36 Ibid., p. 10.

In a similar vein, Norman Penner suggests that the Force possessed both a public and a hidden mission from the outset. The public mission became immortalized in legend whereas the hidden mission involved "the surveillance and sometimes forceful control of all minorities that do not fit into the Canadian establishment's model of public order" ("How the RCMP Got Where It Is," RCMP vs The People, Edward Mann and John A. Lee, eds. (Don Mills, Ont., General Pub. Co. Ltd., 1979), p. 107).

Another explanation for the N.W.M.P.'s creation is Paul Sharp's contention that it resulted from "economic conflict over the American-based whisky trade" (Horrall, "Sir John A. Macdonald and the Mounted Police Force for the Northwest Territories," p. 179, ft. 1).

37 R. C. Macleod, ed., The NWMP and Law Enforcement 1873-1905, p. 3. It is interesting to speculate whether the close relationship which Macleod and others perceive between the N.W.M.P. and the development of the west lends support to Bayley's argument that the police are an integral component in the process of state formation and that a centralized police system will occur in situations where peripheries are weak (supra, ch. 3, p. 117).

Macleod suggests that prior to the native population being placed on reserves, members of the Mounted Police were quite paternal and less strict in their treatment of natives than whites accused of comparable offences. Once on reserves they "could safely be pushed to one side and forgotten." No longer a threat, they received much sterner treatment (R.C. Macleod, "Canadianizing the West: The North-West Mounted Police as Agents of the National Policy, 1873-1905," The Prairie West - Historical Readings. R. Douglas Francis and Howard Palmer, eds. (Edmonton: Pica Pica Press, 1985), p. 190).

Macleod also notes that, in furtherance of the National Policy, the Force "succeeded so well in transplanting Eastern
Clearly the Force succeeded in its original mission, and in a spectacular fashion.\textsuperscript{38} The bloodshed which characterized the settlement of the American west did not occur in Canada. The gunfights of the dusty, western towns south of the border had no equivalent to the north. The native peoples signed treaties and moved to reservations; the 'last spike' welded the transcontinental railway into history; settlement occurred at an unabashed pace; and the Mounted Police became the visible arm of the Dominion government from the the Great Lakes to the Rockies. The Force 'conquered' the Yukon and acquired an international reputation by participating in the Boer War and at the Diamond Jubilee. With the exception of fledgling police departments in

\begin{quote}
\textit{Canadian institutions and ideas to the West that they became a part of the fabric of Western identity."} This was quite in keeping with expectations of the Force. Macleod writes that "the West was created by people who sought to reproduce there what they believed to be the best characteristics of Eastern Canadian life" (ibid, p. 188). Not surprisingly, this was a continuation of what England had accomplished in colonial days (supra, ch. 3, ft. 48).

Macleod's view is in concert with Horrall, who concludes that Macdonald "sought a practical means to oversee the orderly settlement of Canada's frontier" ("Sir John A. Macdonald and the Mounted Police Force for the Northwest Territories," p. 199).

Commissioner Perry made the following comments in the Force's annual report for 1904:

"It is claimed, and rightly, that we are a law-abiding people, that no new country was ever settled up with such an entire absence of lawlessness. Why? Because of the policy of Canada in maintaining a powerful constabulary, which has for thirty years enforced the laws in an impartial manner" (N.W.M.P., Annual Report, 1904, p. 2).
larger communities and a provincial force in Manitoba,\(^{39}\) it was the only law enforcement agency between Ontario and British Columbia during the latter part of the nineteenth century.

Many argue that Canada's experience in settling its west reflected a different prioritization of ideas than the corresponding American drama. The argument continues that in Canada, order preceded liberty and freedom; in the United States, the reverse.\(^{40}\) Whereas Americans revered their revolutionary birth and cherished the freedoms which that beginning imparted, Macdonald and his contemporaries, be they political ally or foe, made no secret of their continued loyalty to the monarchy and to Britain, its institutions of government and society.

The N.W.M.P. was a product of this tradition, for all intents and purposes a colonial force designed to act as an arm of the central government; that it happened to be the Canadian and not the British government was almost inconsequential. Its mission was singular: to place the West at the disposal of central interests and, thereafter, depart.\(^{41}\)

\(^{39}\) Most prominent were the following: Manitoba Provincial Police (1870), Calgary City Police (1885), Regina City Police (1892) and Edmonton City Police (1893) (Kelly and Kelly, *Policing in Canada*, pp. 11 and 15). In addition, Stenning notes that the Appointment of Constables Ordinance, O.N.W.T. 1878, no. 7, permitted the appointment of "common-law constables" with territory-wide jurisdiction (p. 46).

\(^{40}\) See, for example, Sewell, p. 31.

\(^{41}\) Later in this and the following chapter it will be seen that the Force's impending dissolution was a recurring theme during the first three decades of the twentieth century.
The Force's early years are important to the history of the contracts which followed, if only because it became so inextricably connected with prairie Canada. The Force's presence was everywhere, its influence went to the very core of society. Most notably, it had strong allies in the thousands who settled in the west. To the settlers, the Force was more than a mere police department. It was the embodiment of many things in which they believed. It stood proud and strong, protective and paternal. Control of the Force apparently mattered little. A familiar presence on the bald prairie was much more important. In Walden's words:

...the Mountie was an agent of progress, advancing the condition of humanity. By helping to transform the prairie and make it safe for settlers, he was acting to further the potential of countless lives.... Both the internal order of the force and the external order that it upheld pointed to a universal principle that governed not only the affairs of men but of the cosmos...life was not, as it sometimes seemed, a chaotic swirl without pattern or reason.43

Residents of towns and cities also embraced the 'Mountie mythology,' continually seeking the services of members to enforce by-law infractions of one sort or other. The Force apparently found it hard to say no and, as a result, an underground system of arrangements sprang up in many prairie towns. An 1894 amendment to the N.W.M.P.'s governing legislation attempted, but failed to

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42 The result is similar to that in Australia, although there law enforcement was apparently considered a central responsibility (see generally, ch. 3).

43 Walden, p. 212.
remedy the problem. Furthermore, the informal arrangements obtained sanction from certain officers within the Force, such as in Lethbridge, Alberta:

Federal regulations prohibited members of the Mounted Police from accepting other employment but local officers often allowed the men on town detachment duty to enforce bylaws for the town...a fact which was not publicized. His salary was paid through the chairman of the Licence and Police Committee, who received thirty dollars a month to disburse for licence purposes.

The reluctance of western municipalities to assume responsibility for policing is not easily explained. With an absence of strong local government, policing was one task which fledgling municipalities were apparently quite happy to be without. Possibly, as the result of a generation of the federal government underwriting and operating a relatively efficient force, there was no groundswell movement for change. William Beahen, noting that the federal bureaucracy "virtually programmed the development of the West," summarizes the Force's particular influence in the following terms:

...the authority of the Force was pervasive, creating habits of dependance among the Indians and the settlers. Even the larger urban centres, like Regina, Calgary and Edmonton, were reluctant to assume full responsibility for law enforcement long after developing other municipal

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44 An Act to amend and consolidate the Acts respecting the North-West Mounted Police Force, S.C. 1894, c. 27, s. 13.
I am indebted to Messrs. Horrall and Beahen for alerting me to this aspect of the Force's early years. An interesting account of Lethbridge's experience with such an informal arrangement is to be found in the history of its municipal police force: J.H. Carpenter, The Badge and the Blotter (Lethbridge: Historical Society of Alta., 1975).

45 Carpenter, p. 13.
institutions.\textsuperscript{46}

The result was unique. In a very few years, a semi-military police force, the creation of the federal government and under its total control, became inextricably tied to the Canadian west.\textsuperscript{47}

\section*{THE EARLY 20TH CENTURY (1905 TO 1912)}

On September 1, 1905, Ottawa created the Provinces of Alberta and Saskatchewan out of a large portion of the land obtained many years earlier from the Hudson's Bay Company. As provincial status carried with it the power and authority to administer justice, it was a reasonable assumption that both would create law enforcement agencies, thereby relieving the R.N.W.M.P. of all but federal duties. The Force's Commissioner, A. Bowen Perry,\textsuperscript{48} anticipated


\textsuperscript{48} Aylesworth Bowen Perry was Commissioner from August 1, 1900 to April 1, 1923. A distinguished graduate of the Royal Military College in Kingston, Ontario, Perry served in the Royal Engineers and later with the Geological Survey of Canada. In 1882 he obtained a lateral appointment to the rank of Inspector in the N.W.M.P., becoming a Superintendent in recognition of his services during the North-West Rebellion (see generally, R.C.M.P., A "Background" for Editors (Ottawa, n.p., 1973)). Of greater interest is the fact that Perry was one of a handful of Liberals in the Force when Laurier sought a new Commissioner in 1900. He
this possibility when he proudly noted at the beginning of 1906 that, although the Force had "largely completed the work for which it was created; no matter what is in store for it in the future, its work cannot be forgotten." At a minimum, however, Perry felt the Force should remain in the new provinces for one or two years, presumably to ensure a successful transition.

Understandably, the rank and file shared his views. Not prepared to simply fade into oblivion, members proudly participated in the festivities which marked the entrance into Confederation. Beneath the pageantry, however, a somber mood prevailed. An early officer recalls a comment which accurately reflected the general mood: "we are going to attend our own funeral and are going to make as brilliant a flash in the pan as we can." The anticipatory mourning was short lived.

was also a lawyer and had indicated a desire to resign his commission in order to practice law. His promotion to Superintendent shortly after the Liberal victory in 1896 was likely a carrot intended to persuade him to remain with the Force (R.C. Macleod, pp. 63-4).

49 Robert Stewart, the biographer of Superintendent Sam Steele, writes:

It was commonly believed, even by Perry himself, that he had been appointed to preside over the disbandment of the force as soon as provincial status was granted to Alberta and Saskatchewan, which would form their own provincial police (Sam Steele - Lion of the Frontier (Toronto: Doubleday Can. Ltd., 1979), p. 255).


Some months earlier, a frustrated Prime Minister commented upon the situation in the Commons:

We have demonstrated to the people again and again that they must take charge of their own police, especially now, when settlement is going northward.... But I must confess that I am not satisfied with the progress that we have been able to make in that direction.... Instead of reducing the force, we shall have to increase it.52

In the following month, the Comptroller53 warned Laurier of the possibility of "friction" from the provinces once they were forced to bear the cost of administering justice. He feared that they would either deny responsibility for various tasks, forcing

52 Debates of the House of Commons (hereinafter referred to as Debates), Feb. 5, 1905, p. 463. An opposition member, J.G.H. Bergeron, chided Laurier for the hypocrisy of this stand when compared to Liberal attacks on the Force's expansion while in opposition.

Part of the blame for the settlers' reticence may well lie with the Force. In a memorandum, dated January 30, 1905, the Comptroller expressed his fear "that the readiness of the Police to assume any and every responsibility prompted by a desire to help the settlement of the country has rather tended to check that self reliance which pioneer life ought to develop [sic]." Now that the Indians were approaching domesticity, "so far advanced as to be able to compete successfully at Agricultural Fairs and other Exhibitions of farm produce," he suggested a phased 'withdrawal' from the Territories, turning various duties over to other government departments and forming troops of "Mounted Rangers" (PAC, RG 18, vol. 528, file 108-3 (1917)).

53 The office of comptroller evolved with the man who held it throughout the Force's formative years, Frederick W. White, a former private secretary to Macdonald and militia officer. As Comptroller, White headed the department which the R.C.M.P. constituted and, for most of his term, was a deputy minister. He was headquartered in Ottawa (Ernest J. Chambers, The Royal North-West Mounted Police - A Corps History (Montreal: The Mortimer Press, 1906), p. 152). The commissioner, who had operational control of the Force, worked out of its "Depot" in Regina. In total, three persons occupied the comptroller's office between 1880 and 1920, when it was discontinued (personal interview, Dr. W.P. Beahen, July 1989).
the federal government to fill the void, or argue that any reduction in the complement of federal police justified an increase in the subsidies which they received from the federal treasury: "[t]hey are claiming their inheritance now - when they have to pay all their own bills they will wish they had remained under the old Homestead a few years longer."\textsuperscript{54}

Not only were the provinces reluctant to undertake policing responsibilities but, in Saskatchewan at least, the successful Liberal election campaign of 1905 included a promise that the Force would remain in the province at the expense of the Dominion government.\textsuperscript{55} Struggling to develop provincial institutions and

\begin{footnotesize}
\begin{itemize}
  \item PAC, RG 18, vol. 528, file 108-3 (1917), Mar. 27, 1905, White to Laurier.
  \item \textbf{The Leader}, Regina (hereinafter referred to as \textbf{The Leader}), Dec. 6, 1905 (see also, infra, ft. 60).
  \item Six years later, Frederick Haultain, leader of the opposition in the legislature, called Scott to task for this campaign promise. Scott denied having misled the electorate. He argued that the Force was, in fact, being maintained by the Dominion authorities, although the province rightly remained responsible for costs associated with the administration of justice.
  \item Mr. Turgeon, the attorney-general, noted that the contract required Ottawa to undertake all costs connected with "colonization and immigration," tasks which might otherwise have necessitated that the province assume "entire control" of the Mounted Police, at a cost of $250,000 per year. Contracting out its responsibilities was a convenience "and it was being done for a comparatively small sum. It was a sum which bore no comparison to the amounts expended by other provinces."
  \item Dr. Elliott, an opposition member, suggested that "if the Premier had made the statement in a company prospectus instead of in an election address he would that day be sitting behind bars. (Loud and prolonged laughter.) It had been the Premier's strongest card in the election." F.C. Tate, another opposition member, attributed his own 1905 election defeat "to the impression left that the province was to escape the cost of the Mounted Police."
  \item George Langley, a government backbencher, accused the opposition of working itself "into a perspiration" over the issue because it had "no live matter to deal with." He added that the
\end{itemize}
\end{footnotesize}
beset by much greater political problems than law enforcement, the Liberal governments in both Alberta and Saskatchewan asked Ottawa to allow the Force to remain in place until permanent policing arrangements could be effected. Laurier's weakened resolve was clear from a speech given in the Commons during January:

...when the municipalities are organized they will have to look after their own protection, but there is still a very large Indian population in the country and a great many immigrants coming in, and we have to provide, not only against violations of the customs laws, but for the protection of law and order of every kind. I do not think I am slandering the neighbouring country when I say that there

opposition created by Conservatives in Parliament effectively prevented an even better deal in 1906, a contract price of $50,000, rather than $75,000 (The Leader, Feb. 3, 1911).

56 The ability of Roman Catholic Manitobans to obtain sectarian schooling for their children erupted onto the national political scene and dominated the general election of 1896. The legislation creating Alberta and Saskatchewan guaranteed separate schools and revived this bitter national debate (see generally, Careless, pp. 293-95 and J. William Brennan, "The 'Autonomy Question' and the Creation of Alberta and Saskatchewan, 1905," The Prairie West—Historical Readings, R. Douglas Francis and Howard Palmer, eds. (Edmonton: Pica Pica Press, 1985), p. 362).

57 A takeover of the Force by either or both of Alberta and Saskatchewan apparently did not receive serious consideration (The Leader, Jan. 26, 1914).

58 During November 1905, Commissioner Perry remained unsure of Alberta's intentions, however anticipated meeting with its attorney-general shortly. Having recently met with Premier Scott of Saskatchewan, Perry knew that Scott intended to approach Laurier on the subject, provided that Scott's Liberals won an upcoming provincial election. According to Perry, Scott would seek the continuance of the Force "for some years":

He is strongly under the impression that Sir Wilfred Laurier recognized the impossibility of withdrawing the Police for some time to come, and that the Dominion Government would bear the expense of maintaining the Force (PAC, RG 18, vol. 528, file 108-3 (1917), Perry to White, Nov. 27, 1905).
is a lawless element coming in from that country against which we have to guard constantly, and we are bound to take every precaution to show new settlers that in Canadian terms life and property are amply protected.59

Thus, Laurier clearly annunciated the dominant ideas of the age: order, control, population and economic expansion and nationalism. By accepting federal responsibility for the preservation of "law and order of every kind," Laurier carved a role for the Dominion government which, arguably, was not contained within Canada's written constitution but rather was an extension of the philosophy underlying Macdonald's National Policy.

The Force remained in both provinces on an interim basis. In February, Laurier instructed the Comptroller to meet with the governments and obtain agreement on a permanent transfer of responsibility.60 At the same time, he warned both that they "must gradually, if not immediately, accept the natural and constitutional heritage of all Provinces, and pay the cost thereof."61


61 Ibid. Macleod views Laurier's closing phrase as indicative of a willingness to maintain the Force in Alberta and Saskatchewan at provincial expense (The NWMP and law enforcement 1873-1905, p. 70). A more plausible explanation is that Laurier accepted the need for interim measures, however placed the provinces on notice that they must support a police force in the near future.

From the time of their entry into Confederation, the Dominion auditor-general refused to pay any costs related to prisoner transport and maintenance in either province. As a partial solace, Laurier offered to provide a reasonable sum as a transition measure, "provided we can say that we have a definite understanding
In March, Premier Walter Scott of Saskatchewan called upon the Comptroller, requesting that the Force continue in the province on a quasi-permanent basis, expressing his government's willingness "to meet all reasonable requirements of the Dominion." After meeting with both governments, the Comptroller reported that they wished to enter into an arrangement whereby:

...everything will go on as at present, with the exception of (1) substituting the Attorney General of each Province for the Minister of Justice in matters requiring legal advice and direction, (2) each Province, after the 1st July next, contributing $75,000.00 per annum to the Dominion Treasury towards the expenses of maintenance of the Police Force...

Although the Alberta government requested a ten-year term and Saskatchewan sought one "as long as possible," the Comptroller recommended five years. To Laurier, the policing issue did not warrant a fight, the provinces had no alternate policing system, the Force accomplished its duties with considerable success and the need for a federal law enforcement presence remained. The parties promptly signed agreements of approximately five years duration.

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63 Ibid., White to Minister, Apr. 24, 1906.

64 Ibid. This period coincided with the term of employment for members of the Force and afforded sufficient time to effect capital improvements.

65 PAC, PC 932, May 21, 1906 (effective July 1, 1906 to Mar. 31, 1911).

Commissioner Perry clearly approved:

...the present arrangement is an advantageous one for the provinces, as well as for the Dominion. The immediate
The contracts, characterized as "a legacy of the [Force's] pacification of the West," represent the first federal-provincial policing agreements. In exchange for the princely sum of $75,000 per year plus the cost of prisoner maintenance and transport, Ottawa agreed to leave a minimum of 500 members in the provinces, assigned to the duties indicated in Table 4.1:

<table>
<thead>
<tr>
<th>TABLE 4.1</th>
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</thead>
<tbody>
<tr>
<td><strong>Distribution of R.N.W.M.P. Members in Alberta and Saskatchewan (1906)</strong></td>
</tr>
<tr>
<td>Detachment duties...............150</td>
</tr>
<tr>
<td>Penal duties.....................280 70</td>
</tr>
<tr>
<td>Border patrol.....................30</td>
</tr>
<tr>
<td>Assist. Fed. Agriculture Dept.....40</td>
</tr>
<tr>
<td><strong>Total............................500</strong></td>
</tr>
</tbody>
</table>

 withdrawal of this force, in the very height of the rapid settlement, would have caused a feeling of unrest and disquiet, prejudicial to all interests (R.N.W.M.P., Annual Report, 1907, p. 2).


67 In 1906, the concept of intergovernmental agreements related to aspects of social policy was in its infancy (see generally, Simeon, *Federal-Provincial Diplomacy* and Dennis Guest, *The Emergence of Social Security in Canada* (Vancouver: Univ. of B.C. Press, 1980)).


69 *Debates*, June 6, 1906, pp. 4975-8 (Laurier).

70 In these early years, most prisoners on the prairies languished in Mounted Police lock-ups. Alternatives included the Manitoba Penitentiary, a federal facility for those sentenced to in excess of two years imprisonment, and jails in Regina and Prince Albert (PAC, RG 18, vol. 528, file 108-3 (1917), White to Laurier, Mar. 27, 1905).
Accepting that overlap inevitably occurred, the distribution provided 430 men for provincial duties, leaving 70 to handle federal border patrol and agricultural inspection duties.\textsuperscript{71} Macleod views the sum of $75,000 as "about one-third of the actual cost of maintaining the police."\textsuperscript{72} Although not "a token payment [it was] certainly a bargain by any standards."\textsuperscript{73} Two important factors no doubt influenced Laurier's acceptance of contractual arrangements.

Despite their elevated status, Ottawa retained control of the natural resources of both provinces. Settlement and economic development depended on natural resources and required a safe environment. Logically therefore, the provinces argued, Ottawa should be responsible for policing.\textsuperscript{74}

\textsuperscript{71} The obvious appeal, to the provinces, of such an arrangement did not prevent the occasional complaint. In a 1908 exchange in the Saskatchewan legislature, Frederick Haultain clashed with the premier over the value of the R.N.W.M.P. Why pay for the Force's services, Haultain asked, if the Dominion government had to maintain a police presence in the province, in any event? In reply, the premier defended the Force, pointing to the comparably large sum of $40,000 which the Province of Manitoba paid for a much smaller contingent ("Northwest Mounted Police," The Leader, May 21, 1908). It is unclear how Scott arrived at the $40,000 figure (infra, p. 30).

\textsuperscript{72} Macleod, The NWMP and Law Enforcement - 1873-1905, p. 70.

\textsuperscript{73} Ibid.

\textsuperscript{74} The Leader, Jan. 26, 1914.

The belief in federal responsibility over and toward immigrants, extending beyond their entry into the country, resurfaced as late as 1950. During that year, responsibility for the Doukhobors in British Columbia became a topic of concern in the negotiations which eventually led to the R.C.M.P.'s absorption of the British Columbia Provincial Police (see generally, ch. 5).

Denis Smith notes that Ottawa transferred the resources to the provinces in 1930, but only after completion of its ambitious western settlement program (Denis Smith, "Prairie Revolt, Federalism and the Party System," in Party Politics in Canada, 3rd
In addition, a strong political affiliation existed between the provincial and federal Liberal parties. The Liberal party governed Saskatchewan from 1905 to 1929\(^75\) and Alberta until 1921,\(^76\) during which time the provincial party machines served as strong and valued bases for federal Liberals. Furthermore, Macleod notes that "strong pressure was exerted for the retention of the police by the powerful ranching interests of southern Alberta."\(^77\)

The agreements stipulated that the R.N.W.M.P. would remain entirely under the control of Ottawa, subject to the Commissioner accepting direction from the provincial attorneys-general in regard to the administration of justice.\(^78\) In practice, the commanding officers in each province reported to the Commissioner in Regina and he, in turn, liaised with the respective attorneys-general and vice versa. Initially, the contractual arrangement worked well. Perry wrote in December 1908 that "the position has its difficulties, but I am able to report that our duties have been performed with little or no friction and that we have received the

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\(^77\) Macleod, The NWMP and Law Enforcement - 1873-1905, p. 181, nt. 51.

\(^78\) PAC, RG 18, vol. 528, file 1917-108, pt. 3, Comptroller's memo., Mar. 24, 1906 and PC 932, May 21, 1906. The wording of the present agreements is quite similar (see generally, ch. 6).
best support from both Attorneys General." 79

During the spring of 1909, Laurier sought the provinces' intentions respecting renewal. 80 In correspondence with Perry, the Comptroller somewhat reluctantly accepted the possibility of a continuance of provincial policing duties, provided that the same contractual terms applied. 81 If renewal did not occur, the Force intended to downsize to a strength commensurate with its federal responsibilities.

In response to the query, Premier Scott noted that renewal was "highly advisable both from the Dominion and provincial standpoint," and indicated his willingness to consider a term greater than five years. 82 Alberta also expressed interest, the federal cabinet authorized a renewal and negotiations followed. They stumbled, however, over the issue of control.

The Premier of Alberta insisted that a police officer, with the rank of assistant commissioner, be posted to Edmonton. He hoped to issue instructions and give advice to this person, without the necessity of routing them through Perry in Regina. Despite its practical and constitutional logic, the extreme centralization of

81 Ibid., White to Perry, Mar. 25, 1909.
authority within the Force militated against the move.  

Premier Sifton and his attorney-general did not relent. In correspondence with Laurier, Sifton noted that "the present system of directing the movements" of the Force, although adequate at one time, was no longer satisfactory or effective. The Commissioner, in Regina, could not "possess the necessary local knowledge, nor use it at the proper time." Sifton apparently extracted a commitment from Laurier. Although the Comptroller urged Perry to consider the matter and "adapt...to existing conditions," no changes appear to have been made.

Alberta did not press its objection. As Table 4.2 demonstrates, the financial benefit to the province was simply too great. In addition, it enjoyed the Force's willingness to forego collecting payments owed under the contract, until pressed.

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83 Ibid., White to Perry, Sept. 30, 1910. The Comptroller did, however, ask Perry to seek a "satisfactory understanding."

84 Ibid., C. Mitchell to Laurier, Dec. 6, 1910.

85 Ibid., White to Perry, Dec. 14, 1910.

86 Perry's reluctance to decentralize control typifies the Force's approach to the issue throughout the twentieth century and demonstrates a desire to retain a typically military command structure. The independence demonstrated by Perry is also typical of the policy-administration dichotomy which Doern and Phidd suggest is a common problem in government. By crossing into the policy field, administrators encroach upon the normative standard which requires the separation of these functions in a democracy (p. 213-14).

87 The Finance ministry often reminded the Force to collect overdue contract payments from the provinces. For example, during February 1908, the Deputy Minister of Finance reminded the Comptroller that Saskatchewan was in arrears from March 1, 1906 and Alberta had paid nothing at all (PAC, RG 18, vol. 528, file 1917-108-3, J.R. Forsyth, per Deputy Minister of Finance, to White, Feb.
Table 4.2

Cost of R.N.W.M.P. Services
(1906-1910)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Sask./Alta. Share</th>
<th>Actual Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1906-7</td>
<td>$112,500.00</td>
<td>$647,836.24</td>
</tr>
<tr>
<td>1907-8</td>
<td>$150,000.00</td>
<td>$649,867.49</td>
</tr>
<tr>
<td>1908-9</td>
<td>$150,000.00</td>
<td>$588,783.01</td>
</tr>
<tr>
<td>1909-10</td>
<td>$150,000.00</td>
<td>$599,537.34</td>
</tr>
</tbody>
</table>

Despite the disproportionate share paid by the federal government, the agreements were renewed upon identical terms, for an additional five years. The command structure and reporting process remained intact.

Less than two years later, Saskatchewan entered the debate over control. In a letter to the Commissioner, its deputy attorney-general noted that a "question appears to have arisen as 27, 1908). The Force experienced mixed success as a collection agency. Although it succeeded in extracting $75,000 from Alberta in March 1908, the deputy provincial treasurer advised, with regret, "that we are not in a position to send you cheque [sic] for this [the balance] at the present time" (ibid., White to M.J. Macleod, Mar. 17, 1908 and Macleod to White, Apr. 1, 1908).

In an undated memorandum, the Comptroller noted that the federal treasury must meet expenses when they became due and collect later from the provinces, otherwise "Mounted Police service would be demoralized, and reputation lost if the payment of accounts for services rendered were held back for fifteen months" (ibid., file 1917-108-2, n.d.; post-Mar. 31, 1910).

Ibid. The "actual expenditures" represent total Force expenditures according to the auditor general's report. The great majority of the Force's work consisted of federal and provincial work in Saskatchewan and Alberta. It had only token representation elsewhere in the west and small detachments in the north.

PAC, PC 2116, Oct. 29, 1910.
to the extent to which the Dominion Government has power to instruct" the Force. Saskatchewan's concern was broader in scope than Alberta's had been. It questioned the substance of control, as opposed to the procedure required to exercise it. Perry saw no need to respond, however the comment confirmed his belief "that sooner or later this question might arise." He added: "[t]he Force is in a delicate position between the two Governments in all the provinces."  

On May 15, 1912, Canada extended Manitoba's northern border to incorporate the territory lying between the fifty-third and the sixtieth parallels, which became known as New Manitoba. While federal territory, a small number of Mounted Policemen provided police services in the area. It was a true wilderness, dotted by scattered native and white communities, the latter primarily in the area of Hudson's Bay.

Due to its remote location, the limited number of personnel required and the fact that New Manitoba did not figure prominently in the settlement of the west, it is doubtful that the federal government gave much thought to Manitoba's request, directed to the Prime Minister, that the Force remain in New Manitoba and fulfill the requirements of both federal and provincial policing.

90 PAC, RG 18, vol. 528, file 1917-108-2, DAG to Perry, July 8, 1912. The Force suspected that its monitoring of a recent, highly-charged provincial election prompted the query (ibid., Perry to L. Fortescue, Asst. Comptroller, July 17, 1912).

91 Supra, ft. 86.

92 Supra, ft. 90.
Commissioner Perry met with the provincial attorney-general and reached an agreement. In exchange for the paltry sum of $5,000 per year, the contingent of Mounted Policemen remained and doubled as a provincial force on terms almost identical to those of the Alberta and Saskatchewan contracts.

Interestingly, Manitoba already possessed a provincial police force in 1912. By not expanding it northward, the agreement served to expand the precedent created by the Alberta and Saskatchewan contracts to situations in which another force was available to provide the necessary service. Manitoba became the first province to possess two coexistent provincial police forces. Why the federal government permitted this to occur is unclear. Possibly it did not wish to outright reject Manitoba's approach while agreements with Alberta and Saskatchewan subsisted. On the other hand, the political reality of Conservative governments in both Manitoba and Ottawa cannot be ignored.

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93 PAC, RG 18, vol. 527, file 1917-108, pt. 1, Perry to White, June 11, 1912. Manitoba's attorney-general suggested that the provincial force would assume the role in the north if Ottawa demanded more than $5,000 per annum.

94 Effective July 1, 1912. The 22 members posted to northern Manitoba spent most of their time policing the construction of the Hudson's Bay railway and enforcing the province's liquor control legislation. See also, R.N.W.M.P., Annual Report, 1913, pp. 8-9.

95 The Manitoba Provincial Police's history dated back to the founding of the province (see App. A and the inset chart).

96 See App. A.
WORLD WAR INTERVENES AS THE HONEYMOON ENDS (1912 TO 1917)

It took only a few years for Commissioner Perry to realize the strain which contracting placed on the Force's resources. During the first decade of the twentieth century, the population in the west increased dramatically and spread over a much greater area, due primarily to mass European immigration. Perry repeatedly asked for more men in his annual reports, the strength of the Force having remained almost static since 1905. In 1913, he "strongly" recommended that the agreements be "re-considered, and that a new arrangement" be effected which could justify a manpower increase.

Certain provincial politicians in both Alberta and Saskatchewan apparently shared the Force's antipathy, but for different reasons. Their objections took various forms. One, surprisingly, was finances. In Saskatchewan, a number of

97 The following description evidences the full extent of his concern:

The provinces have nearly doubled in population since they were constituted; settlers have penetrated into all portions except the most northerly parts; thousands of miles of railway have been constructed; hundreds of thriving towns and villages are now to be found where a few years ago none existed; production has increased ten-fold. These great changes have been wrought by an army of people drawn from nearly every civilized country. In their train has come a certain proportion of criminals attracted by the great prosperity (R.N.W.M.P. Annual Report, '1914, p. 8).

98 R.N.W.M.P., Annual Report, 1912, p. 8; ibid, 1913, p. 8; and ibid, 1914, p. 8.

99 Ibid., 1913, p. 8.
legislators felt that the annual provincial payment of $75,000 could support a provincial police force.\textsuperscript{100} Others expressed concern with the reported disagreements between Mounted Policemen and local politicians and prominent citizens over a number of issues related to the R.N.W.M.P.'s enforcement practices.\textsuperscript{101} Doubtless, the growing provincial Liberal machines also salivated at the possibility of creating a police force which could be staffed by partisans as, in Saskatchewan at least, patronage soon became endemic.\textsuperscript{102}

The greatest concern, however, related to the enforcement of liquor laws. Macleod notes that prohibition in the North-West Territories permitted the Force to eliminate the liquor trade with natives, however generated animosity toward the Force from white settlers who objected to prohibition. Members disliked the awkward position in which they found themselves and considered prohibition detrimental to their other duties. Furthermore, many of them, much like the general population, disliked their inability to indulge.\textsuperscript{103} In 1915, Alberta and Saskatchewan both formed provincial liquor squads to deal with various enforcement duties, gladly relinquished

\textsuperscript{100} The Daily Province, Regina (hereinafter referred to as The Daily Province), Apr. 14, 1914.

\textsuperscript{101} Jayewardene, Canada's Constables, p. 69.

\textsuperscript{102} See generally, Reid. The view that patronage possibly played a role in Saskatchewan's decision is supported by D.F. Robertson ("The Saskatchewan Provincial Police - 1917-1928," Saskatchewan History, vol. 31, no. 1 (Winter 1978), pp. 2-3).

\textsuperscript{103} Macleod, The NWMP and Law Enforcement - 1873-1905, pp. 132-33.
by the Force. These squads expanded and extended their involvement into areas previously the preserve of the Force, receiving accolades in the process from certain local newspapers. The Comptroller viewed the squads as a portent of things to come, venturing to suggest that the provinces would not renew the agreements. \(^{105}\)

With two years left to run on the contracts, Premier Scott confirmed this fear in December 1913 when he informed the Prime Minister that Saskatchewan "had practically concluded that...it would be preferable for the Province to create and control its own Police Force. It will not be our intention, therefore, to renew the arrangement." He even suggested early termination of the existing agreement. \(^{106}\)


Due to the public disdain for such work and their own personal proclivities, many members considered liquor law enforcement a distasteful aspect of police work.

\(^{105}\) Ibid., vol. 528, file 108-3 (1917), Comptroller's memo, Oct. 6, 1913.

Minor conflicts surfaced in both Alberta and Saskatchewan. In Alberta, its attorney-general persuaded a R.N.W.M.P. inspector to place members of the Force under the command of a provincial officer while searching for horse thieves. In Saskatchewan, the deputy attorney-general appointed a provincial officer to hold an enquiry into an arson investigation undertaken by the Force (ibid., Fortescue to Borden, Mar. 18, 1914).

\(^{106}\) Ibid., Scott to Borden, Dec. 16, 1913. Interestingly, the province's attorney-general publicly denied news reports that the contract would not be renewed. The Daily Province quoted from a speech by J.F. Bole, a member of the Assembly:

The attorney-general has no knowledge as to the origin of the report to the effect that the government have requested the termination of the contract with respect to the Mounted Police (Apr. 14, 1914).
The Comptroller saw some advantage to cancellation. While allowing that "harmony has existed" between the Force and the Saskatchewan government, he doubted that this would continue if the federal government held the province to the original expiry date of April 1, 1916. Furthermore, the Force's facilities in Regina could be utilized by the federal government for badly needed military barracks.107

He feared the potential political fallout from a withdrawal, however. In a confidential letter to Prime Minister Borden, the Comptroller expressed his view that "there will be an outburst of smuggling, cattle and horse stealing, - the lawless element to the south of the line being only held in check by a wholesome dread of the Mounted Police." In his opinion, Premier Scott intended to employ a provincial force "for political purposes, to which object more attention would probably be given than to the effective protection of law and order." He concluded that "the change would be most unwelcome" by "the large majority of law abiding settlers."108

In response, Borden sought additional information, asking whether the Force could realistically remain in northern

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The Edmonton Journal dismissed Bole's suggestion as old news, adding that the Force's reputation, cost and effectiveness, accounted for its retention (The Leader, Jan. 26, 1914).


Saskatchewan, but not in the south, and what effect a removal might have on settlement. The Comptroller replied that a contingent in the north alone would be unworkable (despite the Manitoba example) and expressed his fear of a deleterious effect on immigration. He added that Saskatchewan's desire to form its own police force "arises undoubtedly" from not having "complete control" of the Force, to utilize as it wishes.  

The topic of renewal became a matter of public debate and the Force all but accepted the inevitability of cancellation, even preparing contingency plans for a move of its headquarters to Calgary. War in Europe served to moderate the provincial positions, however. In April 1915, Alberta and Saskatchewan agreed to indefinite extensions, with the added proviso, suggested by

109 Ibid., Comptroller to Borden, Mar. 18, 1914. He added, however, that a withdrawal from Saskatchewan would effect a savings to the federal treasury of $145,000 per year. The Comptroller did not extrapolate this amount from the total expenditures of the Force (supra, Table 4.2), instead he assumed a $1,000 per member, per annum cost, multiplied it by the number of members in the province (250) and deducted both the subsidy received from the province ($75,000) and the estimated cost to the Departments of Customs and Indian Affairs in order to assume border patrol and native policing duties ($30,000).

110 D.F. Robertson notes that by 1916, the Liberal press in Saskatchewan clearly opposed renewal while the Conservative press supported it (p. 2).


112 Premier Sifton of Alberta advised Borden that:

while there have been some strong reasons for making a change, which have received serious consideration, that I would not like to do anything at the present time which would in any way interfere with the efficiency of the force or the desire of the Federal Government to keep its membership up to a high
Attorney-General Sifton of Alberta,\textsuperscript{113} that either party could cancel on one year's notice.\textsuperscript{114} The manpower and provincial payments remained as they had in 1905.\textsuperscript{115} Manitoba requested and received a five year extension of its contract.\textsuperscript{116}

Renewal did not dampen Saskatchewan's criticism of the Force's operations, however. In a letter to the Secretary of "The Banish The Bar Movement" of Saskatoon, Premier Scott blamed the Force for

\textsuperscript{113} Sifton, though personally in favour of renewal, suggested inclusion of the one-year provision in order to stifle the "serious objections" to renewal. He felt that it would cause opponents to fear a withdrawal by the federal government on short notice and actually lead to permanence (PAC, RG 18, vol. 527, file 1917-108, pt. 1, Sifton to Borden, Feb. 4, 1915). This circuitous reasoning gave rise to a clause which became a standard provision in subsequent contracts (see generally, chs. 5 and 6).

\textsuperscript{114} Scott requested the twelve month clause "pending a definite solution of the question...to ensure the permanent existence of the Force" (PAC, RG 18, vol. 527, file 1917-108-1, Scott to Borden, Apr. 10, 1915). Meanwhile, the Comptroller desired a fixed five-year extension in order to permit long-range planning (ibid., L. Fortescue to file, Jan. 20, 1915). Premier Sifton dismissed the Comptroller's concern as an ongoing complaint heard from the Force. (ibid., Sifton to Borden, Feb. 4, 1915). The eventual compromise permitted payment of fair market value for capital improvements made by the federal government during the currency of the agreement (ibid., Fortescue to file, Feb. 11, 1915 and Sifton to Borden, Mar. 13, 1915).

\textsuperscript{115} Ibid., vol. 528, file 108, pt. 2 (1917), memo of Comptroller, Apr. 16, 1915.

Meanwhile, the attorney-general asked that the Force resume enforcement of the legislation, in concert with the provincial liquor squad. The Comptroller and the Acting Minister agreed that the request appeared to be in order and advised Perry.  

Scott was not easily placated, however. Later in the same month, he wrote Perry, citing numerous reports of "distaste expressed by members of the Force" toward liquor law enforcement. Scott listed various alleged abuses by members, including drinking in a hotel, on patrol, condoning consumption in off-limits locations and throwing beer bottles out of a hotel window. He suggested that many members of the Force were anxious to obtain their discharge in order to join the war effort and simply could care less. In reply, Perry confirmed his instructions, adding:

Among the Constables, there may be difficulties, as there always are. You know as well as I the class of men we recruit. A large percentage are English of the so-called "middle" class and highly educated. Prohibition or restrictive legislation has never been popular in England, nor has any effective propaganda ever been carried on in support. It is therefore probable that these men are not

117 The Evening Province of Saskatoon considered the comment indicative of Scott's continuing efforts to remove the Force from the province (July 19, 1915).

118 PAC, RG '18, vol. 1890, file 168, pt. 2 (1915), Comptroller to Lougheed, July 20, 1915. In a later direction to the districts, Perry emphasized "that the reputation and credit of the Force is at stake" in this issue (ibid., circular memo 714, Aug. 3, 1915).

119 Ibid., Scott to Perry, July 31, 1916.
actively in sympathy with your Act.\textsuperscript{120}

In a thinly veiled plea that provincial inspectors assume total responsibility for the task, Perry concluded that "men of special qualifications and sympathetic attitude towards the law, must be employed."\textsuperscript{121} Horrall attributes partial blame for the disagreement to the rigidity which characterized the Force:

The Force, as Commissioner Perry often pointed out, was a "Mounted Police," not a "Civil Police." Its task was the policing of the unsettled parts of the provinces.\textsuperscript{122}

Perry viewed liquor law enforcement as a form of civil police work, not befitting the Force. In his opinion, it "undermined both efficiency and morale"\textsuperscript{123} in a losing cause which invited criticism regardless of the vigour applied to its enforcement.\textsuperscript{124}

The years which followed exacerbated the Force's overextension. They were difficult ones for the entire country. War ravaged Europe, Canada became mired in a conscription crisis,

\textsuperscript{120} Ibid., Perry to Scott, Aug. 3, 1915. Certain officers apparently shared this antipathy toward liquor law enforcement with the men. In his biography, Supt. Sam Steele wrote the following when describing his experiences in Lethbridge during the late nineteenth century: "We had the detestable prohibitory liquor law to enforce, an insult to free people" (Steele, p. 243).

\textsuperscript{121} PAC, RG 18, vol. 1890, file 168, pt. 2 (1915), Perry to Scott, Aug. 3, 1915. The Force did not object to other, terribly mundane duties which arguably had little to do with law enforcement; for example, regulating cream buying stations (ibid., vol. 168, file 168-19 (1916), Perry to ADM of Agriculture, Regina, June 22, 1916).

\textsuperscript{122} Horrall, The Pictorial History of the R.C.M.P., p. 168.

\textsuperscript{123} Ibid., p. 169.

\textsuperscript{124} Ibid.
agrarian political movements developed on the prairies and labour unions sprang up across the country.\textsuperscript{125} Many members, out of patriotism or a lust for adventure, resigned in order to join the forces overseas. Perry held them back as long as he could.\textsuperscript{126}

Despite its small and declining membership, the Force's duties increased with additional, federal responsibilities: the need for increased patrols of the American border (it remaining neutral),\textsuperscript{127} the creation of reserve troops and the surveillance of a large 'alien' population on the prairies.\textsuperscript{128} Perry was without alternatives. He suggested to Borden that the Force be relieved of its provincial duties and become "a defensive Police Force."\textsuperscript{129} Borden agreed and the federal government approached the

\textsuperscript{125} Doern and Phidd, p. 230.


In Saskatchewan, the Force refused to enforce two new statutes, the Labour Act and the Hotels Act. Again it was manpower constraints and the continuing distaste for work related to liquor which prompted the decision.


\textsuperscript{129} Ibid., vol. 525, file 1917-51, Perry to Borden, Oct. 11, 1916.
provinces. Opposition came from various quarters. The head of the Saskatoon Board of Trade spared no words in expressing his body's concern when he wrote the Prime Minister:

The R.N.W.M. Police is non-political: - A Provincial Police could not be so, irrespective of the party in power. A political police would be highly undesirable. Abuses would inevitably result.

The R.N.W.M. Police, by reason of many years of experience in this West, have evolved unusual efficiency. This efficiency, and the general high tone of the Force, has won it a prestige which cannot be over-estimated as an influence toward preservation of peace.

A Provincial Force would naturally mean green men; and if they are physically capable for their work, then, they ought to be at the Front.  

Words of praise could do little at this juncture. Nor could the silent opposition of members of the Force who, as in 1905, feared that the end was in sight, certainly an end to the grassroots policing which they enjoyed: "It seemed to many of us, on hearing the news, that we had finished the course."

The national war effort was paramount. Both provinces obliged the federal request and agreed to cancel the agreements, effective January 1, 1917. Perry mobilized his men for wartime duties. He

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130 The contract termination date for the Alberta and Saskatchewan contracts was June 30, 1918 and July 1, 1918 for Manitoba.


133 PAC, PC 2961 (Alta.), PC 2960 (Sask.) and PC 2959 (Man.), all dated Nov. 29, 1916. At its request, Alberta received a deferment until Mar. 1, 1917 (PAC, RG 18, vol. 527, file 1917-96). Robertson questions whether the exigencies of war are the actual reason for the Force's withdrawal from Saskatchewan. He notes the transfer of R.N.W.M.P. members to the new provincial
imposed a regimen of military training and closed various outposts in order to augment the larger detachments and the border patrols.\footnote{134}

Perry correctly feared that withdrawal would lead to complaints.\footnote{135} Opposition came from various rural communities.\footnote{136} In the Saskatchewan legislature, the government declined to commit itself to a resumption of contract services after the War.\footnote{137} Although Attorney-General Turgeon agreed that the Force's work "had

\begin{quote}
...police force despite the apparent manpower shortage, the ready ability of the new force to recruit personnel and Perry's concern with "civil duties" (p. 2).
\end{quote}

\footnote{134} PAC, RG 18, vol. 517, file 1917-1, pt. 3, Perry to all OC's, Feb. 14, 1917. An overview of the Force's security duties during World War I is found in McDonald, Rickerd and Gilbert, pp. 56-8.

Interestingly, the abandonment of the contracts further depleted the Force's manpower, as many of its members left to join the newly-created provincial forces. Of 106 men in the Saskatchewan Provincial Police at the end of 1918, 62 were former members of the Force (Frank W. Anderson, \textit{The Saskatchewan Provincial Police} (Calgary: Frontier Pub. Ltd., 1972), p. 25).

\footnote{135} PAC, RG 18, vol. 517, file 1917-1, pt. 3, Perry to all OC's, Feb. 14, 1917.

\footnote{136} See, for example: Executive of Wood Mountain Subsidiary Assoc. of The Sask. Stock Assoc. to Borden, Jan. 25, 1917; Town Clerk E. Gravel, Gravelbourg, Sask. to Perry, Feb. 15, 1917; and R.P. Ormsby, Sec.-Treasurer, Brazeau Collieries Ltd. to Sir P. Sherwood, Commissioner of the Dominion Police, Feb. 8, 1917 (\textit{ibid.}). Also, Hart mentions a petition submitted on Jan. 6, 1917 by the "livestock and agricultural associations of Alberta" and a unanimous resolution passed by the United Farmers of Alberta on Jan. 27, 1917. The continuance of R.C.M.P. detachments for federal purposes appeased some communities which merely feared the absence of a police presence (Hart, p. 31).

\footnote{137} Despite Saskatchewan's cabinet approving the cancellation "during the period of the war" (PAC, RG 18, vol. 527, file 1917-96, Minute of Executive Council of Sask., Dec. 19, 1916).
been stupendous since the early days," Premier Martin added that "there was no reason why a first-class provincial police force could not be established."\(^{138}\)

America's entry into the War in 1917, however fortuitous it was for the Allies, provided little solace for members of the Force. Suddenly their wartime mobilization was for naught. The border became secure almost overnight and the 'alien menace' decreased exponentially. Members were permitted to volunteer for military service and the Force created cavalry squadrons for overseas duties.\(^{139}\) Those who remained were left to handle a "trickle" of files: "minor investigations for the Dominion government dealing with immigration, customs and other prosaic matters."\(^{140}\) The provinces did not return to the fold. Instead their newly-created or expanded provincial forces continued. Horrall describes the state of the Force in the following terms:

...the Force was reduced to those who were too old, medically unfit, or performing duties too important for them to be allowed to leave [for overseas]. This left a total of 303 men, many of these serving at isolated posts in the North.\(^{141}\)

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\(^{138}\) "Hope Expressed in Government Resolution that R.N.W.M.P. May Resume Duties After the War," \textit{The Leader}, Feb. 15, 1917.

\(^{139}\) \textit{ Debates}, May 12, 1919, pp. 2315-16.

\(^{140}\) Kemp, p. 57.

\(^{141}\) Horrall, \textit{The Pictorial History of the R.C.M.P.}, p. 175.
The Force's contracting experience between 1906 and 1917 is not easily explained. In 1906, Alberta and Saskatchewan welcomed the Force with open arms. There was little if any thought of creating provincial police departments. The tables turned by 1913. The Force came under fire as relations with the provincial governments strained over matters of enforcement policy. Despite the aura which already surrounded the R.N.W.M.P., it was insufficient to withstand the will of provincial politicians and prohibitionists who sought change.

Conventional wisdom explains the provinces' willingness to contract out their de jure responsibility for law enforcement to dollars and cents. Principle, so the argument goes, was important but paled in comparison to the financial bottom line. There is an element of truth to this explanation, however, in the end it is far too simplistic.

A more likely explanation for the events which occurred between 1905 and 1917 is found if one examines them in a broader, socio-political context. A paradigmatic shift occurred in Canadian politics during the first two decades of the twentieth century. The National Policy of Macdonald and his Conservatives obtained continued life under Laurier, enough to complete its mission. By late 1905, however, most parts of the southern prairies witnessed at least some settlement, provincial status elevated their profile in the nation and a ribbon of steel unified the country from coast
to coast. With the great initiatives of the National Policy largely accomplished, a new era beckoned.

In many ways, the Mounted Police became an anachronism, a throwback to more glorious times. The repeated brushes with extinction which marked its history during these years reflected this fact. In order to survive, it sought a new and more permanent role, however its unique organizational persona hampered the search.

The Force's quasi-military orientation was colonial in origin and its leadership and men relished the unique qualities which this heritage provided. They did not view themselves as ordinary policemen. They were something special, a military police, embued with a tradition of courage and perserverance in the face of daunting challenges.

The membership considered the enforcement of unpopular legislation, laws which were the product of a highly charged and highly political campaign to rid the west of alcohol, to be a pedantic and unpopular task and one not befitting an organization of the Force's reputation and experience. The members rightly viewed the Force in character and assignment as a gendarmerie, military and rural, not civilian and urban in orientation. Prohibition enforcement they considered the preserve of the latter. They balked, but without alternatives, reluctantly continued.

Commissioner Perry epitomized the traditions of the Force. A military man by training, a veteran of the 1885 Rebellion and very proud of the Force's heritage, he disliked civil policing
tasks, particularly liquor law enforcement for the inefficiency and disciplinary problems which it created.\(^{142}\) He revered the military organization of the Force, as evidenced by his insistence on maintaining strong centralized control of the Force, despite objections from the provinces. Although the Force's continuation in 1905 doubtless pleased him, the extent of the task soon became daunting. As a result, Perry was not disappointed by the abandonment of the contracts in 1917. As a military man, he and the membership of the Force were anxious to assist with the war effort.

Clearly, prime ministers and ministers responsible for the R.N.W.M.P. placed considerable trust in Perry, and in the Force generally. Although the struggle for more men and better pay was never-ending, in major policy matters they seldom, if ever, rejected suggestions emanating from either the Comptroller or the Commissioner. The extent of trust is amply demonstrated in their willing acceptance of all recommendations made by the Force with respect to the terms and continuation of contracts. Furthermore, despite the presence of a minister in charge of the Force, the Comptroller essentially ran the administrative side of the Force, corresponding direct with the Prime Minister on important policy matters.

The strong leadership bestowed by most of the early

\(^{142}\) Nevertheless, Perry acknowledged the importance of prohibitory liquor laws, believing them to be largely responsible for the peaceful conditions in the west (R.N.W.M.P., Annual Report, 1917, p. 10).
Commissioners and Comptrollers of the Force allowed it to develop an organizational persona independent of the federal bureaucracy. Macdonald, Mackenzie, Laurier and Borden influenced the course of Force history, but, with the exception of its creation which it owed to Macdonald, none changed its course. Furthermore, federal politicians accorded only passing interest to the contracts. The issue was of such little importance and so far from the hub of central Canada that it garnered but a footnote in the Commons, on an irregular basis.

During the late nineteenth century, the Force represented the cutting edge, the epitomy of central Canada's move to colonize, exploit, develop and conquer its birthright, the west. When these policy imperatives reached fruition with the creation of self-governing provinces, the Force had to stand back, regroup and adapt to the new age.

The continuation of the Force in Alberta and Saskatchewan did not create a problem for the federal government, quite the opposite. Settlement and economic expansion remained priorities for Ottawa. The Force's stabilizing influence and national presence hastened western development, in many respects epitomizing the dominant ideas which guided federal policy making: orderly settlement, a law abiding society fostering economic development, national security and a Dominion presence in the west. Financial

\[143\] This theme becomes more important in the following years as the Force learns to deal with both the Justice Ministry (later, the Ministry of the Solicitor General) and the Treasury Board (see generally, chs. 5 and 6).
considerations paled by comparison, which is likely the reason why the provincial contract payments remained static.

While Canada both struggled to find its way in a new world and fill the void created by the end of the National Policy, Alberta and Saskatchewan acquired the burden of establishing provincial institutions and striking out on their own. In the early years of self-government, the Force was just what the doctor ordered. Beset by a host of organizational problems, the provinces did not need the additional task of establishing a police force. Economy and efficiency prevailed as dominant themes during the early years. As the provinces found their footing and political parties exerted their clout, political expediency came to dominate and the Force became a bugbear.

By seeking to retain its strong independence, military bearing and, most important, its political virginity, the Force sought other adventure. War was a temporary reprieve. The far north beckoned. Federal departments required handmaidens. None of these options, however, could produce the desired results - growth and permanence. Such goals could only be achieved when the Force accepted that the world had changed, Canada had changed, the west had changed and it must also. Only by retaining the best of its history and redirecting its efforts toward provincial and municipal policing, which is where responsibility for law enforcement rests in Canada, could it achieve greater heights. The alternative was to linger in obscurity, much as the Dominion Police had done for over fifty years.
On December 12, 1918, the Force obtained responsibility for all federal enforcement west of the Lakehead in Ontario, reducing the Dominion Police force's mandate accordingly. A manpower increase and the recall of its overseas squadrons resulted from the move.

According to its minister, N.W. Rowell, the Force's "splendid record," a record which justified its preservation "as a national asset," justified the move:

We concluded that for the time being, at least, there were many important duties that a Federal mounted police force should continue to discharge, and that it was our duty to maintain it for the performance of those duties.\(^\text{144}\)

The mandate accorded the Mounted Police anticipated a future need for a police presence to quell civil insurrection. Horrall notes that "[o]ne of the principal thrusts of this reorganization was the desire to ensure that there was an adequate mobile force in the west to meet any civil disturbance."\(^\text{145}\) Ottawa notified the provinces of the availability of the reserves and also moved to

\(^{144}\) *Debates*, May 12, 1919, p. 2317 (Rowell).

\(^{145}\) Horrall, p. 135. Interestingly, the cabinet order expanding the Force's jurisdiction came the same day that Borden, in London at the Peace Conference, telegraphed advice, which he received from British intelligence sources, to the effect that the Soviet Union intended to launch a propaganda campaign in North America. Horrall speculates that the British may have misled Borden in some respects (ibid., pp. 134-35, p. 146 and ft. 17 and 18).
restrict the ability of Mounted Policemen to unionize. 146

The move meshed quite nicely with the attention paid by the western world to a movement perceived to be just as threatening as the Axis powers defeated in the recent war, but one which threatened to destroy from within – communism. The fervour of the Bolshevik Revolution found expression in many nations, Canada being no exception. The rise of labour militancy was an ideal vehicle for the transmission of propaganda and communists were not adverse to making use of the movement for their own purposes. As a result, many equated labour militancy with communism, with national upheaval and ultimately with the destruction of western society. It was an evil to be expunged. To do so required strength in terms of military or police power.

The fact, of course, is that trade unions were not mere fronts for communist agitators. In reality they were the vanguard of a wave of worker discontent which gathered momentum across Canada, and particularly western Canada, fuelled by a faltering economy, high inflation, unemployment, low wages and the poor working conditions which characterized the post-war years. Nevertheless, they met fierce resistance from employers who envisioned the end of free enterprise. The boom and bust capital of the West, Winnipeg, became the focal point of the unrest, culminating in the

146 Ibid.
General Strike of 1919.147

The federal government feared serious repercussions if the strike was even a partial success. Contingency plans involving the militia and the Force took form, Commissioner Perry becoming personally involved.148 A large force of special police replaced the Winnipeg city police, decimated by the firing of pro-union sympathizers. Disturbances began on May 1 and culminated with thousands of veterans joining the strikers in a demonstration on June 21,149 overwhelming the special police. A force of ninety Mounted Police, in trucks and on horseback, charged the crowd. Shots rang out. One death and numerous injuries resulted among the demonstrators.

The charge broke the backbone of the strike. It ended a few days later, the workers no further ahead. David Bercuson notes that the strike also represented the end of an era in western Canada, sapping much of the vitality from the union movement.150

147 David Bercuson observes that general strikes, such as that in Winnipeg, occur "against a backdrop of many years of bitter relationships, class polarization, frustrated ambitions and real or imagined oppression" ("The Winnipeg General Strike," in The Prairie West - Historical Readings, R. Douglas Francis and Howard Palmer, eds. (Edmonton: Pica Pica Press, 1985), p. 484).

148 Horrall notes that by April 1919, the Force possessed "a highly successful covert intelligence operation in western Canada" ("The Royal North-West Mounted Police and Labour Unrest in Western Canada, 1919," p. 139).

149 Kemp, p. 67.

150 Bercuson, p. 509.
Whether necessary or not, the 'cavalry' charge was scarcely a proud moment for Canada. To the R.N.W.M.P., however, it represented, in the words of a former senior officer, the "biggest single factor in the decision to expand the Force."\textsuperscript{151} The Strike profoundly shook the government and the nation. According to Horrall, the federal government was particularly concerned by the sympathetic reception which the strikers received from the city police of Winnipeg and Vancouver.\textsuperscript{152} In the absence of a strong permanent military or militia, what separated a nation from anarchy other than its police?

Borden feared Canada's state of readiness in the event of a recurrence and asked Commissioner Perry for recommendations respecting the reorganization of Canada's federal policing.

\textsuperscript{151} Kemp, p. 66. In a fashion typical of the many laudatory histories of the Force, Kemp writes that "all Canadians owe, therefore, a debt of gratitude to the agitators of 1919." Similarly, Longstreth writes: "thinking men...saw that the Royal North-West Mounted Police, as chief instrument of vigilance, could no longer serve only a part of Canada" (p. 45). The R.C.M.P. is less enthusiastic to recount the importance of the Winnipeg General Strike. In a chronological history prepared on the occasion of its centennial year celebrations, the Force omitted any mention of the strike (R.C.M.P., A "Background" for Editors), a fact also noted by Douglas Fisher ("OFY press release better than RCMP's," The Mail-Star, Halifax (hereinafter referred to as The Mail-Star), May 22, 1973, p. 7). However, the Force's historian candidly refers to the R.C.M.P. as an "offspring" of the General Strike (Horrall, "The Royal North-West Mounted Police and Labour Unrest in Western Canada, 1919," p. 149). Lorne and Caroline Brown present a very uncomplimentary view of the Force's involvement in strike-breaking generally and the Winnipeg General Strike specifically (see An Unauthorized History of the RCMP, ch. 3).

\textsuperscript{152} Horrall, The Pictorial History of the R.C.M.P., p. 179.
system. Not surprisingly, Perry put forward a strong case for the Force, emphasizing its semi-military nature in comparison to the civilian Dominion Police Force, recommending absorption of the latter by the R.N.W.M.P. and the Force's expansion, as a federal body, from coast to coast. Borden agreed and an amending statute received Royal Assent, coming into effect on February 1, 1920. The fate of the Dominion Police Force sealed, it faded into history. The name of the Force changed to Royal Canadian Mounted Police and its operational headquarters moved east to Ottawa. Horrall views the move in a broader context:

In the industrial dislocation of the postwar period in [sic] Ottawa thought it saw a far more serious threat to its authority. Its response was a non-civilian centralized federal police and security force.... It also reflected the growing influence of the federal government in the life and affairs of the nation.  

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154 Ibid., pp. 146-47. Perry emphasized the Force's size, disciplinary code, military training and lack of a union.

155 Ibid.

156 The foregoing explanation for the D.P.F.'s absorption is at sharp variance and to be preferred to the response of Louis St. Laurent, then Minister of Justice, to a query in the Commons many years later:

...it was found it would be convenient to have the two forces under one administration, because it afforded opportunities for employing men who for one reason or another had become unfit for more strenuous duties... it has given some elasticity to the administration of the force,... (Debates, Dec. 13, 1945, p. 3479-80).

157 Ibid., p. 148.
With permanence and an elevated status within the Dominion bureaucracy, the Force could now turn its attention to the even greater challenges which lay ahead in post-War Canada.
CHAPTER 5

THE MODERN ERA OF CONTRACTING

The Force's expansion to the status of a nation-wide federal police force was bitter-sweet to begin. The romance of the west behind it, in Ottawa the Force was but a small appendage within the bureaucracy.¹ In Parliament, it came under fire from opposition members,² including J.S. Woodsworth, future leader of the Co-operative Commonwealth Federation (C.C.F.) party and a virulent critic of the Force for many years,³ and from Mackenzie King, leader of the Liberal Party, who suggested that the Force

¹ Nora Kelly, The Men of the Mounted (Toronto: Dent, 1949), p. 208. In 1920, the office of Comptroller was renamed Financial Comptroller and the Commissioner became the unquestioned head of the Force.

² Harvison, p. 27 and Penner, pp. 11-12. The opposition included some vitriolic humour from a Nova Scotian Member of Parliament, Robert H. Butts:

We do not want them,... I suppose there is not one single Royal North West Mounted policeman that ever saw a supful of salt water, and they are to be sent down there to watch smugglers on the Atlantic seaboard. Childishness!.... Do not send hayseeds from away across the prairies plains down to Nova Scotia (Debates, June 7, 1920, p. 3199).

³ Woodsworth, a Methodist minister and "social reformer," edited a labour newspaper during the Winnipeg General Strike. Careless describes him as a "universally respected leader" of the C.C.F. party who placed a significant role in firmly establishing the party at the national level (p. 362).
more closely resembled a "standing army [than a] police force." Criticism included complaints of the Force's cost and the federal government's hidden purpose for maintaining a semi-military police presence when the administration of justice fell under provincial jurisdiction.  

Clearly, the Force did not resemble a civilian police force, nor a federal investigative agency. A significant portion of its manpower remained in large centers across the country, housed in barracks as standing riot troops. Similar to the Mobile Gendarmerie of France, they remained on call in the event of public disturbances, a euphemism for labour turmoil.

The Liberal victory in the 1921 election did not bode well for the Force. After Parliament resumed, Woodsworth introduced a motion intended to confine the Force to the territories. The Minister responsible for the Force, Gordon Graham, agreed that

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4 Debates, June 7, 1920, p. 3209. Interestingly, King's government later recommended including the Force under the umbrella of a Department of National Defence, along with all branches of the military (ibid., Apr. 3, 1922, pp. 657-81).


6 Kemp, p. 78. Kemp writes: "With the rueful experience of the Winnipeg strike fresh in its mind, the Government decided to station Mounted Police reserves at other points in the Dominion." Harvison adds that the move occurred "expeditiously in the face of actual threatened violence, but the device had been adopted as a matter of dire necessity rather than of willing choice" (p. 27). Reserve troops formed at Fort Macleod, Alberta; Regina, Brandon and Ottawa. The latter was the precursor of the R.C.M.P.'s Ottawa training center, currently the site of the Canadian Police College. The R.C.M.P. was not the only law enforcement agency concerned with post-War labour unrest. Anderson writes that the Saskatchewan Provincial Police reached its peak strength in 1920, partly due to similar fears (p. 57).
responsibility for the administration of justice fell to the provinces, yet surprisingly added that "in working out the affairs particularly of a new country, we are not always safe in adhering to the letter of the constitution. Sometimes we even have to violate almost the letter of the law, in order to be practical." Despite his comments while in opposition, King also opposed the motion, ostensibly on the basis that it would create a void in the protection of government buildings and in the other duties assumed from the Dominion Police. With defeat of the motion, the Force continued and, in the opinion of some observers, the King government thereafter "adopted a policy of containment rather than

7 Debates, Apr. 10, 1922, p. 831. Penner suggests that Graham's comments admit that "[t]he creation of a nationwide police force dedicated to the defense of law and order [violated] the letter of the law" (p. 113).

8 Penner states that "[n]o convincing reasons have ever been given for this switch" (p. 113).

Despite maintaining the Force, King's government believed that its predecessor "had blundered in enlarging and expanding" it (Harvison, p. 61). Furthermore, King opposed the use of the Force in cases of labour strife:

If you once open the door to having the Mounted Police called in to aid the civil authorities on any occasion when there may be alarm on account of industrial disputes, you will in a very short time have the federal government discharging a function ... it was never contemplated it should discharge... (Debates, Apr. 4, 1922, p. 667).

of disbandment" toward it.10

The 'Roaring Twenties' signalled an upturn in the Canadian economy, less unemployment and an increased standard of living. As a byproduct, the industrial and political ferment of the post-War years subsided. In 1922, even Gordon Graham appeared ready to reconsider the Force's role, suggesting that it either be absorbed by the military or restricted to the north.11 Without a clear mandate, the Force wavered once again and morale among its members went "to pot."12 On occasion, the riot troops did intercede in labour disputes, generally however they did very little.13 In the absence of provincial contracts, the balance of the Force's membership carried out federal tasks of various kinds: federal statute investigations, border patrol, agency work for various federal departments and the oftentimes mundane functions relinquished by the Dominion Police. Gradually the federal government decreased the size of the Force14 and eliminated reserve troops, other than at Ottawa and Regina.15

10 Talbot, Canada's Constables, p. 174.
11 Debates, Apr. 4, 1922, p. 669.
12 Maclean's, Apr. 25, 1959 and Harvison, p. 25.
13 Most of the time, the reserve troops kept occupied with routine drill practices, interspersed with parades and performances (Harvison, p. 25).
14 See App. G.
15 Kemp, p. 82. Harvison notes that:

...as economic conditions improved, and the country returned to normal, voices were raised in Parliament by both Government and Opposition parties, and by critics outside Parliament,
By 1930, all provinces possessed their own provincial police.\textsuperscript{16} Loosely modelled upon the Mounted Police yet influenced by the New Police and the emerging state police forces in the United States, they resembled each other in terms of structure, appearance and duties, generally being restricted to rural policing, traffic patrol and most importantly, prohibition enforcement. With the exception of Ontario and Quebec; the absence of scholarly analysis\textsuperscript{17} of the record of these forces makes it difficult, if not impossible, to assess their contribution. Although criticized for their alleged domination by provincial politicians, obsession with enforcing prohibition legislation and propensity toward inter-force rivalry involving either municipal forces or the R.C.M.P.,\textsuperscript{18} the demise of the provincial forces cannot be attributed to any one, but rather to the interplay of these as well as others factors.

\textsuperscript{16} See App. A and the inset chart.

\textsuperscript{17} With the exception of the Ontario, Quebec and Newfoundland forces, which continue to the present, the recorded histories of the provincial forces consist of small articles and slim volumes, few of which tap the gamut of available research sources.

\textsuperscript{18} For example, see Anderson, p. 58.
On Nov. 30, 1926, Premier James G. Gardiner of Saskatchewan requested an early meeting with the federal Minister of Justice to discuss the issue of "overpolicing." Politics was uppermost in his mind as he wrote:

The policing of this Province is rapidly developing into a condition which is likely to bring the whole matter into the field of political controversy. The main reason for this, to my mind, is that we are very much over policed. We have a condition which developed during the war, which leaves us with virtually three police forces, the R.C.M.P., the Provincial Police and the Municipal Police. The result is that there is overlapping, local friction, disagreement between different organizations, the appearance of too many uniformed men at every public gathering, (giving the appearance of a military occupation) -- and cost which, if continued will develop a first class political issue.

Whether other reasons existed for Gardiner's concern is open to conjecture. D.F. Robertson notes that earlier in the same year, the Premier advised the Prime Minister that the police in his province were underemployed and engaged in work unrelated to policing (likely liquor enforcement), causing an inappropriate degree of interaction with members of the community. Robertson also notes that Gardiner may have felt a lack of control over either the police or his own Attorney-General, J.A. Cross. Furthermore, criticism of the police often invited corresponding criticism of the government and, therefore, potential political issues.

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19 PAC, RG 18, vol. 3591, file GH 125-8 (1935), p. 48, Gardiner to Hon. Ernest Lapointe, Nov. 30, 1926. The issue was also raised during the 1927 Dominion-Provincial Conference, held in Ottawa (R.C.M.P., Annual Report, 1928, p. 7)
Gardner proposed three alternatives: the assumption of federal duties by the Saskatchewan Provincial Police (S.P.P.) in return for a subsidy from Ottawa, thereby eliminating the R.C.M.P. from the province; the assumption of provincial policing by the R.C.M.P. in a manner similar to the pre-1917 situation, thereby eliminating the provincial force; or an amalgam whereby the R.C.M.P. would be restricted to the international boundary and the north of the province. Regardless of the option chosen, Gardiner felt he could not approach the legislature, set to convene the following month, without a decision.

In typical fashion, the Minister of Justice directed Gardiner's enquiry to the R.C.M.P. for response, Comm'r. Cortland Starnes, Perry's successor, prepared a position paper which, although disagreeing with the basic premise that Saskatchewan was over-policed, agreed that a multiplicity of police forces was not desirable and left no doubt what future course he preferred:

...a multiplicity of police forces may cause confusion and

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20 Robertson, pp. 6-7.

21 Supra, ft. 19.

22 Starnes was Commissioner from April 1, 1923 to August 1, 1931. In earlier years he served with the military in the North West Rebellion and, like Perry, received a lateral appointment to the rank of Inspector in the N.W.M.P. Promotion to Superintendent followed in 1909 and to Assistant Commissioner in 1919, probably in part due to a prominent role which he played in the Winnipeg General Strike (see generally, R.C.M.P., A "Background" for Editors, App., p. 4). Kelly notes that Starnes and Perry served side by side during the 1885 Rebellion and describes his "great gift of tact and his ability to remain calm and unruffled under any circumstances" (Men of the Mounted, p. 211).
disturb public sentiment. When one Force alone is responsible for police work, duplication is avoided - this including unnecessary displays of strength - clashes of interest will be reduced, and the administration of justice in the Province will have the benefit of an organization which reaches to all parts of the Dominion and has valuable connections abroad.\(^{23}\)

To Starnes, that organization could only be the R.C.M.P., for a number of reasons: the consistent and uniform service which it provided to federal departments; its "peculiar facilities" for dealing with natives;\(^{24}\) its reserve troops; its size, sufficient to weed out persons of poor quality; and finances:

The Royal Canadian Mounted Police could police the Provinces of Alberta and Saskatchewan, if given a certain increase in numbers; and could do it for annual grants which would be much less than the sums now spent upon the Provincial Police Forces.\(^{25}\)

The Commissioner originally envisioned a strength increase of "at most 75" in each province, a number which would be offset in part by a reduction in overhead. He forecast increased "efficiency" in law enforcement and a savings to the provinces of two-thirds of their current policing bill.\(^ {26}\)

\(^{23}\) "Dominion-Provincial Conference, 1927 - Policing of Provinces," PAC, RG 18, vol. 3583, file GH 125-2 (1948). Through the years, the federal government often asked the Force to justify its contractual role. As will be seen later in this thesis, the justifications changed over time.

\(^{24}\) Ibid. Starnes believed that the aboriginal population presented "marked general characteristics," making a "common system" most convenient.

\(^{25}\) Ibid.

\(^{26}\) Ibid. In 1925-26, the S.P.P. cost the province approximately $500,000. Starnes estimated that the R.C.M.P. could perform the same work for an additional $150,000 to $200,000, a saving of between $300,000 and $350,000.
Starnes dismissed any suggestion that the S.P.P. be permitted to handle Dominion work. He viewed such a move as more expensive, very inconvenient and less effective than his proposal. It would create a "curiously truncated form" of federal policing; increased costs and manpower requirements for the provinces, intergovernmental friction and a lack of federal control. Furthermore, duties in the far north and those assumed from the Dominion Police required the continuance of the Force and could not be contracted out.27

Starnes saw little desire on the part of the provinces to assume any federal investigative or administrative tasks,28 noting that some provinces did not even have provincial police forces.29 Where provinces became involved in law enforcement, Starnes had a low opinion of their ability to divorce it from politics. The federal government could only suffer under the second proposal for it meant having its work either carried out by unwilling provincial forces, left undone, contracted out to private agencies or handled

27 Ibid.

28 The number of federal cases investigated in Saskatchewan during 1915 was 814. By 1926 that number had increased seven-fold, to 6,229. Starnes observed that the increase "has sprung up almost" since the abandonment of the federal-provincial contracts in 1916. There are various possible explanations: a rise in population, increased involvement of the federal government in the west, increased use of the Force as Ottawa's agent, earlier neglect of such work by the Force or an attempt by the Force to justify its post-War existence.

29 See App. A and the inset chart.
through departmental staff increases.  

To Starnes, the third alternative was "impracticable" for many of the same reasons but was also susceptible to inter-force "rivalries and jealousies." On this account there is disagreement among historians. Frank Anderson, a chronicler of the S.P.P.'s history, reinforces Starnes' observation, noting that "undercurrents of competition and mutual suspicion" pervaded the relations between municipal police, provincial police and the R.C.M.P. during the early 1920's. Robertson, on the other hand, disputes the suggestion of strained relations between forces.

Starnes' offer of the R.C.M.P.'s services carried an important rider. It specifically excluded the assumption of any municipal duties or liquor law enforcement, the latter being a form of work which he was "loath to see." Like Perry, he believed that it caused "a deteriorating influence upon the character and discipline of police, and would interfere with the execution of other

30 Supra ft. 24.
31 Ibid.
32 Anderson, p. 58. He notes that "while these incidents did not find their way into the public domain, they were known in official circles and contributed to the final decision to abandon the [S.P.P.]." Similarly, the Deputy Postmaster General, writing to the Commissioner in 1925, expressed the opinion that "a certain amount of friction" existed between the provincial and federal police (PAC, RG 18, vol. 3583, file GH 125-2 (1948), pt. 1, p. 1).
33 Robertson, p. 7.
The federal government apparently accepted Starnes' recommendation regarding the preferred form of policing\textsuperscript{35} and advised both Alberta and Saskatchewan accordingly. The government expressed its willingness to assume responsibility for provincial policing in return for the per capita cost of the additional men required to undertake this task.\textsuperscript{36} Premier Gardiner of Saskatchewan discussed the matter in Ottawa during mid-December 1927\textsuperscript{37} and, thereafter, his attorney-general requested an early meeting to finalize terms.\textsuperscript{38} The meeting took place on January 6, during which the premier's earlier proposal that the S.P.P. replace the R.C.M.P. and undertake federal duties for financial remuneration was again broached. The federal response was unequivocal: the R.C.M.P. was

\textsuperscript{34} Supra, ft. 23.

\textsuperscript{35} Supra, ft. 3. In 1927, King's Liberals were again in power after a brief interlude during which the hapless Arthur Meighen received the Prime Ministership, and his political demise, from the Governor General.

\textsuperscript{36} PAC, RG 18, vol. 3593, file GH 125-9 (1935), p. 43, Premier Brownlee to Starnes, Jan. 20, 1928. Brownlee questioned why Alberta should pay more ($220,000 vs. $175,000) for fewer men (201 vs. 220). In response, Starnes explained that Alberta would require 90 additional members as opposed to 75 in Saskatchewan (75 x $2,375.49 = $178,161.75 plus a $6,000.00 pro rata charge for the training academy's upkeep, or $184,161.75 - reduced by "mutual agreement" to $175,000) (PAC, RG 18, vol. 3593, file GH 125-9 (1935), p. 45, Starnes to Brownlee, Jan. 30, 1928).

\textsuperscript{37} Anderson, p. 59.

both "necessary and essential."\textsuperscript{39} To the attorney-general, "the only alternative left, if we were to gain the object we had in mind, was to complete [the] agreement."\textsuperscript{40} He urged that it be struck as soon as possible in order to permit mention in the upcoming Speech from the Throne.\textsuperscript{41} To the province's dismay, a problem arose which prevented a speedy signing.

It related to the same issue raised in 1910 by Alberta, the routing of instructions.\textsuperscript{42} Saskatchewan urged that the R.C.M.P. members in the province be commanded by an officer stationed in the province and who took instruction from the provincial attorney-general, independent of and without reference to R.C.M.P. headquarters in Ottawa. The compromise reached entailed creation of a complex reporting relationship whereby the province was divided into two districts with one reporting criminal matters to the other, commanded by an assistant-commissioner, for subsequent transmission to the attorney-general and vice versa.\textsuperscript{43}


\textsuperscript{40} *Ibid.*


The parties signed a seven-year agreement with renewal option on March 22, 1928, effective June 1. Surprisingly, the agreement required that the R.C.M.P. enforce the provincial liquor legislation. Whether Starnes willingly capitulated on this point in the course of negotiations or the federal government imposed its will, for whatever reason, is unclear. The contract received only brief mention in the Commons, the Minister of Justice informing the House that Saskatchewan initiated the idea due to its concern with over-policing:

We are doing the work at cost really, but we shall not lose anything by doing it, and it will be a relief for the provincial authorities.

Similarly, the Force's rationale for the agreement is that:

The Premier of Saskatchewan and the Minister of Justice examined the policing subject thoroughly and concluded that it would be more efficient from a police viewpoint and more economical on the whole, for the Province...to be policed by one organization.

The Force hoped that Alberta would follow Saskatchewan's

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44 Ibid., PC 580, Apr. 14, 1928. The absorption included medically-fit members of the S.P.P. and some vehicles. Other provincial departments received the balance of equipment and buildings. Not only did the Saskatchewan agreement become a precedent for others, but the actual takeover procedure, including the absorption of provincial police officers and the transfer of provincial equipment and facilities, became an example followed on numerous occasions elsewhere and as recently as the 1989 absorption of the New Brunswick Highway Patrol (see ch. 6).

45 Ibid., s. 6.

46 Debates, June 9, 1928, p. 4067.

lead. The federal Minister of Justice did meet with Alberta's premier on more than one occasion and, in Parliament, expressed his government's willingness to enter into an agreement. However, due to the Force's well-known antipathy toward liquor legislation, the recruitment and training of personnel outside Alberta and the recurring concern over control, the province did not sign.

Nevertheless, Saskatchewan's contract represented the beginning of the modern era of contracting and served to fundamentally alter the face of Canadian policing and the role of the R.C.M.P. It was a significant turning point for Canadian law enforcement and remains as important today as when the ink was fresh in 1928. The interplay of various factors led to the consummation of the agreement.

It is generally glossed over by writers as a product of an economic slump on the prairies which gave rise to the Great Depression of the 1930's. In 1927 however, one could not have

48 Kemp, p. 148.
49 Debates, June 9, 1928, p. 4067 (Lapointe).
50 Maclean's, Feb. 23, 1981 and Talbot, Canada's Constables, p. 243.
51 Ibid., Talbot.
52 Ibid.
53 Ibid., p. 188. Similarly and although acknowledging the existence of other factors, notably tensions between the various police forces in Saskatchewan and the illness of the S.P.P. Commissioner, Anderson writes:

...the omens of the Great Depression of the 1930's had already impacted on the province before its full force was felt in other parts of Canada. Droughts, crop failures,
foretold the extent of the devastation which lay ahead. 54 Although Saskatchewan gave little priority to policing, having reduced the S.P.P.'s budget and manpower, 55 the province's approach to the federal government can be attributed, not to over-policing, but to both political and financial concerns. 56 In Horrall's view, the available evidence also implies a desire on the part of the province to extricate itself from liquor law enforcement, 57 which is consistent with the political expediency argument. However, this does not explain the province's willingness to retain its own police force in exchange for financial compensation from the federal government. Saskatchewan did not ask that the R.C.M.P. undertake its provincial policing. 58 To the contrary, the province favoured the very opposite, a continuation of its own force, aided by federal funding in exchange for the performance of various

hail-outs and falling crop prices foretold the coming hardtimes. Consequently, in 1927, Attorney General James Albert Cross ordered a reduction of 25 men on strength, (sic) At the same time, Premier James Gardiner began negotiations with the federal government for favourable conditions and terms... (p. 58).

54 Careless, p. 360.

55 Robertson, p. 8 and Talbot, Canada's Constables, pp. 185-86.

56 This is also Robertson's conclusion (pp. 6-7).

57 Ibid., p. 11, nt. 27.

58 Nora Kelly suggests that "in 1928 the province of Saskatchewan paid tribute to the RCMP by disbanding the Saskatchewan Provincial Police force" (Men of the Mounted, p. 219). The facts simply do not support this assertion.
Although there was doubtless a benevolent aspect to the federal government's actions, if only because of a common party affiliation between the governing parties in Saskatchewan and Ottawa, it was not paramount. The primary reason was the continued retention of reserves. Rather than whiling away their time in barracks and on parade squares, the members posted to such duties could now be retained yet subsidized by the province through contractual secondment. The willingness to also resume liquor law enforcement evidences that the federal government made at least one substantial concession to ensure passage of the agreement.

In the end therefore, political considerations and financial expediency persuaded the province to approach the federal government. With the continuance of reserve troops a topic of debate, King's government jumped at Starnes' suggestion that the R.C.M.P. return to provincial policing. By increasing the Force's strength, yet placing the additional members on detachment duties...

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59 The other alternative is that Saskatchewan's suggestion that it maintain its own police force, knowing full well that Ottawa would not countenance losing the R.C.M.P.'s presence on the prairies, was a ploy intended to extract a better deal from Ottawa.

60 For example, in 1947 Commissioner Wood wrote: "the Federal Government at that time [1928] decided to assist that Province [Sask.] which was then considered in financial difficulties" (PAC, RG 18, vol. 3583, file GH 125-2 (1948), Wood to R. Forsyth, DOJ, p. 147).

61 In the absence of a strong ministry governing federal police activities, senior management of the Force filled that role by default. Of those involved in the negotiations, Starnes was obviously the most persuasive.
at no apparent cost to the federal government, Ottawa retained a strong semi-military reserve in a less objectionable form than the riot troops. The national security concerns of the federal government thus meshed with the Force's desire to both reclaim its central role in western Canadian law enforcement and retain its semi-military character and organizational structure.

It took only a short while, however, before the Force and the federal government became aware of a serious flaw in the agreement - the cost to the federal government would substantially exceed Starnes' estimate. A/Comm'r. Worsley, selected to head the R.C.M.P.'s contingent in Saskatchewan, submitted his establishment proposals to headquarters. To Starnes dismay, Worsley requested additional men.62

Saskatchewan's cost under the contract, $175,000 per annum for 75 men, plus prisoner expenses, totalled approximately $230,000; or, as the R.C.M.P. and the federal government preferred, $1,000 per member for the 220 stationed within the province.63

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63 Ibid., vol. 3584, file GH 125-2-5, p. 255, "The History of the Provincial Agreements." The $1,000 figure remained until 1949 when it rose to $1,400. Later yet, a percentile carried forward the ratio which it was assumed the 1928 agreement represented (i.e. the premise that $1,000 represented 40 per cent of the total per member cost of $2,500). The fact that the dollar figure for the 70 or 75 additional members plus prisoner upkeep approximated $1,000 per member for the entire strength of the Force in the province could only be coincidental.

Unfortunately, the $1,000 figure remained and became the basis of the cost-sharing formula for many years. As such, it represented a form of syllogistic reasoning which represented an elementary, and costly error on the part of the federal government. By ignoring the original premise ($2,500 per member and prisoner
Unfortunately for Ottawa, the agreement did not specify that the lump sum would increase if the new duties required more men than Starnes' estimate. When advised of Worsley's request, the minister responsible for the Force wrote to the province. He noted that the parties based the provincial cost under the agreement on the number of members absorbed from the S.P.P., an amount now clearly "too low." He suggested alternatives, including the creation of a revenue-producing, provincial liquor squad. The province did not

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\begin{align*}
\text{R.C.M.P. strength in province} & = 100 \\
\text{Additional R.C.M.P. deemed necessary} & = 50 \\
\text{Total 'after contract' strength} & = 150 \\
\text{Cost of additional members} & = 125,000 \\
\text{Cost of prisoner expenses} & = 100,000 \\
\text{Total cost of additional men and prisoners} & = 225,000 \\
\text{Total cost of members and prisoner upkeep} & = 475,000 \\
\end{align*}
\]

Were the province to pay $1,000 per member for the total 'after contract' strength of 150, the federal government would receive $150,000 and not $225,000, a ratio of 32 per cent provincial and 68 per cent federal. By simply altering the cost of prisoner upkeep, the ratio changes.

At first blush, it appears strange that the Force should require more men than the combined total of its existent contingent and those absorbed, however it should be noted that Saskatchewan decreased the S.P.P.'s budget, strength and activities during the year preceding absorption (Robertson, p. 8). Possibly by 1928, because of its reduced strength, the S.P.P. could not provide adequate police protection, a fact unknown, mistaken or ignored by Starnes when calculating the Force's provincial requirements.

\[64\text{ PAC, RG 18, vol. 3591, file GH 125-8 (1935), p. 105, Lapointe to Davis, Nov. 29, 1928.}\]
Attorney-General T.C. Davis reminded the Minister that an agreement was an agreement and that the province had already relied on its terms by eliminating the S.P.P. Furthermore, the cost of implementing the Minister's suggestions equated with the province's previous policing bill and, in any event, the lure of fast revenue from a liquor squad could be but a flash in the pan if times changed. The agreement called for a minimum R.C.M.P. complement of 220 and that was all the province expected, the maximum number was up to the federal government. Davis reiterated that the province neither asked the R.C.M.P. to assume provincial policing duties nor dictated the financial terms:

We never even suggested a figure but, on the contrary, the figure was suggested by the Commissioner in his memo to the Members of your Government. If my memory serves me right, he suggested a figure between $150,000 and $200,000 and we compromised midway at $175,000. At any greater figure we would not have been interested in any change...  

Davis' comments ended any suggestion of renegotiation. The attorney-general did, however, publicly praise the Force's work, declaring that the annual savings to the province "would pay nearly the entire cost of [the provincial share of] old-age pensions." News of the financial benefits to Saskatchewan spread throughout the country. What the other provinces required, however, was a

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67 Ibid., p. 110, Starnes to MOJ's office, Apr. 19, 1929.
68 Higley notes that accusations of the O.P.P. being simply a prohibition squad, riddled by "political interference and patronage," caused some to suggest that a similar arrangement might be appropriate in Ontario (Dahn D. Higley, OPP, the history of the
prod and the Depression served as the stick.

THE DOMINOES FALL - THE 1932 AGREEMENTS

The General Election of 1930 ushered out the Mackenzie King Liberals and returned the Conservatives, led by R.B. Bennett, to power. A former senior officer of the Force, Vernon A.M. Kemp, notes that Bennett, a Westerner, understood the Force whereas King did not. Bennett broke with tradition, however, when he looked outside the Force for a replacement upon Starnes retirement in 1931. The new head was his personal friend, General James H. MacBrien, former head of Canada's military, a one-time R.C.M.P. constable, an Ottawa insider and a strident anti-communist. Kemp's comment that MacBrien could expect to receive "anything within reason for the good of the Force" is probably correct. He suggests that Bennett's decision to appoint MacBrien was well calculated:


69 In Kemp's somewhat biased opinion, Bennett believed that the R.C.M.P.'s power could be harnessed "for the ultimate good of the nation and for its defence against the ramifications of subversion" (Kemp, p. 150).

70 J.S. Woodsworth criticized the choice of a military man for the top job, suggesting that it could lead to the use of "military methods" against the unemployed (Debates, Aug. 1, 1931, p. 4453).

71 Kemp, p. 155.
...in Bennett's judgment, the development of international as well as national prestige, the expansion of jurisdiction into much wider provincial fields, and the streamlining of organization in the Force as he visualized it, would be expedited by the direction of a man already known in every part of the Dominion.  

In the Depression years of the 1930's, the fear of communist insurrection remained a very real consideration in the minds of many politicians. Penner notes that Bennett rode a renewed wave of anti-communist "hysteria" to victory in 1930, promising to rid the nation of "socialism, communism, and dictatorship with the iron heel of ruthlessness." The year 1931 saw the arrest of a number of principals of the Communist Party of Canada, followed by federal intervention in all manner of labour disputes during subsequent years. Bennett's approach to the communist 'threat' reflected the man himself, "a mixture of undoubted ability, bold energy, and arrogant assurance."  

MacBrien produced as apparently expected. His quick use of the R.C.M.P. to quell labour disputes and willingness to use the criminal law as a sanction against strikers evidence his alliance

72 Ibid., pp. 150-51.
73 Penner, pp. 115-16.
74 Ibid., p. 115.
75 Still considered synonymous with communism and anarchy in many quarters.
76 Careless, p. 367.
77 See App. F.
78 Penner, pp. 115-16.
with Bennett in the fight against communism. MacBrien strove to modernize and expand the Force with earnest. Longstreth remarks that: "[a]lmost at once [after MacBrien's appointment] the seed sown during the previous administration began to sprout." The seed, of course, was Saskatchewan.

On December 3, 1931, MacBrien met with Alberta Premier J.E. Brownlee in Ottawa, at the premier's behest. Brownlee sought an agreement on the same terms as Saskatchewan. Shortly thereafter, Bennett gave approval in principle for a takeover of the Alberta Provincial Police at the beginning of the next fiscal year, April 1, 1932. Alberta's attorney-general met with MacBrien between January 21 and 23 to iron out the details.

The terms mimicked those of the Saskatchewan agreement: 220 men were to be supplied and an Assistant Commissioner posted in the province "to avoid delay and to ensure prompt decision being given

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79 MacBrien was not alone in his opposition to communism. A large segment of the population shared very similar fears of insurrection, likewise the rank and file of the Force. A comment made by his successor, Stuart T. Wood, when interviewing a potential recruit at Vancouver during 1932 is indicative: "These are troubled times for our country. Your knowledge of languages may prove of value to the force" (Jack Fossum, Cop in the Closet (North Vancouver: Hancock House Pub. Ltd., 1981), p. 9).

80 Longstreth, p. 344.

81 PAC, RG 18, vol. 3593, file GH.125-9 (1935), p. 4, MacBrien to H. Guthrie, Dec. 4, 1931. Presumably Alberta desired a common end date in order to create greater pressure on Ottawa at renewal time.

within the Province." 83 The negotiations moved too fast for opponents of the move to mobilize. 84

MacBrien forwarded the draft Alberta agreement to Manitoba after Premier John Bracken indicated preliminary interest in a similar arrangement. 85 In early February, Manitoba and Nova Scotia submitted formal applications. 86 In a matter of days the federal government agreed to open discussions with Manitoba 87 and, on February 15 and 16, MacBrien visited with its attorney-general in Winnipeg. 88 In Nova Scotia's case, the federal government delayed. According to MacBrien, a decision "seems to hinge upon whether or not the Preventive Service is transferred to the Mounted Police." MacBrien was not above utilizing the provinces to apply pressure to the federal government, as the following comment to Premier

83 PAC, PC 243, Feb. 3, 1932.

84 Kavanaugh notes that as the date of the takeover approached, "several objections" were voiced (Kenneth W. Kavanaugh, "The Alberta Provincial Police," RCMP Quarterly, vol. 38, no. 1 (Jan. 1973), p. 28, at 31). It is not clear, however, whether the objections were directed against the agreements themselves, the anticipated closing of provincial police detachments, or both.


88 Ibid., PC 541, Mar. 8, 1932.
Harrington indicates:

May I suggest that it would help the object that you have in view if you would communicate, whether with the Prime Minister or the Minister of Customs, your views on the desirability of the Preventive Service being entrusted to the Mounted Police. 89

Harrington obliged:

I have already represented as strongly as possible to the Minister of Fisheries that the Police Force should be taken over by the Mounted Police. He himself is convinced of that and I thought the Minister of Justice was satisfied when I raised that point with him at Ottawa. I shall, however, try to urge it forward again. 90

Approval came within two weeks and MacBrien left immediately for Nova Scotia, 91 meeting with its attorney-general on March 7. 92 Premier C.D. Richards added New Brunswick to the list, transmitting a request to the Commissioner while he was in Halifax. MacBrien sought instructions. His rationale for supporting New Brunswick's request resembled that used for Nova Scotia: "it will facilitate the work of the Preventive Service in New Brunswick and the whole of the Maritimes." 93 Approval came immediately 94 and his cross-

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91 Ibid., p. 49, MacBrien to Harrington, Mar. 2, 1932.

92 Ibid., PC 676, Mar. 29, 1932.


country junket continued on to Fredericton, where he met with the
Premier on March 9.  

Prince Edward Island differed from the rest. The Liberal
government of Premier A.C. Saunders created the Prince Edward
Island Provincial Police (P.E.I.P.P.) in 1930, after experiencing
heavy criticism in the legislature over law enforcement. With a
change in government, the new Conservative Premier and Attorney-
General, J.D. Stewart, contacted the Minister of Justice during
January 1932, requesting the loan of an R.C.M.P. officer to
reorganize the force.  

The Minister transmitted the request to MacBrien who dutifully
dispatched S/Sgt. Alfred Howard from Lethbridge. Upon his arrival
and to his dismay, Howard learned from the Premier that he was to
reorganize the nine man prohibition squad, under direction of the
Prohibition Commission, not the provincial police force. This he
considered an impossible task, due to a lack of public support and
political interference. Any reorganization of the squad would be

95 Ibid., p. 25, Guthrie to G-i-C, Mar. 30, 1932.
96 Peter M. German and Alan A. McIvor, "The Prince Edward
Island Provincial Police," The Quarterly, vol. 46, no. 1 (Winter
97 PAC, RG 18, vol. 3586, file GH 125-4-1, p. 2, Guthrie to
MacBrien, Jan. 28, 1932.
98 Ibid., p. 3, MacBrien to Guthrie, Feb. 3, 1932.
21, 1932.
a "farce" and doomed to "dismal failure," he wrote.\textsuperscript{100}

Senior management within the Force came to his assistance. The new head of a rejuvenated Maritime Provinces District,\textsuperscript{101} A/Comm'r. C. Junget, visited the Premier.\textsuperscript{102} Stewart's concern with the prohibition squad dissipated when advised of the impending

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\textsuperscript{100} \textit{Ibid.}, p. 6, Howard to Vernon, Mar. 3, 1932. Howard's lament is clear in his report, for example:

"I must say that anybody connected with the Enforcement of Prohibition in this Province are as usual cordially hated and despised by the Public in general. I notice that every where I go I meet with unveiled hostility and mistrust."

\textsuperscript{101} Horrall, "The Maritime Provinces District," p. 8. Created on April 1, 1932, the District represented an interesting attempt to combine the contractual obligations of commanding officers to the provinces with the tight central control characteristic of the Force. Horrall observes that:

The three commanding officers were to be responsible for the police duties in their respective provinces under the "supervision" of the commanding officer of the District in Moncton. The administration of the divisions would also come under the officer in charge of the District who would in addition be responsible for inspecting them (p. 8).

Horrall suggests that lip service only was paid to the arrangement. The divisions initially reported to District headquarters and not to the respective attorneys-general. In August 1932, New Brunswick's premier reminded Comm'r. MacBrien of the contract's terms. During the following month, MacBrien restricted the authority of the District commander to matters of inspection, pay and supply and, at the end of the fiscal year the District was abolished (p. 9).

\textsuperscript{102} PAC, RG 18, vol. 3586, file GH 125-4-1, p. 9, Vernon to Howard, Mar. 10, 1932.
absorption of the Preventive Service by the R.C.M.P.  

He concluded that the continuation of a provincial squad, the bugbear that it was, would be duplicitous.  

According to Junget, Stewart became "very anxious" to enter into a contract, "along [the] same lines as in other provinces."  

MacBrien consulted with the Minister who, he reported, "seems agreeable," then forwarded a copy of the draft New Brunswick agreement to Junget.  

MacBrien and Stewart completed discussions on its terms when they met in Ottawa on April 11.  

By May 1, 1932, the R.C.M.P. had absorbed the provincial police forces of Alberta, Manitoba, New Brunswick, Nova Scotia and Prince Edward Island, as well as the federal Preventive Service. MacBrien handled all the negotiations, obtaining approval from the Minister to initiate discussions and, necessarily, to conclude agreements. In a fashion which became typical of the R.C.M.P.'s method of dealing with renewals, MacBrien provided copies of signed

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103 The Preventive Service was the subject of scandal in Montreal. Chapman writes that under the "guise" of taking over the prohibition enforcement duties of the Service, the R.C.M.P. obtained "a small fleet" of ships (p. 72). The absorption of the Preventive Service, with the exception of its Special Investigation Branch, took place under authority of PC 857, dated Apr. 16, 1932.


105 Ibid., p. 12, Junget to MacBrien, Mar. 26, 1932.


108 Ibid., PC 858, Apr. 19, 1932.
or proposed agreements to interested provinces. Premier Harrington's comment to MacBrien during their negotiations is indicative:

...I have looked over carefully the agreement you propose to make with Alberta and have kept it strictly confidential in view of the fact that it has not yet received approval by the Government.\textsuperscript{109}

The absorption of the provincial forces occurred with incredible speed. As Table 5.1 indicates, all became effective on April 1, with the exception of Prince Edward Island on May 1. The size of the R.C.M.P. increased by almost 50 per cent,\textsuperscript{110} with rapid promotion following for many of those whose service predated the contracts.\textsuperscript{111}

\begin{table}[h]
\centering
\caption{The 1932 Provincial Police Absorptions}
\begin{tabular}{|l|l|l|l|}
\hline
Province & O-in-C & Agreement & Effective \\
\hline
Alt. & PC 243 & Feb. 3 & April 1 \\
Man. & PC 541 & March 8 & April 1 \\
N.S. & PC 676 & March 29 & April 1 \\
N.B. & PC 721 & March 31 & April 1 \\
P.E.I. & PC 858 & April 19 & May 1 \\
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\end{tabular}
\end{table}

The contracts dealt with the issue of control in the following manner:


\textsuperscript{110} See App. G.


\textsuperscript{112} Source: PAC.
[The senior officer in the province] shall, in carrying out this agreement, act under the direction of the Attorney General of the Province, without reference to the senior officers of the Force, except where Federal Statutes or Federal Police duties are concerned, the object being to avoid delay and to ensure prompt decision being given within the Province.113

The costing was, in each case, based upon the artificial $1,000 per man, per annum figure,114 which resulted in payments ranging from $175,000 in Alberta to $15,000 in Prince Edward Island.115 In each case, the number of men assigned to provincial police duties exceeded the complement of the former provincial forces, a guarantee offered to the provinces by MacBrien.116 By the simultaneous absorption of the Preventive Service, the Maritimes fared the best.117

The Minister of Justice advised the Commons that the absorptions would result in "a considerable saving to the government of Canada, brought about by the abolition of double overhead." He undertook to detail the savings in an upcoming supply debate,118 but did not deliver on the promise. J.S. Woodsworth lambasted the government in his inimitable style but few

113 Ibid., PC 721, Mar. 31, 1932, para. (12).

114 Before prisoner expenses.


118 Debates, Apr. 27, 1932, p. 2430.
seemed concerned.\textsuperscript{119}

The implementation of the agreements proceeded like so many televisions on an assembly belt. As with the earlier Saskatchewan agreement, the Force interviewed and examined the provincial policemen, relaxed its hiring requirements\textsuperscript{120} and absorbed the vast majority.\textsuperscript{121} Statutory amendments brought the various provincial

\begin{quote}
\textsuperscript{119} Ibid., May 3, 1932, p. 2591. Comm'r. MacBrien was not quite so effusive when commenting on the cost to the federal government:

Several of the provinces had found the maintenance of their forces onerous, and it is computed that the present arrangement saves the six provinces upwards of a million dollars yearly whilst the cost to the Dominion Government remains approximately the same (R.C.M.P., Annual Report, 1932, p. 9).

Interestingly, despite the dramatic change to the face of Canadian policing effected by the 1932 agreements, very little discussion occurred in the Commons. Most of what did centered on the reasonableness of MacBrien's request for a deputy commissioner to assist with administering the greatly expanded Force.

\textsuperscript{120} As stipulated by the contracts.

\textsuperscript{121} The Force felt obliged to absorb persons who did not meet its engagement standards, although not to keep them if they did not perform adequately. In regard to the Prince Edward Island agreement, MacBrien later noted:

...it was necessary to take into our Force certain members of those organizations who, ordinarily, would not have been enlisted. Gradually, these men who have not been quite up to our standard are being eliminated, or their responsibilities reduced\textsuperscript{122} (PAC, RG 18, vol. 3586, file GH 125-4-1, p. 49, MacBrien to P.E.I. Ministerial Assoc. and The Temperance Alliance of P.E.I., June 22, 1935).

Alike any corporate takeover, senior personnel in the provincial forces were less welcome than those in the lower ranks. The R.C.M.P.'s jealous regard for its officer corps aggravated this fact. Often, provincial police officers were simply not considered appropriate for commissions in the federal force. When absorbed, they almost invariably assumed a lower rank than they had
pension schemes into alignment with the Force's own scheme, oftentimes with great difficulty; most members absorbed attended modified training programs; R.C.M.P. uniforms replaced the provincial khaki; and new detachments opened, generally at the same locations as the former provincial posts.

Why did the takeovers occur and with such rapidity? Horrall suggests:

By the early 1930's, the Depression was being felt throughout Canada and provincial governments were looking for ways to cut costs. Law enforcement seemed a strong possibility. Why have two police forces when one could do the job more cheaply, was the way the argument went. After all, Saskatchewan seemed to have benefited from its agreement in previously enjoyed in the provincial force.

Generally, provincial police officers with previous service in the R.C.M.P. survived the cut. There, however, familiarity occasionally invited swift rejection; MacBrien, for example, personally rejecting one former member. A relaxation of the R.C.M.P.'s recruiting standards occurred for most of the rank and file. Even a criminal conviction or medical problems did not necessarily preclude entry. Occasionally, however, the Force received a bonus, such as in the absorption of a secret agent previously used to counter "Communistic activities."

Patronage, an influential factor in provincial politics, also had its impact on the Force. Despite Premier Stewart's assurance that "he would under no condition press for the engagement of such men of his Force that were not up to [R.C.M.P.] standards," there was pressure (ibid., vol. 3586, file GH 125-4, pt. 1, p. 12, Junget to MacBrien, Mar. 26, 1932).

The federal government reduced the contributions required from the provinces for the former members of the provincial police by 25 per cent, justifying the reduction on the basis that the personnel absorbed were trained policemen - a hidden saving to the federal treasury (ibid., vol. 3585, file GH 125-3-1 (1965), p. 24, Richard Humphrys, Chief Actuary, Dept. of Insurance to Wood, July 14, 1950). In reality it was simply another incentive, as many of those absorbed had little or no training. Despite this and once begun, the federal government felt compelled to continue the policy up to and including the 1950 absorptions.

Completion of the standard recruit training program was the exception.
In a position paper prepared for a 1964 conference of attorneys-general, the R.C.M.P. noted that the federal government, alive to the prevailing economic conditions, approached the five provinces in 1931, suggesting the possibility of effecting such arrangements. Woodsworth, one of a very few voices raised in opposition to the agreements, noted in the Commons "that it was because of the straightened circumstances in which the provinces found themselves that this arrangement was consented to." To him it suggested a "very great danger of centralization...in the direction of military repression."  

Higley, while agreeing that the provincial governments were principally motivated by economics, adds that the R.C.M.P. "actively sought" the role. This is in accord with Kemp's observation that MacBrien was "a good salesman" who "had faith in his product and was able to advance telling arguments to the Governments he met." Guth characterizes the salesmanship under Starnes and MacBrien as "an aggressive campaign to replace the

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125 PAC, RG 18, vol. 3584, file GH 125-2, pt. 5, p. 256
127 Higley, p. 207.
128 Kemp, p. 157.
'blue' provincial police units." He notes that "repeated accusations against 'blue' municipal and provincial police units, exposing allegedly venal, amateur, and arbitrary practices, usually wore down community confidence to the point where the RCMP alternative and image became irresistible." In order to succeed in its campaign, however, the R.C.M.P. required Prime Minister Bennett's approval.

Bennett was easily persuaded. He had overthrown Mackenzie King's Liberals on a campaign promise of national works and policies designed to overcome the unemployment of the Depression years. The Conservative premiers of Nova Scotia, Saskatchewan and Ontario, who reacted strongly to King's suggestion that he would not give "a five-cent piece" of aid to Conservative governments, strongly supported Bennett's campaign.

To Bennett the primary issue involving the contracts was not money but order. To advance his program of national works and bring the country through the Depression, he wished to avoid social

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131 Prairie populism remained strong in the west. John Bracken led a coalition of Progressives and Liberals in Manitoba; the Progressives and the Conservatives joined forces in Saskatchewan; and the United Farmers ran a majority government in Alberta (see inset chart).
upheaval, strikes, demonstrations and lawless behaviour generally. What better way to accomplish this goal than to have a national police force, particularly if it could be subsidized by the provinces. Bennett did not disguise his views when he spoke in the Commons:

We made a bargain with certain provinces by which we assumed responsibility for the policing of those provinces, and for which we are being paid. We increased the number of the police, and increased it for other reasons as well - the peace, order and good government of Canada - that there should be no possible chance of the breaking up of those institutions which this country has regarded so highly.

The contracts engendered little debate. They were but a footnote to a broad panoply of policies designed to extricate the country from the Depression. Opposition was also muted by the larger than life image enjoyed by the R.C.M.P., both nationally and internationally. The Charlottetown Guardian's editorial of April 13, 1932 is representative:

...no police organization, however conscientious, can compete with a Dominion-wide organization such as the RCMP. This is admitted by all who have any knowledge or experience in the enforcement of law and order.

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132 Lorne and Caroline Brown deal at length with the R.C.M.P.'s activities involving labour unions and the unemployed as well as both Bennett and MacBrien's fervent devotion to eradicating various forms of dissent (see generally, Brown and Brown, ch. 5).

133 Talbot, Jayewardene and Juliani note a reluctance to trust municipal forces due to their perceived sympathy with community values, inability to cope with large-scale disturbances or reluctance to become involved due to political and other considerations (Canada's Constables, pp. 159-60).

134 Debates, Mar. 23, 1932, p. 1412.
A particularly newsworthy incident served to reinforce the R.C.M.P.'s reputation for accomplishing seemingly impossible tasks, in an oftentimes daring fashion, at the very time that MacBrien met with the various provincial premiers. On December 30, 1931, a recluse, known as Albert Johnson, opened fire on members of the Force intent on searching his cabin for illegal pelts, badly injuring one constable. Johnson fled his cabin and travelled across almost impregnable terrain in weather which reached -45 degrees Fahrenheit. During January and February 1932, Johnson became the stuff of legend as he led a party of Mounties and civilians on a trek through the wild country which borders the Yukon and Northwest Territories.

For days and weeks, Canadians and Americans followed the hunt in their newspapers and on radio. They read and listened of the one Mountie who died and of the pursuit continuing, aided, for the first time in Canadian policing history, by a plane. Eventually surrounded, Johnson died in a blaze of gunfire on February 17.\(^\text{135}\) The backdrop provided by the manhunt to MacBrien's efforts was outdone only by the Force's already sacrosanct position in Canadian history and mythology.

The 'Rose Marie' image of the R.C.M.P. reached its pinnacle

\(^{135}\) R.C.M.P., Annual Report, 1932, p. 106. Interestingly, civilian members of the posse played instrumental roles in the drama. The famous bush pilot, Wop May, piloted the aircraft that cornered Johnson and S/Sgt Hersey of the Royal Canadian Signal Corps fired the shot which killed him. The manhunt for Albert Johnson is the subject of numerous fiction and non-fiction works and even a movie (see Dick North, The Mad Trapper of Rat River (Toronto: Macmillan of Can., 1972)).
during the 1920's and 1930's. Of the 575 Hollywood movies depicting Canada which were filmed prior to 1975, 256 featured the Force in a central role.\textsuperscript{136} Berton describes an "unrequited love affair" both "passionate and [of] long-standing" between Hollywood, its viewers and the Mounties.\textsuperscript{137} He notes that "the movie Mountie was almost invariably brave, noble, honourable, courteous, kind, and trustworthy...He is the quintessential hero...and he always wins."\textsuperscript{138} According to Berton, Starnes and MacBrien repeatedly provided assistance in the form of "information, manuals, technical advice, and even drill instructors" to the American movie giants, although even they became exasperated by the continual requests.\textsuperscript{139} In retrospect, MacBrien could not have chosen a better time to make his pitch to the premiers.

Speaking to the Commons a few weeks after all the agreements, with the exception of Prince Edward Island, had been signed, the Minister of Justice made a telling slip of the tongue:

The Royal Canadian Mounted Police have now entered into agreements - probably I should say the government has entered into agreements on their behalf - with the three prairie provinces and the three maritime provinces.\textsuperscript{140}

Clearly the Force and the federal government shared a common

\begin{itemize}
  \item \textsuperscript{137} Ibid.
  \item \textsuperscript{138} Ibid.
  \item \textsuperscript{139} Ibid., pp. 127 and 137. The F.B.I. enjoyed similar media exposure at approximately the same time.
  \item \textsuperscript{140} Debates, Apr. 27, 1932, p. 2430.
\end{itemize}
agenda. They sought and obtained the provincial policing responsibilities in order to ensure the maintenance of law and order in Canadian society, prevent insurrection and permit the orderly implementation of government relief programs. The financial cost was but a distant consideration. To the provinces, however, it was paramount. By eliminating the provincial forces, their policing costs reduced dramatically. Had the Depression continued longer than it did, it is doubtful that the remaining three provinces, Ontario, Quebec and British Columbia, could have withstood the allure of absorption.¹⁴¹

Higley suggests that farsighted administration, with a military bent, saved the Ontario force. This he credits to Comm'r. Henry M. Elliot, who took command of the force in 1922. Higley notes that the disbandment of the Ontario Provincial Police (O.P.P.), "was bandied about in Toronto and Ottawa" at the time of the 1932 contracts, however Elliot was able to stifle the talk through strong leadership.¹⁴²

¹⁴¹ Longstreth, writing in 1933, expressed the following opinion: "it is more than likely, it is reasonable to believe, that these provinces will see their way to make it unanimous" (p. 364). In 1932, a provincial finance committee in British Columbia recommended absorption of all policing by the R.C.M.P. (Talbot, Canada's Constables, p. 244).

¹⁴² Higley, p. 126. The mention of strong leadership leads to interesting speculation on the effect of strong personalities at both ends of a negotiating spectrum.

On occasion, calls were made by citizens in Ontario for R.C.M.P. assistance, generally occasioned by the absence of a near O.P.P. detachment (pp. 103-04).
Nevertheless, the Force did assist the O.P.P. with various labour disputes, falling out of favour with the province during April 1937 when the federal cabinet refused to send additional members to a labour dispute in Oshawa. Premier Hepburn reacted by telling the federal government "to take back their RCMP from Toronto and declared that the province would look after its own law enforcement." Nevertheless, the Force did assist again. During 1939 it came as close as it ever had to assuming a permanent provincial role in Ontario by obtaining responsibility for the security of all provincial hydro properties. After only two weeks on the job however, stiff objection from hydro officials over the inadequacy of the new security arrangements brought it to an end. During the War, the O.P.P. expanded into the area of municipal contracts, developing a broader and more secure base. Although talk of absorption resurfaced in 1950, it was much more subdued.

Chapman believes that British Columbia resisted absorption of its force through "farsightedness." By undertaking municipal policing duties under contract, it, like the R.C.M.P. nationally, expanded its policing base, making absorption or dissolution more difficult and less appealing to provincial politicians.

143 Ibid., p. 246.
144 Ibid., p. 256.
145 See generally, ch. 6.
146 Chapman, p. 74.
Quebec seems not to have given consideration to such an arrangement, nor is there any indication that the Force or the federal government made any overtures in that direction. This is probably not surprising when one considers the Force's strong British heritage and relatively low profile in Quebec.¹⁴⁷

POLICING MUNICIPALITIES AND KEEPING THE PROVINCES HAPPY

Two years after the dominoes fell, another area of potential expansion arose for the Force. In 1934, the Mayor of the Municipal District of Flin Flon, Manitoba, a 'company town' lying in the shadow of the Hudson Bay Mining and Smelting Company, asked the provincial attorney-general, at the company's urging, about the possibility of a municipal contract for R.C.M.P. services.¹⁴⁸ When the request reached R.C.M.P. Headquarters in Ottawa, it gave rise to spirited debate.

D/Comm'r. J.W. Spalding expressed strong disapproval, for three reasons. First, he feared that the R.C.M.P. could become a tool of management at the smelter. Second, he questioned the extent of control which the municipal council would exert, a form of control which he opined was quite different from that of a

¹⁴⁷ Preventive work, federal investigations or native policing occupied the time of most of its 156 members in the province (R.C.M.P., Annual Report, 1932, pp. 5 and 75).

¹⁴⁸ PAC, RG 18, Vol. 3599, file GH 128-D-3-1, p. 4, Mayor E.E. Foster to W.J. Major, Sept. 27, 1934.
legally trained attorney-general and his staff. Lastly, the inevitable task of reporting to council on policing matters troubled him:

No matter how fair and efficient our work would be, troublemakers, and there is at least one in every Town Council, would find fault or enlarge upon any error or slip made by our men.\textsuperscript{149}

The assumption of municipal duties might, he felt, give rise to members of the Force being classified as "Latrine or Garbage Inspectors," reducing their pride (and, no doubt, the image of the Force). Spalding was not oblivious, however, to the potential benefits to the Force:

...no doubt, directly we would enter into such an agreement with Flin Flon, other towns, as well as villages, will no doubt, press for similar consideration. An increase in our strength would be necessary...\textsuperscript{150}

A/Comm'r. G.L. Jennings, the Force's Director of Criminal Investigations, took the opposite tact. He saw no difficulty with reporting to councils, other than in regard to subversive matters. He also saw no problem with members handling functions of a non-police nature, such as welfare entitlements and forest fires, equating such work with that already handled by the Force in the Yukon.\textsuperscript{151}

The firing of the town's chief of police during the following year precipitated an application for R.C.M.P. assistance from Flin

\textsuperscript{149} \textit{Ibid.}, vol. 3599, file GH 128-D-3-1, p. 6, Spalding to MacBrien, Oct. 22, 1934.

\textsuperscript{150} \textit{Ibid.}

\textsuperscript{151} \textit{Ibid.}, p. 9, Jennings to MacBrien, Oct. 23, 1934.
At the provincial attorney-general's behest, Comm'r. MacBrien authorized the local detachment to assume municipal duties, on a temporary basis. Council briefly advertised the chief's position, however within a week passed a resolution requesting a permanent arrangement with the Force. Attorney-General Major concurred and transmitted a formal request on March 26. Within ten days, the Commissioner received approval from the Minister to enter into negotiations.

MacBrien expressed approval for the concept of municipal contracts, provided that the province was a party and that the municipality was "not too close to City boundaries." Although discussions stalled over various points, MacBrien remained quite obliging. He agreed to allow the popular member in charge of Flin Flon Detachment to take command of the newly enlarged post, to provide around the clock protection and to quarter members of the municipal contingent within town. On December 27, 1935, the parties agreed to a five year contract. It required that the Force take direction from and report to council with regard to both the enforcement of bylaws and the Criminal Code, subject to the

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153 Ibid., p. 18, MacBrien to Dann, Mar. 15, 1935.
156 Ibid., p. 36, MacBrien to Major, Apr. 5, 1935.

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provincial attorney-general's overall direction. The cost to the municipality for each of three men was the same as in the provincial contract, $1,000. The majority of bylaw offences were to be handled by a municipal licence inspector.\(^{158}\)

Other municipalities followed Flin Flon's lead, beginning with Melville, Saskatchewan in 1937.\(^{159}\) In many cases, municipal contracts simply gave authority to subsisting, yet unofficial practices.\(^{160}\) Jack Fossum, a former member of the Force, notes that the second municipal contract in Saskatchewan, Lloydminster in 1944, did not create a problem for the Force: "in reality we had

\(^{158}\) Ibid., p. 44, MacBrien to Major, May 23, 1935 and PC 533, Mar. 4, 1936.

Entry into the field of municipal policing was not entirely unexpected by the Force. During late March 1934, A/Comm'r. S.T. Wood, a future Commissioner, headed its operational division in Saskatchewan. In correspondence to his subordinate officers, he noted various requests received during the past year from cities and towns desiring policing agreements. He asked that "discreet inquiries" be made of the current state of municipal policing and sought "opinion as to what proposition could be made to any of these cities or towns...to take over the policing."

Wood observed that the R.C.M.P. Act had recently been amended to allow the R.C.M.P. to enforce municipal by-laws, which he interpreted to mean "the policing of cities or towns in any Provinces at the request of the Attorney-General" (ibid., vol. 3598, file GH 128-2 (1950), p. 6, Wood to all OC's Sub-Div.'s, "F" Div., Mar. 27, 1934).

One could be forgiven for not recognizing the significance of the amendment. S. 19(2) of the R.C.M.P. Act, R.S.C. 1927, c. 160 provided that "except within the Yukon Territory the Force shall not be charged with any duties under or in connection with any municipal by-laws." The amendment added the words "unless authorized by the Governor in Council" (An Act to Amend the R.C.M.P. Act, S.C. 1934, c. 8). A 1940 amendment specifically allowed municipal contracts (An Act to Amend the R.C.M.P. Act, S.C. 1940, c. 39, s. 1).

\(^{159}\) Kelly and Kelly, The Royal Canadian Mounted Police, p. 182.

\(^{160}\) See also, ch. 4, pp. 137-39.
always policed the town under the disguise of assistance to the
town police, this freeloading practice had at last come to an
end.\footnote{161}

In 1938, Comm'r. S.T. Wood,\footnote{162} who succeeded MacBrien after the
latter's sudden death, noted that several attorneys-general
favoured still more municipal contracts. Wood did not object,
oberving that the Mounted Police was "forced, in the long run" to
police various towns and villages which decided not to maintain
police departments.\footnote{163} By creating a void, municipalities could
expect R.C.M.P. aid. His Chief Treasury Officer suggested
formalizing arrangements in order to receive compensation:

From a monetary standpoint the problem is most interesting,
and it would seem to us a very wise move in the interests of
all concerned, viz, the Municipalities, the Provinces and the
Federal Government, when we as a Federal Body are in a
position to go further in the scheme.\footnote{164}

\footnote{161} Fossum, p. 159.

\footnote{162} Stuart Taylor Wood was Commissioner from March 6, 1938 to
April 30, 1951. Wood, like Perry, Starnes and MacBrien before him,
was a product of the military. A graduate of the Royal Military
College (as was Perry), he obtained a lateral appointment to the
rank of Inspector in the Force (like Perry and Starnes), served
with the Force overseas during World War I and in the arctic after
returning to Canada. Curiously, a grand-uncle of his was Jefferson
Davis, the President of the Confederate States of America during
the Civil War (R.C.M.P., A "Background" for Editors, App., pp. 5-6).
Wood was the last R.M.C. graduate to obtain a direct
commission into the Force (Fossum, p. 38).

to Supt. P.R. Forde, Acting Supply Officer, Dec. 10, 1938.

\footnote{164} Ibid., p. 70, J. Stevens, Chief Treasury Officer to Wood,
Jan. 5, 1939.
Wood informed the Deputy Minister of Justice of the additional requests and obtained permission to negotiate under the blanket authority of one Order in Council.\textsuperscript{165} The agreements, tripartite in nature in order to guarantee payment by the province in the event of municipal default, were to be based on the same per member cost as in the subsisting provincial agreements.\textsuperscript{166}

The number of contracts mushroomed during the war years and, by 1947, totalled 132 on the prairies and 30 in the maritimes.\textsuperscript{167}

In Fossum's opinion:

City fathers could see many advantages to such an arrangement: the federal government would absorb much of the cost; they would have the services of professionally trained men with access to the latest in crime detection aids; they would get law enforcement without fear or favor. These advantages, they felt, would outweigh some loss of local control.\textsuperscript{168}

When a new Minister of Justice,\textsuperscript{169} J.L. Illsley, questioned their cost, the reply he received from the Force's deputy commissioner was emphatic: "At no time have we sought these agreements with towns and cities." The deputy went on to justify the contracts, using the same rationale that had worked so well in the post-World War I era:

\begin{itemize}
  \item \ldots instead of being obliged to maintain large reserve troops at several points, where the amount of useful police work which can be given them is very limited, we can disperse
\end{itemize}

\textsuperscript{165} Ibid., p. 76, Wood to DM DOJ, Jan. 21, 1939.

\textsuperscript{166} Ibid., PC 286, Feb. 9, 1939.


\textsuperscript{168} Fossum, p. 158.

\textsuperscript{169} See App. D.
them in towns and cities and draw upon them speedily in times of emergency. By this scheme the towns are paying for one-half of their cost.... it is a matter of policy whether the Federal Government would prefer to maintain reserve strength...at their own expense or utilize them in doing useful work in the policing of towns above - half the cost.\footnote{PAC, RG 18, vol. 3598, file GH 128-2 (1950), p. 127, Gagnon to Illsley, July 21, 1947.}

In a further attempt to shore up relations with the new minister, Comm' r. Wood reinforced his deputy's comments:

Previous Administrations have maintained a body of Reserves at Vancouver, Regina and Rockcliffe, where their duties and training have been more of a soldier than a policeman. My policy for the past few years has been to disperse these Reserves and employ them in Municipal Police duties, thereby giving them useful employment and experience in police work, and at the same time obtaining for the Federal Government some revenue for their services under the municipal contracts. Hence the policing of Municipalities may be considered as good insurance to meet any emergency.\footnote{Ibid., vol. 3583, file GH 125-2 (1948), p. 149, Wood to Illsley, Apr. 16, 1947.}

In a subsequent letter to Illsley, Wood also noted that attorneys-general usually called upon the Force to investigate major offences which occurred in towns, despite the existence of local police departments. With municipal contracts, the Force received compensation for performing this task. He also suggested that the attorneys-general preferred the efficiency of the Force and the availability of greater numbers in the case of emergency, noting a recent request for Mounted Police reinforcements in Hamilton.\footnote{Ibid., vol. 3598, GH 128-2 (1950), p. 129, Wood to Illsley, Aug. 1, 1947 and App. F.} To the Force, labour violence remained a powerful consideration and bargaining chip:
Insofar as the Provinces are concerned, there are several duties which can be performed by members of the Force where both Federal and Provincial interests are served simultaneously, and in the event of serious situations such as strikes, etc., these agreements have considerable advantages. Furthermore there are economical and efficiency elements to be recognized, with one police force, covering the whole country, which is all to the advantage of the taxpayer.\footnote{PAC, RG 18, vol. 3583, GH 125-2 (1948), p. 147, Wood to R. Forsyth, DOJ, Feb. 5, 1947.}

Municipal contracts furthered the Force's agenda immeasurably, providing room for even greater expansion than the provincial contracts. Despite the dawning of a new era in post-World War II Canada, the Force stuck to the justifications for reserve troops which served it well in 1920 and 1932. The plan, or "scheme," permitted an even broader dispersion of federal police officers throughout the country, ostensibly subsidized by local government\footnote{The suggestion that municipalities subsidized the police is fallacious if one considers that without municipal contracts, the additional members would not be required, thereby relieving the federal government of its share of their cost.} and on call in the event of labour or other turmoil.\footnote{The secondary argument, that the Force performed municipal duties in any event, by default, is not very strong. The Force could only be called upon to police municipalities if the provincial contract imposed this requirement. Shoring up either the contract or its practices, even if that meant occasionally upsetting provincial officials, would resolve the problem.} Wood believed both in the Force and in the worth of a national police presence. It is doubtful that he used the national security justification as a ploy. An honourable and dedicated man, Wood was a strong and trusted person within the federal government. For its part, the federal government remained persuaded by the arguments...
of Wood and other senior members; comments, such as Illsley's, being but the first indication of problems ahead.

To the municipalities, contracts allowed them to avoid dealing with police unions and employment conditions, including hiring and firing (such as in Flin Flon), but most of all, afforded them a windfall subsidy from the federal government. The lack of local control, offset in part by the Force reporting on its activities to council, was but a small pill to swallow.

THE NEW FORCE

The history of the contract renewals is a subject beyond the scope of this thesis, however certain points deserve mention. First and foremost, none of the contracts has ever been abandoned. Their continuous renewal over a period of fifty years is significant. It did not occur by happenstance. The R.C.M.P. has and continues to jealously guard the agreements. In the past, it consistently advocated long-term over short-term agreements.

176 Writing to the Commissioner, A/Comm'r. Junget related his efforts to ingratiate the Force with a new Nova Scotia government:

Having for the past seven or eight months put my best effort into establishing a friendly relationship between this Force and the new Government, I am naturally very anxious to see their Agreement renewed as I consider it will be a moral victory for the Force and particularly for the Division of the Force in this Province, as such would hardly have seemed possible last summer" (PAC, RG 18, vol. 3587, file GH 125-5, p. 87, Junget to MacBrien, May 7, 1934).
apparently to aid in planning and capital improvements, and regularly maintained a greater number of members in the contract provinces than the agreements stipulated.

In most instances, the Force accommodated provincial concerns and requests, even if it occasionally meant succumbing to political pressure. MacBrien allowed that provincial attorneys-

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177 Various tactics helped accomplish this objective, including the subtle threat of termination and pointing to 'farsighted' provinces, which had already agreed to renew. For example, Comm'r. Wood wrote a personal letter to the Attorney-General of Nova Scotia in 1942 which read, in part:

...I feel that it would be to the advantage of your Province if a long term agreement would be acceptable, as there are obvious advantages over any scheme that can be terminated on a year's notice. Quite recently, the Province of Manitoba, seeing the advantage of such an agreement, signed for a period of ten years. The result of this was that we were able to plan to advantage financially and otherwise, and that Province now has one of the finest police wireless systems on the continent (ibid., p. 190, Wood to J.H. MacQuarrie, Feb. 16, 1942).

178 In 1935, MacBrien advised the Attorney General of Nova Scotia that although the Force required a minimum of 150 men to fulfill its provincial responsibilities, he was prepared to continue with the contract number of 125. Inevitably, those on federal strength shared the work overload (ibid., p. 95, MacBrien to AG, Feb. 28, 1935).

179 For example, when the citizens of High River, Alberta vehemently opposed the closing of the provincial police detachment in their community, the Force reluctantly agreed to open a detachment (Kavanaugh, p. 31).

180 MacBrien tried hard to avoid political pressure from the provinces, however was not always successful. For example, upon assuming provincial duties in P.E.I., numerous persons sought appointments to the Force or advanced the candidacy of others. Political affiliation and sympathy for the cause of temperance were paramount considerations in the minds of correspondents. MacBrien demonstrated his personal predilection for war veterans when he asked Inspector Fripps, the new Officer Commanding in P.E.I., to
general could specify the location and size of detachments, the number and names of men assigned to a particular duty and how they performed that duty. The one aspect of the Force that remained sacrosanct and untouchable by the provinces, however, was its internal management.

give special consideration to former soldiers. Some lobbyists carried more weight than others. The Premier personally scuttled the candidacy of at least two members of the provincial police. Fripps wrote MacBrien:

I am sorry I could not recommend two returned men of the Provincial Police for engagement in this Force, my reasons for this you will no doubt understand, they were not recommended to me by the Premier (PAC, RG 18, vol. 3586, file GH 125-4-5, p. 18, Fripps to MacBrien, Apr. 30, 1932).

Both eventually obtained positions, one shortly after the takeover (ibid., p. 28, Fripps to MacBrien, May 23, 1932), and the other a year later, after a change of government (ibid., p. 44, Wood to Premier T.A. Campbell, Oct. 1, 1938).

The province insisted that the intent of the discussions giving rise to the agreement included that the former prohibition inspectors also be absorbed (ibid., p. 22, Fripps to MacBrien, May 5, 1932). MacBrien disagreed (ibid., p. 25, MacBrien to Fripps, May 11, 1932), however capitulated after the Premier's personal intervention. Of the former prohibition inspectors recommended by the Premier, Fripps selected three for engagement (ibid., p. 38, Fripps to MacBrien, June 4, 1932).


182 In an interesting and quite unusual exchange of correspondence, MacBrien showed frustration when the attorney-general of New Brunswick advised that he would consider a five year renewal in exchange for an increase in the number of police cars within the province. Suspecting collusion between the attorney-general and the Force's commanding officer in the province, MacBrien wrote:

I am sorry that you have brought up the question of the number of motor cars in New Brunswick, as this has been a matter of some correspondence with our Officer Commanding there, and apparently he does not seem to be content to take my decision in the matter...
The Force seldom caused any friction which might impact on the contracts. It never encouraged increases in the provincial share of policing costs, but instead, often defended the provinces and the status quo. Understandably, the provinces quite enjoyed this assistance, demonstrating little sympathy for suggested increases,

You, no doubt, are aware that we have maintained in your Province, on an average, over thirty men more than our agreement calls for. If we include the Marine Section, it would be 46 more (ibid., p. 56, MacBrien to W.H. Harrison, June 18, 1934).

The attorney-general gave the appearance of righteous indignation in his response:

Frankly I do not understand why a proposition over my signature as Attorney-General should be replied to as if I were the mouthpiece of Acting Superintendent Salt (ibid., p. 58A, Harrison to MacBrien, July 11, 1934).

MacBrien suggested an early personal meeting to smooth matters out. He also made clear his concern when that:

[the] real question at issue is: who is responsible for the administration and interior economy of the Royal Canadian Mounted Police in your Province.... with which you have no direct concern (ibid., p. 59, MacBrien to Harrison, July 17, 1934).

For example, in 1944 the Minister of Justice queried the R.C.M.P. over the Auditor General's finding that the $1,000 per man cost had not increased in 16 years, despite salary and other cost increases and the inclusion of a term in the contracts which allowed for wartime increases. In response, the Commissioner suggested that an increase would be unfair as the Force's provincial workload had decreased during the war while its federal role increased (ibid., vol. 3583, file GH 12-2 (1948), pt. 1, p. 138, Wood to Chief Treasury Officer, May 25, 1944).
procrastinating at the time of renewal\textsuperscript{184} or pleading poverty.

In the early years of the contracts, the provinces seem never to have doubted that the agreements would continue. They were often hard bargainers. Sometimes they simply did not reply to correspondence related to negotiations or, if they did reply, they often delayed.

For its part, the federal government seldom evidenced much interest in the contracts, their financial terms or underlying justification. Generally, only when political considerations came into play did they question the Force about the terms or implementation of the contracts. Then, their expressed preference was for an expedient and politically safe resolution.\textsuperscript{185} The trust accorded senior management of the Force is clear from the following comment made in the Commons by the then Minister of Justice and future Prime Minister, Louis St. Laurent:

I have always been reluctant to say or to do anything to interfere with the administration of the force, because I have had the impression that it was being administered in a firm and kindly manner, and that the commissioner and his officers know how to handle it better than I did... I always make it clear to him that I am not trying to run his force... [my

\textsuperscript{184} Appendix B provides an overview of the contracts from 1906 to the present. The beginning and end dates are somewhat misleading, as they reflect the stated term. Oftentimes, provinces postponed the unpleasant prospect of renegotiation by relying upon a provision which allowed the contracts to continue after the stated expiry date, on a yearly term.

\textsuperscript{185} For example, when the attorney general of P.E.I. wrote the Minister of Justice over a problem with the provincial contract, the Minister's private secretary encouraged MacBrien to "eliminate the friction" (PAC, RG 18, vol. 3586, file GH 125-4, pt. 1, p. 71, T.A. Campbell to E. Lapointe, Apr. 30, 1936 and p. 74, L.P. Picard to MacBrien, May 26, 1936).
In most cases, the citizens whom they policed apparently also thought well of the Force; as did the provincial governments, which enjoyed financial savings ranging as high as 60 per cent of their pre-contract provincial policing costs. Chapman suggests that the provinces possessing R.C.M.P. contracts also subsequently fared better with urbanization and amalgamation than those with "the old style semi-family police forces."

With the exception of Saskatchewan, the provincial contracts all came up for renewal in 1949. Fortunately for the Force, the Cold War had arrived. In correspondence with Wood over a suggestion that the Force insist upon a uniform contract with all provinces, Insp. G.J. Archer emphasized the importance of the contracts to the Force:

It is considered that the value of this Force being well represented as at present throughout the Dominion is so great in the light of current requirements of national security, that no arguments which might endanger our

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187 Toner and Perrier note that the Nova Scotia takeover "was applauded by many church and temperance groups" (p. 43). This feeling was not unanimous, however. In correspondence to Comm'r. MacBrien, The Temperance Alliance of P.E.I. sought greater discipline of an "element of the force who are drinking men and violating the law of the land," including a "recent drunken brawl" in Charlottetown (PAC, RG 18, vol. 3586, GH 125-4-1, Rev(s). A. Vincent and J.M. McLeod to MacBrien, June 19, 1935).

188 In P.E.I., the $15,000 contract price approximated 44 per cent of the $34,518 spent in 1931 (German and McIvor, p. 35).

189 Chapman, p. 76. Authority for this somewhat surprising proposition is not provided. Only in British Columbia did the Force face urbanization on a large scale. Furthermore, it is unclear what Chapman means by "semi-family forces."
contracts with the provinces should be permitted to develop to the point where the discontinuance of any contract might be considered. The writer suggests, should a catastrophe occur as the cancellation of a contract, the Force would be faced with maintaining much about the same strength in the province concerned, either in reserve troops or on Detachment. Therefore, the present time is probably not appropriate for decisive action towards securing a "model" contract...

Archer's views, as well as similar ones expressed by D/Comm'r. Gray, met with Wood's approval. Concerned by a Treasury Board review of the provincial rate and his fear of the consequences to the contracts should the federal government insist on a substantially higher contribution, Wood again became an ally of the provinces, delineating justifications for the agreements to Treasury Board. Emphasizing the financial benefits to the federal government, he noted that reserve troops plus at least 25 per cent of the Force's provincial strength would have to be replaced by a corresponding increase to the Force's federal strength if the contracts came to an end. He pointed to examples of the Force being called upon to quell disturbances and even reached back, with a sense of the theatric, to the last war:

...at the outbreak of War, most of our experienced and trained policemen...were drawn from...the six [contracting] Provinces.... the ability to quickly dispose of potential enemies, would have been largely nullified, had not the


192 Between 1932 and 1948 the contract rate stood at $1,000 despite the per capita cost per member having risen from $1,548 in 1932 to $3,423 in 1948. The federal government suggested a rise from $1,000 to $1,500. The Force preferred $1,400.
He concluded that "no experienced policeman" could value the availability of trained reserves and policemen at less than an additional 35 per cent. To his mind, the F.B.I. "would give anything" to have the benefit of contract work. Wood concluded "that not less than 60 per cent of the total cost should be borne by the Federal Government, even in peace time." The federal government relented. All six provinces remained in the fold, at $1,400 per man or approximately 40% of the per capita cost. The provinces need not have bothered with negotiations. Commissioner Wood handled their role quite well.

In retrospect, it appears that in the 1930's and 1940's, the provinces, the federal government and the R.C.M.P., grew quite comfortable with the provincial and municipal contracts. The agreements satisfied their individual agendas, gave rise to very few problems and permitted the R.C.M.P. to acquire a foothold in six provinces, from which extraction would be difficult indeed. As the federal government began looking at the cost of the contracts, the Force increasingly merged its agenda with that of the provinces. By relying heavily upon the perceived threat to

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194 Interestingly, Hoover appears always to have advocated the very opposite position, decrying a national police force (see ch. 3).

195 See App. B.
national security, the Force successfully persuaded the federal government to displace its concern over the cost of the contracts, the very objective which the contracting provinces and municipalities desired.

NEWFOUNDLAND

The year 1949 was an important one for Canada as it marked the entry into Confederation of its tenth province. Newfoundland's history as a British colony predates that of Canada and the United States. Sir Humphrey Gilbert's act of setting foot on its shores in 1583, claiming possession of the island in the name of Queen Elizabeth I, constituted the "first act in the establishment of the British Empire." In the centuries which followed, Newfoundland remained a colony of Britain, until obtaining "dominion status" in 1931. As a result of the Depression, it reverted to colonial dependency in 1934, thereafter being administered by a form of commission government.

During World War II and in the post-War years, Newfoundland's economy bounced back from the depths which it reached during the

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196 From a plaque inside City Hall, St. John's, Nfld.


198 Ibid.
Depression, although many feared that this could not continue.\footnote{Peter Neary, \textit{Newfoundland in the North Atlantic World, 1929-1949} (Kingston: McGill-Queen's Univ. Press, 1988), pp. 276-77.} Although the colony resisted union with Canada for almost a century, even after an invitation by Prime Minister King in 1943,\footnote{Allen, p. 18.} conventional wisdom suggests that a bleak economic situation and the energetic leadership of its firebrand political leader, Joseph Smallwood, finally persuaded the colony to join. Recent evidence, however, points to considerable diplomatic machinations between Britain and Canada which steered the colony toward Confederation and away from a form of commercial union with the United States.\footnote{See generally, Neary, and an overview article by Paulette Dozois, "The path to confederation," \textit{The Archivist}, vol. 16, no. 2 (Mar.-Apr. 1989), pp. 2-4. Neary writes: Historians may not have known until recently the details of Anglo-Canadian negotiations in the 1940s, but they have never doubted that the United Kingdom and Canada were players rather than spectators. Newfoundland's union with Canada was a complex diplomatic, constitutional, and political event (p. 345).} Already the home of American military installations, the strategic importance of the colony could not be underestimated.

The federal government anticipated receiving an overture from Newfoundland as early as 1946 and created an inter-departmental committee in anticipation. When the National Convention of Newfoundland did make an approach during the following year,
Canada's Under-Secretary of State for External Affairs assumed that any agreement between Canada and Newfoundland would include a contractual arrangement for the R.C.M.P.'s services.

Initially, Comm'r. Wood was not overjoyed at the prospect. With the number of municipal contracts increasing exponentially, the Force's organizational structure could not keep up with additional requests. Nevertheless, with Newfoundland's entry on April 1, he had no choice but to commit personnel to the enforcement of federal statutes. It was not the first time that the R.C.M.P. had been in Newfoundland, however.

Since 1935, the future province supported two colonial police forces, the Royal Newfoundland Constabulary (R.N.C.) in the larger settlements and the Newfoundland Company of Rangers in the vast,

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202 Dozois notes that the External Affairs Department considered Confederation important to Canada's security in the post-War years (p. 3).


204 Ibid., p. 7, Wood to Reid, May 27, 1947. In the Force's 1949 Annual Report, Wood wrote:

We still receive numerous requests for this Force to act as a municipal body in cities, towns and villages, but as we have not the men to comply with these requests, the more important duties must take precedence. We shall be unable to take on any further commitments of this nature for at least a year, or until the situation with regard to recruits is such that will justify our entering into such agreements (p. 7).

205 The federal government became responsible for customs and excise enforcement in and about the island. As a result, the Newfoundland Shore Preventive Service and the Newfoundland Marine Preventive Service disbanded and 27 of their employees became special constables in the Force (PAC, RG 18, vol. 3584, file GH125-3, p. 64, Wood to the S.S. Garson, MOJ).
rural expanse. The Rangers, organized in 1935, received training from R.C.M.P. members on loan to the colony. The Constabulary, on the other hand, had a history which dated back to the mid-nineteenth century. Modelled upon the Royal Irish Constabulary, it was clearly a product of the second wave of British policing, the same wave which produced the N.W.M.P.

On April 14, 1949, Newfoundland's provisional government directed its Minister of Justice to initiate negotiations with Canada for the R.C.M.P. 's services, including a complete absorption of the Rangers and some recruitment from the R.N.C. A week later, the provincial Director of Public Prosecutions called on the Commissioner in Ottawa. Wood was apparently receptive. The rationale for the overture appears to have been entirely financial. Two months earlier, a member of the Newfoundland Delegation, Chesley Crosbie, expressed concern for the future of the colonial police officers:

...I am worried over what is to happen to the Newfoundland constabulary, as it is agreed that in order to save money the Province will be policed by the R.C.M.P. with 250

206 Stenning, p. 48.

207 The Cabinet had executive but not legislative power. Its fiscal resources were those which the Commission Government delegated prior to its own dissolution (PAC, RG 18, vol. 3584, file GH125-3 (1949), p. 58, D/Comm'r. C.K. Gray to OC, "B" Div., Apr. 22, 1949).

208 Minutes of Committee of Council, Apr. 14, 1949 (ibid., p. 59).

209 Ibid., p. 58, Gray to the OC "B" Div., Apr. 22, 1949. The reason for Wood's change in attitude over two years is not clear.
Similarly, Harold Horwood, a chronicler of the proud history of the Rangers, writes that "financial reasons" motivated the decision, as well as the "quite advantageous" terms offered by the federal government: "[i]t cost any province a great deal more to maintain its own provincial police force than it did to rent "Mounties" from the feds." The opposition in the newly created Legislative Assembly attacked the move. Some members of the governing Liberals also disagreed, although they remained silent.

The ensuing agreement required that the R.C.M.P. assume all provincial duties on August 1, 1950, a date which coincided with Newfoundland's reception of the Criminal Code. This meant policing the entire province, including all municipal duties outside St. John's: There the R.N.C. remained, a provincial force with a municipal mandate. The R.C.M.P. absorbed virtually all members of the Ranger Force and a sufficient number of Constabulary

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211 Harold Horwood, A History of The Newfoundland Ranger Force (St. John's: Breakwater Books, 1986), p. 147. The Rangers were not entirely thrilled by their absorption. Horwood writes that one Ranger, faced with the obligatory question of why he wanted to join the R.C.M.P., responded with the following: "I don't want to join the R.C.M.P. I have no other choice."

212 Ibid.

members to bring the total absorption to 93. Another domino had fallen.

The Newfoundland government, for good political reasons, wished to ensure that no members of the Constabulary lost employment as a result of the takeover. This meant that jobs had to be found for those not wanted by the R.C.M.P. or needed in St. John's. Curtis asked Wood to absorb as many as possible, even though they "may not be up to the category of those in the Ranger Force...[and] without impairing too greatly the high standard of the R.C.M.P."\(^2\)

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\(^2\) Ibid., vol. 3585, file GH 125-3-7, p. 100, Wood to Garson, Sept. 8, 1950. The absorption included almost the entire Ranger force and 37 Constabulary members.


The R.C.M.P.'s high standards were often applied in a very subjective and sometimes superficial manner. Insp. W.H. Kelly, a future Deputy Commissioner, interviewed many of the Preventive Service, Ranger and Constabulary members. His comments regarding the former included an evaluation of intellect (for example, "fair intelligence"), appearance ("probably the best looking man taken over") and education ("with few exceptions...very low and under other circumstances but the present ones these men would not be considered for service in this Force"). He wrote:

Nearly all the men interviewed acknowledged their lack of education, and fully realize the handicap they will be under when serving side by side with present serving members (ibid., file GH 125-3-6 (1952), p. 48, Kelly to Senior Personnel Officer, May 25, 1949).

Kelly was even less charitable toward members of the Constabulary. Finding only nine acceptable or close to acceptable, he recommended taking "physically deficient persons over lower categories" (ibid., vol. 3585, file GH 125-3-7, Kelly to Senior Personnel Officer, Mar. 14, 1950).

He was kinder to the Rangers (ironically, the department patterned after the federal Force), considering their standards "relatively high" and demonstrating a "fine sense of public
The Force, however, felt little obligation to the province. The absorption was not its idea and, furthermore, the standards of the R.C.M.P. could hardly be equated with those of the Newfoundland forces! Rank equity was not guaranteed, the norm being to demote the men absorbed to a rank with a comparable rate of pay to their pre-existing salary. Horwood writes, that "the demotions represented an indignity, just the same, a statement, intentional or otherwise, that the Rangers were an inferior body to the Mounties." service" in most cases. Nevertheless, he questioned their experience in law enforcement:

It can hardly be considered a police Force in the true sense of the term. Even some men with years of service have spent most of their time on routine matters and at the present are spending 90% of their time on relief work.... Transportation at detachments is at a minimum and the only means of travel is by hired livery... patrols are only made when necessary.

Kelly generally recommended that those absorbed be placed in the R.C.M.P. at one rank below the "so called equivalent rank" in the provincial force (ibid., vol. 3586, file GH 125-3-8 (1958), p. 16, Kelly to Senior Personnel Officer).

Similarly, the R.C.M.P. had little time for the experience which the provincial policemen brought with them. Kelly described the quaint and antiquated practice of rural policing in Newfoundland. In some cases, policemen had not conducted criminal investigations for years. Furthermore, arrests were few, even for serious crimes, because most perpetrators were well known to the police and could seldom escape the oftentimes isolated, rural settlements (ibid., vol. 3585, file GH 125-3-7, Kelly to Senior Personnel Officer, Mar. 14, 1950).


Horwood, p. 148.
Newfoundland provides an exception to the R.C.M.P.'s otherwise eager pursuit of additional contracts. Manpower and other logistical constraints apparently precluded Wood's early support for the proposal. Nevertheless, Wood did not object when the time came for, if anything, it further broadened the Force's base and solidified its position within the nation. In all likelihood, the federal government's desire for union, with full knowledge of the colony's traditionally poor economic picture, overrode any trepidation with respect to the financial consequences. Subsidizing R.C.M.P. officers on provincial contract was a small price to pay.

To the colony turned province, the monies to be saved by importing the Mounted Police as well as the Force's by now international reputation justified restricting the R.N.C.'s activities and abolishing the relatively junior Ranger force. Furthermore, by retaining provincial police status, the R.N.C. could be called upon in the future, a plum not possessed by the other contracting provinces.

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219 Although obviously impressed by the R.C.M.P.'s reputation, there is no indication that the move resulted from a belief on the part of the provincial government that its provincial forces could not do the job, or in the words of a senior federal bureaucrat interviewed in the course of this research, were "not up to scratch."

220 In the following chapter, it will be seen that the R.N.C. subsequently undertook duties outside St. John's on at least three occasions.
The R.C.M.P.'s expansion did not stop with Newfoundland. From the time of its entry into Confederation, British Columbia possessed its own provincial police force.\textsuperscript{221} By 1950, the B.C.P.P. was a large and diverse organization, policing 46 municipalities on contract,\textsuperscript{222} including the near suburbs to Vancouver, and performing numerous tasks for provincial ministries. Having survived the boom years of the Cariboo Gold Rush, widespread settlement of the province, the advent of the motor vehicle and prohibition, the B.C.P.P. appeared almost as secure in its role as the Ontario and Quebec provincial forces. Historically connected to the province by the railroad and the native population,\textsuperscript{223} the R.C.M.P. members posted to British Columbia after 1920 spent most of their time combatting the drug trade, investigating other federal offences and acting as reserve troops.

Why the provincial government asked Ottawa to consider a

\textsuperscript{221} A history of the B.C.P.P. describes it as the "oldest territorial law enforcement body in North America," dating back to 1858 (R.C.M.P. Veterans' Assoc., 92 Years of Pride - 1858-1950 - The British Columbia Provincial Police (n.p., 1983), p. 2). The B.C.P.P., like the R.N.C. and the R.C.M.P., is a product of the second wave of British colonial policing. The man who shaped the colonial force was Insp. Chartres Brew, formerly of the Royal Irish Constabulary and the Cork, Ireland police department (p. 4).

\textsuperscript{222} R.C.M.P., Annual Report, 1951, p. 7.

contractual arrangement in 1950 is still not clear. Much conjecture surrounds the move which appears to have been the personal brainchild of British Columbia Attorney-General Gordon Wismer.

Secrecy shrouded the negotiations. Chapman notes that neither the provincial police nor many of Wismer's fellow ministers even knew they had commenced. Similarly, Clifford Harvison, the R.C.M.P.'s commanding officer in British Columbia, did not become aware until he received correspondence from Comm'r. Wood near the end of February, indicating that agreement in principle had been reached.

The secret scenario began many years earlier. Wismer considered the possibility of absorption as far back as 1937, when first appointed attorney-general. In 1946 he asked D/Comm'r. (later Comm'r.) John L. Shirras of the B.C.P.P., to study the idea.

224 Chapman, p. 76.

225 Harvison, p. 180. This contradicts a response given by the Minister of Justice in the Commons to a question posed by Davie Fulton, a British Columbia M.P. When asked for the date on which "consultations or negotiations between the federal and British Columbia provincial authorities commenced," his response was April 18, 1950.

Possible explanations for this apparent discrepancy include: faulty recollection on Harvison's part, the Minister interpreting the question to mean negotiations on the final as opposed to the preliminary agreement, or R.C.M.P. management not disclosing the earlier discussions to their political masters.

The comment also calls into question the veracity of Wood's denial of any knowledge of discussions when questioned by the media in late February (infra, p. 242).

226 Provincial Archives of British Columbia (hereinafter referred to as PABC), RG AG-GR 750, vol. 3, file 17, pp. 34-8.
Prior to completing his report, Shirras met with D/Comm'r. F.J. Mead of the R.C.M.P. Shirras' report supports absorption, forecasting savings to the province of over 50 per cent of its provincial policing costs, based upon the existent provincial and municipal contract rate of $1,000 per member:

I am of the opinion that the cost of policing generally throughout the Province will increase considerably and provisions will have to be made for same; and, unless conditions change, the standard will have to be altered as at present we are having great difficulty in maintaining our complement.

During early February 1950, Wismer met with Alberta Attorney-General Lucien Maynard in Calgary. At Wismer's request, Maynard sent a copy of Alberta's contract for R.C.M.P. services to Wismer, with the following covering comment: "it has been much more economical than maintenance of the Alberta Provincial Police." Wismer phoned Canada's Minister of Justice, Stuart Garson, within a week to set the wheels in motion. Garson discussed the matter with "Cabinet Council," which expressed its willingness to consider a request.

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227 Ibid., p. 79, Shirras to Wismer, June 3, 1946.
228 Ibid., pp. 37-38 and 50.
229 Ibid., p. 79, Shirras to Wismer, June 3, 1946.
230 Ibid., p. 65, Maynard to Wismer, Feb. 15, 1950. The actual date of the meeting is not clear from the correspondence.
231 Ibid.
Within days, the media heard rumour of the impending move. On February 24, "Canadian Press intimated" that discussions were taking place. Wismer "refused comment" and Comm'r. Wood "stated that he had 'not heard of it.'"233 Shirras retired as Commissioner of the B.C.P.P. and Insp. Roger Peachey assumed command.234 After retiring, Shirras told the The Vancouver Sun that most B.C.P.P. members would "benefit" from absorption.235

Wismer remained silent, despite a torrent of media reports, until March 7 when he introduced amendments236 to the Police and Prisons Regulation Act.237 Second reading, committee consideration and final reading all followed on March 29, with Royal Assent the following day. The amendments added nine sections to the Act, giving the province the option of contracting out to the Force all or part of the B.C.P.P.'s duties.

The reaction in British Columbia was immediate. Wismer's office received numerous letters from individuals and government agencies, generally expressing fear over the consequences of abandoning the B.C.P.P. or outrage at the perceived indignity of the move. Mixed among the correspondence were various

233 "'Mounties' May Take Over Policing of B.C.," The Vancouver Sun (hereinafter referred to as The Sun), p. 33, Mar. 1, 1950.


235 "Wismer Asks Police Deal With RCMP," The Sun, Mar. 8, 1950.


237 R.S.B.C. 1948, c. 255.
congratulatory letters, generally revering the R.C.M.P.'s national and international image.\textsuperscript{238}

On April 20th, Wismer, Peachey and John Fisher, British Columbia's Assistant Deputy Minister of Finance,\textsuperscript{239} met Wood at R.C.M.P. Headquarters in Ottawa. Wood provided a draft agreement wherein the R.C.M.P. agreed to absorb all members of the provincial force, other than officers, who were medically fit and not close to retirement.\textsuperscript{240} In mid-June, the Commissioner met Wismer in Victoria and discussed the matter further. Finalization stalled, however, over a nagging law enforcement problem.\textsuperscript{241}

In the late 1940's and early 1950's, the southeast corner of British Columbia witnessed numerous acts of violence against property, attributed to the Sons of Freedom sect of the Doukhobors. According to Harvison, the province persuaded the federal government of its moral obligation to assist, arguing that Ottawa's

\textsuperscript{238} See generally, PABC, RG AG-GR 750, vol. 1, files 1, 3 and 6 and vol. 2, file 10.

\textsuperscript{239} The names of the participants is found in Roy W. Brown, "Economy, Efficiency Behind Police Shift," \textit{The Sun}, Mar. 21, 1950.

\textsuperscript{240} In a tone reminiscent of the earlier takeovers, the Commissioner agreed to absorb 21 policemen considered unsuitable (PAC, RG 18, vol. 3595, file GH 125-10, pt. 1, p. 26, Wood to Wismer, June 19, 1950). The province agreed to handle all press queries concerning the move after Wood noted that "there have been several attempts to create adverse propaganda against the "turn-over."

\textsuperscript{241} The delay appears to have had a deleterious effect on the morale of the B.C.P.P. Harvison noted: "they now have no interest in their present day to day duties and are allowing work to be neglected and pile up" (ibid., p. 52, Harvison to Wood, July 29, 1950). A similar problem occurred in 1988 as the New Brunswick Highway Patrol faced disbandment (see ch. 6).
decision to allow the sect to emigrate was the cause of the problem in the first instance.\textsuperscript{242} As a result, Mounted Police reinforcements arrived to assist the beleaguered B.C.P.P. contingent in the Kootenays.\textsuperscript{243}

Wishing to avoid responsibility for the Doukhobor situation in the future, the federal government insisted that a satisfactory understanding be reached before finalizing a contract for the R.C.M.P.'s services. Otherwise, the Minister of Justice feared that the Force "would be used by the Attorney General to continue to fill the Penitentiaries with Doukhobors."\textsuperscript{244} Blinded by the issue, the federal government virtually ignored and left to the R.C.M.P. most other aspects of the negotiations.

Concerned by the obstacle which the Doukhobor issue presented, Wood made a most unusual move. He asked Wismer to discuss the matter with Wood's personal friend, F.J. Mead of Vancouver, a former officer of the Force and member of the British Columbia Doukhobor Commission. Mead, who knew Wismer personally, was the same individual who, in 1946, discussed the possibility of the B.C.P.P.'s absorption with Shirras.\textsuperscript{245} The requested meeting took

\footnotesize{\textsuperscript{242} Harvison, p. 182. The argument is akin to that used by Alberta and Saskatchewan in 1905-06 to attract Laurier's benevolence (infra, ch. 4, p. 147).

\textsuperscript{243} See App. F.


\textsuperscript{245} Mead's association with Shirras continued. Shirras became his provincial counterpart in a study of the Doukhobor problem and travelled with him to the Kootenay region of British Columbia in December 1949 (George Woodcock and Ivan Avakumovic, The Doukhobors}
place during mid-July, however Wismer did not relent.\textsuperscript{246} Wood's frustration is clear from a subsequent letter to Mead:

I am at a loss how to put across to Wismer the situation here.... Wismer's attitude - that we made him an offer and he is going to accept - is not going to get the contract signed.\textsuperscript{247}

Wood urged Mead to convince Wismer of the virtue of the federal position:

I have pushed the matter with the Minister [of Justice] as far as I dare, without giving him the impression that I am trying to sell him something, stressing that there has been no disrobing in the last two months, nor any major incident.\textsuperscript{248}

Wood asked Mead to meet with Harvison and provide the benefit of "any ideas...on how to take some of the high hurdles."\textsuperscript{249} Wismer, anxious to complete the deal, called Wood, and possibly

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Mead's actual function with respect to the British Columbia takeover is unclear. In 1947, J. Ilsley, the Minister of Justice, advised the Commons that Mead was a "special official and consultant in connection with general problems of a police nature such as those connected with industrial disputes, the Japanese question, the youth movement, etc.," for which he received a form of remuneration (\textit{Debates}, May 6, 1947, p. 2843). In 1950, Stuart Garson, the Minister of Justice, described his role as "a liaison between the two governments to assist in harmonizing and coordinating provincial actions on law enforcement and federal actions with regard to the custodial care of Doukhobor prisoners in federal penitentiaries" (\textit{Debates}, Apr. 27, 1950, p. 1930).

\textsuperscript{246} PAC, RG 18, vol. 3595, file GH 125-10-1, p. 50, Mead to D/Comm'r C.K. Gray, July 26, 1950.

Wismer conceded that he should have listened to Mead when the former suggested that the Doukhobors be contained, not imprisoned.\textsuperscript{247}


\textsuperscript{248} \textit{Ibid.}

\textsuperscript{249} \textit{Ibid.}
Garson, personally. He agreed to the inclusion of a clause in the agreement which dealt specifically with the Doukhobors.\textsuperscript{250} Why not agree to such a clause, he rhetorically asked Harvison? Wismer saw it as a tacit admission by Ottawa of complicity in the Doukhobor problem. Furthermore, he believed that it was probably unenforceable at the action of the federal government because it offended the province's constitutional right to administer justice.\textsuperscript{251} The clause read as follows:

\begin{quote}
...in all matters relating to the enforcement of Federal Laws where Doukhobors are concerned, the Minister of Justice shall be consulted and no action in that regard shall be taken by the R.C.M. Police hereunder except such as may be agreed on from time to time by the Minister of Justice and the Attorney-General.\textsuperscript{252}
\end{quote}

That resolved the matter. Garson signed the agreement, as amended, and returned it to Wood the following day.\textsuperscript{253} On August

\begin{footnotes}
\textsuperscript{250} \textit{Ibid.}, p. 60, Harvison to Wood, Aug. 2, 1950 and p. 64, Mead to Wood, Aug. 4, 1950. Harvison described Wismer as "highly elated" at reaching a deal.

\textsuperscript{251} Harvison, pp. 182-83. According to Harvison, Wismer was so amused by the clause that he remarked: "I can't believe that they will go through with it. Let's hurry up with the contract before Ottawa changes its mind!" There is no indication that Harvison, the senior federal law enforcement officer in the province and Ottawa's agent for purposes of completing the contract, reported the comment. The clause was included in the final agreement.

\textsuperscript{252} PAC, PC 2/4175, s. 2. The blanket reference to persons of a particular religious/ethnic background is not unlike earlier Canadian and British Columbia enactments respecting persons of Chinese and Japanese descent.

\end{footnotes}
9th it was signed by Wismer and announced to the public. Its six-year term provided for both early termination and extension at the behest of either party. The federal government allowed British Columbia to piggyback on the existing cost-share, whereby provinces paid $1,400 per member, per annum (despite a rise in the per member cost since establishment of the rate in 1948).

The agreement provided that the R.C.M.P. would continue the policing of municipalities with subsisting policing contracts. According to Wood, these contracts arose "during the Depression [when] the Province was forced to take over the policing of some of the municipalities for financial reasons." This belief, though incorrect, typified another problem which pervaded the negotiations and the agreement: the R.C.M.P. had simply no idea of

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254 Ibid., p. 79, Harvison to Wood, Aug. 9, 1950. In his autobiography, Harvison boasts that he signed the document on behalf of the federal government (p. 182). In reality, he merely witnessed Wismer's signature.


256 The Minister of Justice brought this to the attention of Wismer's successor in 1952, noting that the $1,400 figure represented 40 per cent of the 1948 per member cost of $3,500. He added that "the per capita cost of maintaining the Force had increased considerably by 1950" (ibid., RG 18, vol. 3595, file GH 125-10-1 (1953), p. 65, MOJ to Bonner, Oct. 30, 1952).

257 Wood noted that the 47 contracts which existed in November, 1950 totalled 172 members (ibid., p. 129, Wood to Wismer, Nov. 29, 1950).


259 The B.C.P.P. obtained authority to contract with municipalities in 1924. Within 10 years, 24 such contracts were in place (Chapman, p. 175).
the full extent of the provincial force's duties.

Potential problem areas, such as the municipal contracts, should have raised eyebrows. Instead, they were smoothed over. After signing, Wood advised Garson that "eventually, [the suburbs] will come under Greater Vancouver, and I can see no advantage in expending Federal funds on Contracts of this nature."[260]

Why were Wismer, the R.C.M.P. and, to a lesser extent, the federal government anxious to enter into a contractual relationship? According to the Minister of Justice, "the arrangement [was] very economical and satisfactory for both the provinces concerned."[261] Chapman argues that such a rationale cannot be supported. Instead, he suggests that the threat of provincial police unionization and the possibility of an ongoing provincial police investigation of "curious business dealings" on Wismer's part acted as strong motivators.[262] An internal R.C.M.P. report, prepared long after the fact, attributes the provincial decision primarily to finances, however adds: "It is believed there were internal administrative problems within the B.C. Provincial Police."[263] Harvison offers yet another version. In his


[262] Chapman, pp. 76-7. Similarly, Talbot mentions the "likelihood" of unionization as a possible factor. (Canada's Constables, p. 244).

autobiography, he notes that insufficient "financial backing" to remain abreast of the changes taking place across the province offset the otherwise "excellent service" which the provincial force rendered through the years.\textsuperscript{264} Harvison's recollection of the negotiations betrays his strong support for Wismer's actions. His book outlines Wismer's rationale for an arrangement: greater economy and efficiency, the deflection of criticism for policing operations and an acknowledgement of the desirability of amalgamating both levels of law enforcement.\textsuperscript{265} Writing to the Commissioner,\textsuperscript{266} Harvison recounted as follows:

Mr. Wismer...expressed the opinion that the contract will result in a tremendous improvement in the police picture in this Province. He emphasized several times that it is his desire to remove the Force entirely from politics and that it is not his intention to interfere in any way with the operation of the Force other than to give such backing as may be required. He mentioned that up until now the very serious police problems, as they arose, were placed on his desk for decision without suggestion or assistance from the police officers. I gathered that he has been very much dissatisfied with the co-operation received recently from his police and that his greatest desire now is to have an efficient Force that will do the job of policing and trouble him only on those matters on which an Attorney General should be troubled.\textsuperscript{266}

\textsuperscript{264} Harvison, p. 180. A similar view continues to find support within the R.C.M.P. A Force official interviewed in connection with this thesis suggested that a "low level of service," occasioned in part by the need for personnel, contributed to the B.C.P.P.'s demise.

\textsuperscript{265} Ibid., pp. 180-81.

\textsuperscript{266} From a review of PAC, RG 18, it is believed that Wismer's conversation occurred on the same day as Harvison wrote his memo, Aug. 2, 1950.

A columnist for The Vancouver Sun who extolled the virtues of the Mounted Police ("the discipline is there, the racketeer simply folds") noted that the British Columbia contract differed from those of other provinces because the attorney-general remained the "the first official of law enforcement" within the province.257 The columnist, Roy W. Brown, gave the following reasons for the province's decision: "more efficient and satisfactory policing," a "saving of $1 million a year - probably more as years go by" and looking after the B.C.P.P. members.258

Harvison described Wismer as quite eager to enter into an agreement. What is even more interesting, however, is Harvison's observation that the federal government was "even more anxious." He suggests that a belief in the greater efficiency of a unitary policing structure, at least with respect to federal and provincial law enforcement, the acceptance of some responsibility for interprovincial criminal activity and the savings to be realized by not having to maintain reserve manpower motivated the federal government. He wrote: "crime could no longer be considered a local problem or responsibility."259

Comm'r. Wood's recommendations in support of acceptance likely

257 Roy W. Brown, "Arguments for Bringing RCMP Into B.C.," The Sun, Mar. 11, 1950. In reality, the control arrangement was identical to the other provinces (for example, see clauses (9) and (17) of the B.C. and Nfld. agreements, PC 2/4175 and PC 1/4175, respectively).


259 Harvison, pp. 181-82.
persuaded the federal government. Foremost was national security, followed by more efficient control of the mobile criminal element in the Lower Mainland and the memory of problems with unemployed persons along the West Coast. With respect to the former and the latter, Wood pointed to the importance of Consolidated Mining and Smelting's plant in Trail and an Atomic Energy of Canada project across the border in the United States, as well as the strategic wartime importance of the Pacific Coast. He noted that problems with the unemployed "arise first" in British Columbia and required the continuance of a reserve troop in Vancouver. The size of its complement could, he suggested, be reduced with absorption.

Consciously or otherwise, purposely or not, Wood capitalized on a fear of communism and total war which gripped the western world in 1950. The nuclear age, which arrived with the devastation of Hiroshima a few years earlier, and the spectre of international communism seemed as threatening as ever. The post-War spy trials following the defection of Igor Gouzenko and the

Prior to absorption, 166 mounted policemen served on security and other federal duties in British Columbia (PAC, RG 18, vol 3595, file GH 125-10-1, p. 67, Wood to Garçon, Aug. 7, 1950).

Ibid. Wood took other steps to ready the Force for the Cold (and possibly, Hot) War. After the British Columbia absorption, residents of that province understandably wanted to witness the glamour and pageantry of the R.C.M.P. Musical Ride. Wood answered the queries in the following manner:

Because of the critical International situation, and as the result of a large increase in the duties performed by this Force, it has been found imperative to curtail the training of the Musical Rides for the time being (PABC, RG AG-OR 750, vol. 1, file 7, p. 17, Wood to Wismer, Dec. 15, 1950).
1949 proclamation of the People's Republic of China by Mao and his followers were fresh in the minds of all Canadians. The Cold War began to weigh heavy on people's minds, both in and out of government. The trusty standby of old, national security and the corresponding need for a national quasi-military police presence, resurfaced and once again allowed the Force to mesh its agenda with that of the federal government.

The R.C.M.P., through the office of its long-serving and persuasive Commissioner, spearheaded the negotiations and dealt with the problem areas. The Force's excitement at the prospect of moving into British Columbia was almost palpable from the exchanges between Wood, Harvison and Mead. Not all was rosy, however. The unpleasant side of the arrangement began to emerge even before the signing.

Despite Shirras' comments, members of the B.C.P.P. expressed shock at news of the disbandment of their force; in Fossum's words, it came as a "bombshell." Comm'r. Peachey counselled his men to "withhold any personal opinion" on the issue until they met

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262 Talbot agrees that the decision apparently related to fear over the spread of communism (Canada's Constables, pp. 244-45).

263 For example, a resident of the State of Washington congratulated Wismer on the move, noting:

The best information which we are able to obtain at this time indicates that somewhere on the globe Russia is expected to start forecable [sic] aggression anytime now but within six months. Our hope is that the start will be in the Balkans, so that this continent may have time to prepare... (PABC, RG AG-GR 750, vol. 2, file 10, p. 29, Mar. 29, 1950).

264 Fossum, p. 162.
individually with an R.C.M.P. personnel officer. After meeting with Wood in Ottawa, Peachey formed the opinion that he and all his fellow commissioned officers would be absorbed. To his dismay, he and some others were not. In correspondence with the premier, Peachey voiced his suspicion that somebody outside the R.C.M.P. intervened and scuttled his absorption. In a phone conversation with Harvison, his upset was clear:

Commissioner Peachey was greatly exercised.... He roundly condemned the terms of the contract, the manner in which it had been negotiated, and the treatment being accorded him by Provincial authorities...when I attempted to give him facts, he refused to listen. Eventually the conversation reached a point where I felt that to continue it further would serve only to further aggravate the situation. I therefore terminated the call...

265 PAC, RG 18, vol. 3595, file GH 125-10-1, p. 2, Peachey to All Ranks, n.d.


267 Ibid., p. 87, Harvison to Wood, Aug. 9, 1950.
The physical takeover was not pleasant either.\(^{268}\) The R.C.M.P.'s commanding officer in Alberta, A/Comm'r. Belcher, was temporarily assigned to Victoria. He arrived at B.C.P.P. headquarters on the day of the takeover, August 15, to discover an empty office: "the take over was the coldest, most unhappy duty I hope I will ever experience."\(^{269}\) Belcher neither enjoyed the task nor thought very highly of the agreement:

A person cannot but feel we have been handed a most unfortunate proposition, due to lack of knowledge of what duties, etc., the former Provincial (Police members performed.... Every department of the government has used them as errand boys, to carry out duties not connected with police work, but as a money saver and convenience to the department concerned.\(^{270}\)

The contract provided that the R.C.M.P. "shall perform all the duties and services of a law enforcement nature formerly

\(^{268}\) In contrast to the situation in Newfoundland, most British Columbia provincial policemen were better paid than their R.C.M.P. counterparts. Contrary to the R.C.M.P. practice of demoting most provincial policemen absorbed, in the case of British Columbia, the opposite often occurred. In addition, some received entitlements not available to R.C.M.P. members.

\(^{269}\) Ibid., p. 110, Belcher to Wood, Sept. 14, 1950.

\(^{270}\) Ibid. Insp. F.S. Spalding later noted that:

The state of disorganization and confusion on August 15th, 1950, is very difficult to adequately describe without indulging in a very lengthy and tedious narrative, ... (ibid., file GH 125-10 (1953), p. 40, Spalding to Wood, Apr. 17, 1950).
undertaken by the [B.C.P.P.]."\(^{271}\) Overnight this meant that the
R.C.M.P. became responsible for selling vehicle registrations,
collecting poll tax, issuing trade and dog licences and acting as
vital statistics registrars, local boards of health, gaol wardens,
assistant fire marshals and sub-mining recorders, policing a bridge
and administering the branding of stock. Belcher refused to become
the Inspector of Gaols and lamented: "I wonder when we do police
work."\(^{272}\)

Shortly after receiving Belcher's letter and a mere forty days
after the takeover, Wood provided Garson with a progress report.

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\(^{271}\) PAC, PC 2/4175, s. 2.

\(^{272}\) Ibid., RG 18, vol. 3595, file GH 125-10, pt. 1, p. 110,
Belcher to Wood, Sept. 14, 1950. Obviously, the B.C.P.P. became
a catch-all agency for provincial government departments, similar
to the R.C.M.P. in the territories. Unfortunately, without
sufficient human and financial resources, sedentary bureaucratic
tasks inevitably interfere with a police department's effectiveness
as a crime-fighting organization. The extent of the tasks
conducted by the B.C.P.P. became clear when various government
departments and individuals expressed concern over the Mounted
Police take-over. For example, Wallace R. Gunn, Live Stock Comm'r
and Chief Veterinary Inspector for the province, informed the
Deputy Minister of Agriculture that the B.C.P.P. acted in the
following capacities or undertook the following tasks in certain
areas of the province, gratis: ex-officio brand and hide
inspectors, issuing dog licences, enforcing the disease control
area for livestock, killing stray dogs, checkpoint duties,
enforcing the fur farming legislation, checking bulls on the range,
conducting the wild horse clean-up, slaughter house inspections and
trucking and truck mount inspections. In correspondence with the
Minister, the Deputy Minister mentioned another task, enforcing the
81 Gunn to J.B. Munro, Mar. 3, 1950 and p. 84, Munro to H.R.
Bowman, Mar. 1, 1950)!

Grant quotes Radzinowicz and King: "[t]he police have picked
up many jobs simply by being available." The result is to widen
their influence and interfere with their primary mission (The
Growth of Crime: The International Experience (Hamish Hamilton,
1977), as quoted in Grant, The Police, p. 78).
He relegated Belcher's pointed criticisms and complaints to one paragraph. Wood's conclusion is quite amazing:

The beneficial effects of the amalgamation are showing in our more efficient-control of the crime and subversive elements and the handling of problems emanating along the Alaska Highway and the territory adjacent to the Yukon...

The inauspicious beginning in British Columbia reinforced the same fears which played such a prominent role thirty years earlier. Fear of insurrection or war, be it the product of alien nations, organized labour, communists or the unemployed carried the day. With British Columbia's signing, the Force obtained its eighth provincial contract and increased substantially the number of municipalities which it policed. Those eight provinces remain in the fold to this day, an interesting example of permanence in government and a subject which is brought up to the present in the following chapter.

CHAPTER 6

THE FEDERAL AWAKENING

In Canada, the aftermath of the Second World War gave way to a period of unparalleled growth during the 1950's. Increased domestic manufacturing and resource development, combined with heightened international trade, the influx of foreign capital and a rapidly increasing population, produced a modern, industrialized state. The nation, characterized by a large, relatively comfortable, and increasingly urbanized middle class, faced the future with a belief that an age of even greater prosperity beckoned, one which would be worth the horrible sacrifices of the past war.

In economic matters, Canadian governments acknowledged their role in the area of social welfare planning. In politics, the centralist view of the state gradually evolved into the cooperative federalism of the late Pearson and early Trudeau years. The federal government entertained a spending spree which matched the increased demands placed upon it, continuing to do so until the late 1970's, when sober reflection caused it to retrench after

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1 See Careless, pp. 406-08.

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years of deficit financing.²

Having solidified its role in the mainstream of Canadian society, the 1950's represented a decade of expansion for the R.C.M.P.,³ beginning with the addition of Newfoundland and British Columbia to the contracting fold and followed by steady growth in numerical strength.⁴ It looked forward to a continuation of the same.⁵ In early 1953, the provinces paid only $1,400 per year for the services of a member of the Force despite a senior constable receiving an annual salary of $3,300. Premier Ernest Manning of Alberta summarized the prevailing view of the contracting provinces: "[i]t is thrifty for the province and it is popular.... Then too, it removes law-enforcement from politics."⁶

This chapter overviews the years from 1950 to the present. It will be seen that the vast growth of the federal bureaucracy,

² An overview of the development of social security programs in Canada is found in Dennis Guest, The Emergence of Social Security in Canada. In Guest's opinion, the Second World War "era" first introduced Canadians "to the idea of a comprehensive social security system" (p. 142). Doern and Phidd also make extensive reference to social service programs (see generally, pp. 360-75).
³ See App. A.
⁴ See App. G.
⁵ As late as 1952, the possibility of an absorption of the O.P.P. by the Force was in the minds of some officers (see, for example, PAC, RG 18, vol. 3595, file GH 125-10 (1953), p. 39, Insp. F.S. Spalding to Comm'r. Nicholson, Apr. 17, 1952).
⁶ R. L. Neuberger, Royal Canadian Mounted Police (New York: Random House: 1953), p. 161. Manning's comment reinforces the view that financial savings and political expediency are important influences, not only at the commencement of contracting, but during their continued life.
reflected in part by the development of new ministries and agencies, as well as the evolution of stricter financial controls impacted significantly on the provincial and municipal contracts. The dominant ideas which guided their early development, the dynamic of the contract renewal process and the organizational strength of the R.C.M.P. in the federal bureaucracy also changed dramatically. The interplay of the foregoing and other factors forced a reassessment of the policy rationale for contracting and spurred an ongoing quest for new direction.

THE 1950's

Although the 1949-50 contracts and renewals ran until 1956, pursuant to the terms of the agreements a reassessment of the $1,400 figure took place on April 1, 1953. Despite retaining the 60/40 ratio, the sheer increase in salaries and costs during the early 1950's meant an increase in the per member, per annum cost, to $2,000. Although still less than the average Mounted Policeman's salary, let alone the cost of equipment, facilities, operating expenses and so forth, it reflected the federal government's determination to henceforth remain abreast of the cost side of the contracts and came as a shock to the provinces and

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7 See App. B and the R.C.M.P.'s annual reports for concise summaries of the provincial contracts and their renewals. Until 1956, the commencement and termination dates of the contracts were not uniform.
municipalities as they faced a 42.8 per cent rise in expenses.

The contract negotiations of 1956 proceeded smoothly. Alberta was first to agree to a three year renewal. The Forte brought that agreement to the attention of the other provinces and agreement was soon reached with all concerned. The parties retained the 60/40 apportionment of costs, believing that it represented the intent of the original contracts of 1928 and 1932, however decreased the reassessment period to yearly. On June 1, 1956, the per member figure became $2,388. To simplify future renewals, a common termination date of May 31, 1959 applied to all the contracts.

The federal government was painfully aware that a 40 per cent contribution from the provinces did not adequately compensate the federal treasury. Although he did not insist upon an immediate increase, the Minister of Finance obtained an undertaking from the Minister of Justice that the next renewal negotiations would include a federal demand for a raise of the provincial contribution from 40 to 50 per cent. The R.C.M.P. argued, apparently successfully, that the provinces not be informed of the undertaking.


9 See ch. 5, ft. 63 for a criticism of this assumption.

10 A common end date also has the advantage of allowing the provinces to form a united bargaining front, an unanticipated result of the R.C.M.P.'s efforts through the years to obtain uniformity.

until after the 1956 renewals.\textsuperscript{12}

The dramatic rise in provincial costs ($1,400 to $2,388 within four years), the provision of an undertaking and the Force's concern with provincial reaction reflect the growing influence on the R.C.M.P. and the Department of Justice of both the Department of Finance and its Treasury Board.\textsuperscript{13} During the 1950's, they examined the Force's budgetary and expenditure process, questioned programs and generally reviewed expenditures with a much closer eye than before. During December 1954 the Ministry questioned the need for a continuation of police reserves, noting that further expansion of the Force's municipal role could not "be justified either in relation to our present financial position or in terms of equality of treatment as between provinces."\textsuperscript{14} Suddenly national security became a question of dollars and cents!

In another instance, the Finance Department expressed concern with the Force's penchant for posting more personnel in the contracting provinces than called for in the contract.\textsuperscript{15}

\textsuperscript{12} Ibid., p. 27, D/Comm'r. A.T. Belcher to ADM Finance J.J. Deutsch, Nov. 7, 1955.


\textsuperscript{14} PAC, RG 18, vol. 3583, file GH 125-2 (1958), p. 277, W.E. Harris to Garson, Dec. 1, 1954. The mention of equality between provinces is significant as it highlights federal awareness of a problem which, it will be seen, Ontario and Quebec raised during the 1960's and 1970's.

\textsuperscript{15} Ibid., p. 28, Nicholson to OC's, Dec. 12, 1955.
Traditionally, divisions remained up to ten per cent overstrength, ostensibly in order to handle personnel wastage during the fiscal year and other contingencies. Generally, however, the additional personnel became extra bodies to be used at will. The provinces and, or the divisional commanding officers apparently developed the view that this ten per cent represented the federal contingent within the province, ignoring the fact that the contracts assumed that each member on contract strength performed both provincial and federal duties.\textsuperscript{16}

The burden of the Newfoundland and British Columbia contracts, compounded by the many municipal contracts, also began to take its toll on the Force. As provinces and municipalities requested additional members, the Force turned to the Treasury Board for approval. The peculiar ability of the contracts to force manpower increases on a federal police force, with a corresponding cost to the federal government amounting to sixty per cent, did not sit well with the Board. Repeatedly, the Force found itself in need of more manpower and lobbying with both the provinces and the Treasury Board for the necessary funding. By 1956, the Force and the Minister of Justice concluded that municipal duties were not the R.C.M.P.'s cup of tea. Stuart Garson suggested that they "unduly enlarge" the Force and are a type of work which finds

\textsuperscript{16} \textit{Ibid.}
little appeal among the Force's membership.\footnote{17}{John F. Maclean, "Mounties Offer Cities New Deal," Financial Post, Nov. 10, 1956. Maclean noted that most Mounted Policemen "tend to be young and, therefore aggressive, adventurous types who aren't attracted by duties like directing traffic."}

While the Force learned to cope with a federal bureaucracy which viewed it as simply another government agency to be scrutinized, its constituents in the contracting provinces became ever more used to its presence. During the years between 1932 and 1959, a belief developed outside Ontario and Quebec that the Force belonged in the contracting provinces, despite it being a branch of the federal government.\footnote{18}{Those who objected to the omnipresence of the R.C.M.P. during the 1950's were like voices in the wilderness (see, for example, Arthur Lower, "Is the RCMP a threat to our liberty?" Maclean's, July 6, 1957, p. 8, at 57).} It was every Canadian's police force and belonged everywhere. In early 1959, however, this belief received its first real test.

PROBLEMS WITH NEWFOUNDLAND

The contract with Newfoundland presented its share of problems from the outset and represents an interesting example of the federal government relying on the Force to administer the contracts yet intervening where politically opportune, of R.C.M.P. inaction when faced with breaches of the contracts and of provincial gamesmanship in an attempt to squeeze every possible dollar from
federal coffers.\textsuperscript{19}

Newfoundland's contract required that the R.C.M.P. assume all duties of a law enforcement nature, outside St. John's, that were previously the responsibility of the Rangers and the Constabulary. This included issuing hunting, fishing, trapping and guide licences, inspecting school buses, serving civil documents and administering driver's licence tests, duties which continued for over a quarter century after absorption. Despite the R.C.M.P.'s apparent willingness to undertake such tasks of a non-police nature, the province was not wholly satisfied.

The R.C.M.P.'s detachment-style of policing was foreign to Newfoundland. In the past, Constabulary members and Rangers worked out of small, oftentimes solitary posts, in communities throughout the province. The consolidated style introduced by the R.C.M.P. was both unfamiliar and tended to distance members of the Force from the community.\textsuperscript{20}

A perception also existed among some provincial politicians that the Force gave low priority to highway enforcement, thus giving rise to increased traffic problems. Minister of Highways Gregory Power accused members of the Force of "impertinence" when dealing with the motoring public and an "appalling lack of traffic

\textsuperscript{19} See App. J for a case study of the Newfoundland Constabulary Highway Patrol.

supervision. The Force tactfully attempted to persuade provincial Attorney-General Leslie Curtis that the problems resulted, not from nonfeasance by the Force, but from a general lack of driving knowledge among residents of the province. Comm'r. Nicholson, a stoical gentleman, was typically reserved in his response: "despite the continuing difficulties which we face in Newfoundland I nevertheless feel that we are gaining ground from year to year." A logging strike during the winter of 1958-59 brought such optimism to an abrupt end.

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22 In an amusing memo to the Commissioner, Parsons noted that "not two out of ten people in Newfoundland" know the significance of double white lines on a highway: "even Mr. Curtis was not sure where he could pass." In Curtis' defence however, an error by the crew which painted the lines magnified the problem. They, presumably also not realizing their significance, painted one double solid line on all highways in the St. John's area, from start to finish (ibid., p. 19, Parsons to Nicholson, Oct. 10, 1958).


Badger is a village close to the geographic center of Newfoundland, twenty miles west of the largest interior town, Grand Falls. For many years the menfolk of Badger and surrounding communities felled the trees which provided employment for the millworkers of Grand Falls, home of a large pulp and paper mill owned by the Anglo-Newfoundland Development Company. Without strong unions or government control, the living and employment conditions of the loggers left much to be desired.\(^\text{25}\) When the militant International Woodworkers Association (I.W.A.) moved into the province and won the right to represent lumberjacks of the interior, turmoil was almost inevitable.

The union called a strike on December 31, 1958, after management rejected the report of a provincially-appointed conciliation board.\(^\text{26}\) The strike turned ugly almost from the beginning. Roadblocks, assaults and vandalism were commonplace across a strike front which extended for 450 miles. It gave way to mob violence as unionized workers raided nonunion workers.

\[^{25}\] George Perlin disagrees with the common assumption of underpay and poor work conditions, noting that "[b]y the early 1950's the loggers of Newfoundland had become the best paid in Eastern Canada" ("The I.W.A. Strike," The Atlantic Advocate, vol. 49, no. 8 (Apr. 1959), p. 35).

\[^{26}\] The conciliation board recommended a five cent per hour raise and a reduction of the work week to 54 hours. The mills rejected the recommendations on the basis of cost. The board chairman subsequently wrote the Minister of Labour, advising that he had been unaware of the financial implications of the recommendations (Perlin, p. 37)!
camps, causing considerable damage. Mass arrests followed. Premier Smallwood, the dynamic, fire and brimstone leader of the provincial Liberals, had no patience for the I.W.A.:

How dare they come in here and spread their black poison of class hatred and bitter, bigoted prejudice? How dare these outsiders come into this decent, Christian province...the very presence of the IWA in Newfoundland tonight in [sic] an insult to every decent Newfoundlander...

Smallwood took matters into his own hands. He moved in the House of Assembly to decertify the I.W.A. and create a new union, the Newfoundland Brotherhood of Woods Workers. Despite the obvious intrusion into the heart of organized labour, his decision received overwhelming support in the media and the House of Assembly, passing with almost unanimous support. It did not end the strike, however.

The labour turmoil stretched the R.C.M.P.'s resources to the limit but it was a particular sequence of events during early March 1959 which catapulted the strike and Comm'r. Nicholson onto the national stage. On March 8, the Force's provincial commander, Supt. A. Parsons, requested 50 extra-provincial reinforcements


28 For example, The Evening Telegram overflowed with praise of Smallwood, describing his "brave stand" and "sound, safe, sensible, Christian leadership" (ibid.).

pursuant to section 13, the emergency provision in the provincial contract.\textsuperscript{30} Nicholson transmitted the request to the Minister of Justice, Davie Fulton, advising Parsons to obtain the assistance of Constabulary members from St. John's in the interim. On the same day, Attorney-General Curtis wired Fulton, requesting reinforcements. The immediate response from Fulton to Nicholson was to monitor the situation. Nicholson not only did that but readied fifty reinforcements from the Maritimes at staging points in Moncton, Halifax and Sydney and made arrangements to charter a plane from Trans-Canada Airlines.\textsuperscript{31}

During the evening of March 10, tragedy struck in Badger. With approval to send the reinforcements not yet forthcoming from Ottawa, a contingent of 70 Mounted Police and Constabulary members

\textsuperscript{30} Section 13 of the agreement between Canada and Newfoundland, dated June 12, 1957, read as follows:

Where in the opinion of the attorney general of the province an emergency exists within the province requiring additional members of the force to assist in dealing with such emergency, Canada shall, at the request of the government of the province, addressed to the commissioner, increase the strength of the division as requested if, in the opinion of the attorney general of Canada, having regard to other duties and responsibilities of the force, such increase is possible [my emphasis] (Newman, p. 113).

\textsuperscript{31} PAC, RG 18, vol. 3586, file GH 125-3-11, p. 12, Nicholson to DMOJ, Mar. 10, 1959. On February 11, the Force placed 95 personnel from Maritime divisions on emergency standby.

Desperate for reinforcements, Curtis also considered forming a special police unit from among residents of Grand Falls and environs ("Government May Form Special Police Unit," The Evening Telegram, Mar. 11, 1959).
fought a mob of 250 to 300 loggers\textsuperscript{32} in a melee described by Smallwood as "the most savage riot in Newfoundland's history."\textsuperscript{33} In the fighting, one member of the Constabulary was clubbed over the head. He died two days later.\textsuperscript{34} On the same evening as the riot, Smallwood received word that the reinforcements were still grounded:

I just could not believe that the Government of Canada was failing to live up to its signed agreement...it was not living up to its word...it was tearing up its contract.\textsuperscript{35}

Parsons renewed his request for reinforcements on the morning of the 11th. Nicholson received tentative approval from Fulton, which was revoked hours later. Nicholson threatened to resign.\textsuperscript{36}

In an evening discussion at Fulton's office, Nicholson questioned "why the matter of law enforcement and the police contract needed

\begin{itemize}
\item \textsuperscript{32} "City Constable Dies; Fear of New Violence," \textit{The Evening Telegram}, Mar. 12, 1959, p. 1.
\item \textsuperscript{33} Smallwood, p. 410.
\item \textsuperscript{34} Cst. William Moss, 24, was and remains the only member of the Constabulary murdered in the line of duty (\textit{Ottawa Citizen}, Nov. 24, 1988, p. B6 and "City Constable Dies; Fear Of New Violence," \textit{The Evening Telegram}, Mar. 12, 1959, p. 1). One account of the violence notes that "[p]ossibly no other single death on the island province has evoked such sympathy or had such an impact on Newfoundland's population" ("The Late Cst. William Moss," \textit{R.C.M.P. Quarterly}, vol. 25, no. 1 (July 1959), p. 26). A logger accused of Cst. Moss' murder was acquitted at trial ("B" Div., \textit{Annual Report}, 1959, PAC, RG 18, vol. 3585, file GH 125-3-5 (1960), p. 271).
\item \textsuperscript{35} "Extra Police Stopped, Agreement Not Honoured," \textit{The Evening Telegram}, Mar. 13, 1959.
\item \textsuperscript{36} This sequence of events reflects Nicholson's recollection. Fulton disputes that a final decision was made on the afternoon of the 11th (\textit{R.C.M.P. H.Q. Archives}, Fulton to Nicholson, Mar. 16, 1959).
\end{itemize}
to be connected so closely with the Government's dislike of Smallwood and Smallwood's legislation." In response, Fulton expressed concern over committing the Force "to improper duties," a reference to the wording of s. 13. Nicholson, taking a narrower and more pragmatic view of the emergency clause, saw no prejudice to the Force's other activities, adding that "the province was responsible for law enforcement within its own borders and that these were not subject to control from Ottawa."  

At Fulton's urging, Nicholson agreed on March 12 to withdraw his resignation provided that the full complement of reinforcements reached Newfoundland upon terms acceptable to the province. At a cabinet meeting on the same day Fulton apparently argued in favour of sending reinforcements, however Diefenbaker blocked the move, believing that it amounted to strike-breaking. A friend of the Force since his days as a lawyer in Saskatchewan, Diefenbaker wrote in his memoirs that: "[t]o have done this [send reinforcements] would have amounted to an intolerable social and political retrogression....I was not prepared to sacrifice the national reputation of the RCMP" (Diefenbaker, p. 263). Whether this or other considerations dominated is not clear.  

In 1958, his party rode a wave of popular support, much of it from organized labour, to the then largest electoral victory in Canadian history. Some suggest he did not wish to sacrifice that support by appearing to align his government with Smallwood's unabashed union busting. Diefenbaker denied the suggestion, noting that he could have used the federal government's power to disallow Newfoundland's decertification legislation had he so desired (ibid, p. 265). [Note: In reality, the use of this power in modern times would likely precipitate an even greater crisis. Peter Hogg

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37 Ibid., file 59 HQ 1180 B.1, Nicholson to file, Mar. 16, 1959.  
38 Ibid.  
39 Ibid.  
40 A friend of the Force since his days as a lawyer in Saskatchewan, Diefenbaker wrote in his memoirs that: "[t]o have done this [send reinforcements] would have amounted to an intolerable social and political retrogression....I was not prepared to sacrifice the national reputation of the RCMP" (Diefenbaker, p. 263). Whether this or other considerations dominated is not clear.  

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presented his resignation, which was accepted and read in the House of Commons.\footnote{Debates, Mar. 16, 1959, pp. 1960 and 2005-06. By resigning prior to reaching maximum service, Nicholson lost 20 per cent of his pension benefits. The federal cabinet restored his full entitlement on December 10, 1959, which allowed Diefenbaker to note in his memoirs that Nicholson "retired to a comfortable pension" (p. 265).} Fulton explained the government's decision:

We cannot discharge our responsibility by considering only the physical circumstances prevailing...We must also consider the over-all responsibilities of the Force, and our responsibility for the Force, in a much wider context...\footnote{As quoted in Newman, pp. 116-17.}

In Ottawa, the request for reinforcements created a crisis for Diefenbaker. The Canadian media almost universally lambasted the government. The \textit{Montreal Star} described its interpretation of the contract as "capricious," ridiculing the suggestion that labour violence should be treated differently from other violence.\footnote{"Ottawa's Weak Case for Interference," Mar. 17, 1959, p. 10.} The \textit{Financial Post} characterized Fulton's explanation as "such a transparent semantic quibble that nobody needs to be told the real

\textbf{suggests that disallowance, unused since 1943, "would produce intense resentment on the part of the provinces." He adds that the development of "judicial review and democratic responsibility" now make the power unnecessary (Constitutional Law of Canada (Toronto: Carswell Co. Ltd., 1985), p. 90).}

Diefenbaker used the R.C.M.P.'s reputation as a fallback, rhetorically asking whether Canada would "have been well served had every working man and woman come to regard the Royal Canadián Mounted Police as a strike-breaking force" (ibid)? It is doubtful that Badger could add appreciably to the reputation acquired by the Force during the building of the transcontinental railway, the Winnipeg General Strike and the numerous disturbances of the 1930's.
reason was politics.\textsuperscript{44} J.R. Mallory viewed the problem as symptomatic "of serving two masters,"\textsuperscript{45} a comment also made by Charles Lynch.\textsuperscript{46} Lynch described Nicholson as "one of the best policemen Canada has ever had." He acknowledged that Nicholson's resignation was necessary in order to preserve the supremacy of political control, however expressed surprise that the Force had not been caught in the middle before.\textsuperscript{47} Blair Fraser, another well known political columnist, summarized the provincial viewpoint:

Nobody much likes Premier Smallwood's anti-labor laws, but still less does anybody like the idea that political considerations should determine whether or not a police force is to be strengthened.\textsuperscript{48}

Fraser suggested that the damage wrought by the crisis would best be assessed when the contracts came up for renewal later in the year. He quoted an unnamed government spokesman:

\begin{quote}
Don't worry about those RCMP contracts. We've got Conservative governments in Nova Scotia and New Brunswick and we'll probably still have one in Manitoba in 1960 - they're not going to make trouble for a Conservative government here.
\end{quote}

\textsuperscript{44} "The Man of Principle," Mar. 21, 1959.


\textsuperscript{47} He drew a parallel with the United States, asking how, if the F.B.I. were a contract police force in the United States, it could possibly deal with a dispute between the President and a southern Governor over the enforcement of civil rights legislation. In 115 years, only Nicholson and the first permanent Commissioner, George French, resigned as the result of a policy disagreement ("Commissioner Nicholson's Resignation," \textit{The Montreal Gazette}, Mar. 18, 1959).

\textsuperscript{48} Blair Fraser, "Will the provinces reject the RCMP?" \textit{Maclean's}, Apr. 25, 1959, p. 2.
Saskatchewan's got a CCF government that has to be pro-labor, and their attorney-general has already said he thinks Ottawa did the right thing by refusing to send reinforcements. British Columbia's got some queer labour legislation of its own, and isn't likely to make a fuss on a labor issue. That leaves only Alberta and Prince Edward Island - aside from Newfoundland.\

The practical result in Newfoundland was the creation of sharp division between the Diefenbaker and Smallwood governments, with the R.C.M.P. in the middle. Supt. Parsons felt sure that the contract would not be renewed, with good reason. He had been approached by the province to take command of a new provincial police force. In addition, Attorney-General Curtis hinted at such a possibility during the strike, rhetorically asking whether the province should renew its contract. That it did renew can only be attributed to the financial impecuniosity of the province, combined with the attractive financial conditions offered by the contract. The province's only vent for its anger was in the courts, where it brought action against the federal government.\

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49 Ibid. An article in The Financial Post a couple of weeks earlier was not quite so optimistic (see generally, "Police Contracts at Stake: Could this Doom the RCMP?", Apr. 4, 1959, p. 30).


52 Newfoundland commenced action against the federal Crown in the Exchequer Court of Canada (now the Federal Court of Canada) on March 31, 1959 under registry number 153396 (PAC, RG 18, vol. 3586, file GH 125-3-11). The suit alleged that, despite the provincial attorney-general forming the opinion, on or about March 8 and again on March 15, that an emergency existed, the federal government violated section 13 of the contract by permitting irrelevant considerations and the opinion of uninterested parties to influence
With the death of Cst. Moss, the need for reinforcements quickly dissipated. An outpouring of emotion sparked a corresponding condemnation of the I.W.A. from many quarters.\(^{53}\) The murder effectively stole the thunder from the strike. Many loggers joined the newly formed, government sponsored union while others simply returned to their home communities.

Peter Newman suggests that Badger represented the beginning of Fulton's decline in the Diefenbaker government:

...Fulton felt that his strict personal moral code had been

the Minister of Justice. It sought damages for the cost of sending Constabulary members to assist the R.C.M.P.

Interlocutory motions slowed the progress of the lawsuit, which was indefinitely adjourned on June 15, 1959 ("Court Adjourns Nfld. Hearing," *Globe and Mail*, Toronto, June 16, 1959) and discontinued on October 2nd (PAC, RG 18, vol. 3586, file GH 125-3-11, p. 100, D.M. Maxwell to Comm'r. Rivett-Carnac, Oct. 5, 1959). On the same day a new suit was filed under registry number 158030 which essentially reiterated the same claim, however remedied certain inadequacies in the earlier pleadings. In the second action, Newfoundland sought but failed to obtain a court order requiring that Fulton be examined for discovery (Bruce MacDonald, "Nfld Abandons Suit in Ottawa," *Globe and Mail*, Nov. 30, 1961).

Unfortunately for the province, a fundamental problem plagued both suits. It could not demonstrate that it suffered any pecuniary damages because the cost of utilizing Constabulary members more than offset the cost of the anticipated extra-provincial R.C.M.P. reinforcements. Furthermore, the additional Mounted Police likely would not have arrived until after Moss' death (PAC, RG 18, vol. 3586, file GH 125-3-11, p. 144, J. Sedgwick to Maxwell, Oct. 16, 1961).


\(^{53}\) During the transfer of his body from a hearse at the train station in Windsor, near Grand Falls, a cordon of R.C.M.P. held back a crowd of 400 intent on attacking the I.W.A.'s local headquarters (Ian Macdonald, "Tempers Running High; Mounties Hold Back Mob," *The Evening Telegram*, Mar. 13, 1959, p. 1).
strained by the event, and thought of resigning himself. The Newfoundland affair marked the end of Fulton's joy in federal politics. Although he continued to perform ably in Justice, it became increasingly evident that Diefenbaker was determined to undermine him.  

A columnist, R.J. Moon, noted that both major political parties feared that the C.C.F. would attempt to reap political dividends from the incident and that the Liberals expected it to serve as a catalyst in the C.C.F.'s attempt to persuade the Canadian Labour Congress (C.L.C.) "to join with it in the so-called new political 'movement'." In 1961 the C.L.C. did, in fact, join with the C.C.F. to form the New Democratic Party, although it is difficult to judge what impact the Badger strike played in the Congress' decision.

The federal government's decision not to send reinforcements was clearly political, the availability of manpower not being a concern. According to Harvison, each division within the Force could make up to 25 per cent of its strength available for

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54 Newman, p. 118. History tells us that Diefenbaker's efforts backfired. Newman includes Fulton in a group of cabinet ministers who came to share "anti-Diefenbaker sentiment" and who later sought his removal from the position of party leader (p. 368).


56 Careless, p. 420.

57 Kelly and Kelly quote the reaction of an unnamed federal cabinet minister on hearing of the Newfoundland request for reinforcements: "I'm damned if we'll pull their political chestnuts out of the fire" (The Royal Canadian Mounted Police, p. 232).
emergency purposes, at any time.\textsuperscript{58} Regardless of the relative merits of the federal and provincial positions, the decision vividly demonstrated that the federal government could subvert the intent of the policing contracts to meet its political ends, potentially circumscribing the provinces' ability to administer and enforce the criminal law within their borders. The crisis also produced other, unanticipated results.

To the R.C.M.P., Badger represented the end of an era. From the turn of the century until the confrontation which led to Nicholson's resignation, the R.C.M.P. never lost a major skirmish in the bureaucratic wars. The strong leadership of Comm'rs. Perry, Starnes, MacBrien and Wood transformed it from a frontier, mounted rifle corps into a national quasi-military police force. The federal government acquiesced to virtually all its wishes, seeking only to avoid political embarrassment. The Force ensured that the latter did not occur, fulfilling the role of a loyal and dedicated servant and growing strong as a result.

Comm'r. Nicholson possessed the same attributes of strong leadership, bureaucratic survivability and upstanding personal qualities displayed by the others. His eight years at the helm were years of growth and expansion. Unfortunately for him they were also years of growth within the federal bureaucracy, particularly of Treasury Board and the Finance Department. The

\textsuperscript{58} Harvison, p. 233. He estimated that 50 men could be spared to assist Newfoundland for at least two to three months (PAC, RG 18, vol. 3586, file GH 125-3-11, p. 143, Harvison to Maxwell, Oct. 12, 1961).
R.C.M.P.'s organizational plans were no longer rubber stamped. Scrutiny and questioning replaced benign neglect. The assertion of bureaucratic control led inevitably to strengthened political control. Where the Force's aims and objectives clashed with federal government policy, the latter prevailed. Badger was such an instance. Nicholson's demise ended the reign of powerful and long-serving Commissioners. Until the appointment of Comm'r. R.H. Simmonds in 1977, those holding the top job in the Force served for short periods of time and increasingly resembled the organizational heads elsewhere in government.

YEARS OF INCREASED SCRUTINY (1960 TO 1980)

Anthony Doerr notes that the 1960's witnessed both a "qualitative as well as quantitative shift in government administration":

A changing public agenda at the political level and a major reorientation of public-service management accompanied by a highly accelerated pace of government activities contributed to a quiet and sometimes not so quiet revolution in public policy making and administration in the federal public service. New structures and new techniques were employed in response to changing and growing demands both within and outside the public service.  

The Glassco Report, commissioned by the federal government in 1960 and published in 1963, opened "a new era" within the federal

government. Among its recommendations were the separation of the Treasury Board from the Finance Department and a strengthening of the Board, in part by giving it Cabinet status.  

Change did not escape federal policing initiatives, in particular the R.C.M.P. The late 1950's and 1960's witnessed heightened federal concern over the ever-increasing cost of policing. In 1959, Treasury Board noted the disproportionate federal contribution toward contract policing costs and determined that a change was in order. The parties agreed to meet at a federal-provincial conference on May 5 and 6, 1960. In anticipation, Fulton asked Comm'r. Harvison to provide a justification for the R.C.M.P.'s continued presence in the contracting field.

Harvison produced a long list of well-worn, and some new reasons: agency work for federal departments, a supply of emergency reserves, the duplication and poor coordination to be expected if the Force and provincial police coexisted, the increased prevalence of organized crime, the ability of police unions and associations to exert control over policing, political objections which the federal government could expect from the electorate and the

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62 Harvison, who featured prominently in the 1950 absorption negotiations in British Columbia, served as Commissioner from April 1, 1960 to October 31, 1963.
investigative flexibility provided by the Force. Ignoring the unitary nature of British government, Harvison even pointed to Westminster's fifty per cent subsidy of policing costs. He also referred to the uniformity of policing, the good foreign cooperation and the national security capability which the R.C.M.P. possessed, even to the caliber of its men and the career path which they enjoyed.63

At the conference, the federal government proposed raising the provincial share from 40 to 75 per cent. In its pursuit of "a more equitable financial arrangement," Ottawa argued that conditions had changed dramatically since the 1930's. It cited population increases, the increase in crime, more demands on the police and future anticipated growth.64

The provinces panned the federal proposal, accusing Ottawa of placing financial concerns over effective policing and intimated that some might opt out of the contracts. The federal government relented, for various reasons, pragmatic and political. It felt that to attempt to reverse the legacy of history overnight would be both unfair and politically dangerous. As well, certain of Harvison's justifications found succour. The government desired both a high standard of law enforcement and a national police


force, was concerned over the impact of police unionization and, considering the ambiguity of definition in s. 92 (14) of the Constitution, feared that the provinces might question why they were involved in policing in the first place.65

Despite both the bad publicity generated by the Newfoundland debacle and the poor relations between that province and Ottawa, all eight contracting provinces renewed their agreements. The renewals extended the contracts for an additional five years, to May 31, 1965, and the 60/40 ratio remained. The purse strings continued to tighten, however, and the Force learned to accept and make the best of Treasury Board's involvement in its affairs.

During 1962, in an attempt to counter the escalating violence within the Doukhobor population of southeastern British Columbia,66 the R.C.M.P. found its resources within that province stretched to the limit and sought additional members from outside the province. Attorney-General Wismer's foresight of twelve years earlier was unmistakeable. In a precedent setting move, Treasury Board gave the Force permission to create federal positions in the province, separate and apart from those created out of the contract strength.

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65 See generally, PAC, RG 18, vol. 3584, file GH 125-2-5. The strong flavour of altruism in these justifications should be tempered by reflecting on the times. Federal-provincial relations were relatively congenial in 1960, administrative federalism remained in full bloom and the Progressive Conservative or the Social Credit party governed the majority of contract provinces (see inset chart).

66 A concise summary of the events in southeastern British Columbia during the early 1960's is found in Woodcock and Avakumovic, pp. 350-55.
A/Comm'r. M.F.A. Lindsay described the agreement to the provincial commander in British Columbia:

It must be clearly understood that under ordinary circumstances the personnel required for Federal duties in a Province are provided for in the manner in which the cost of policing is shared by the Federal and Provincial Governments.... in the case of your Division, we were successful in having Treasury Board agree to a limited number of personnel strictly for Federal duties. This is due to unusual circumstances prevailing in "E" Division. 67

During the following year, the divisional commander in British Columbia sought permission for two additional provincial positions in order to form a stolen car detail in Victoria. Although sympathetic, the Commissioner saw difficulty with obtaining approval from Treasury Board. The solution was a classic example of bureaucracy at play:

...it was felt that we would be more successful in obtaining Treasury Board's approval for additional positions by indicating them as a Federal duty. Two positions were therefore approved and added to your existing Preventive Service Section at Victoria, as it was felt at this headquarters they could operate more effectively from that location. Additionally, your submission indicated a Preventive Service involvement. 68

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In 1958 A/Comm'r. (later Commr.) G.B. McClellan, the divisional commander in British Columbia, expressed a similar concern, though the reverse of the Victoria situation. By not creating federal positions separate and apart from the contract strength of the Force, the contract strength included the divisional complements of the large and growing Security and Intelligence Branch (S.I.B.), engaged in counter-espionage and counter-subversion activities. With no criminal prosecutions for treason or sedition since 1950, McClellan questioned whether the provinces, if aware of their inclusion, might not ask why they should contribute to this particular cost:

I have been able to avoid any question of S & I work so far
Having failed to gain major concessions in 1960, the federal government, this time Pearson's Liberals, hoped to improve its position in the renewal negotiations of 1964. The Minister of Justice, Guy Favreau, forwarded a pro forma notice of termination to the provinces, calling the contracts "too unfavourable to the Federal Government." Favreau's comment that "the federal government is most anxious to continue to serve your province" offset, however, any veiled threat of cancellation. Surprisingly, he also indicated the government's willingness to discuss a proposal to extend the scope of municipal contracting.

British Columbia responded to the threat of termination by requesting an assortment of information, primarily financial, relevant to past contracts and the present situation within that province. Tasked with responding to the request, the Force developed a lengthy, detailed and quite remarkable submission. It noted that although provincial duties accounted for almost 50 per cent of its total manpower in British Columbia during the past seven fiscal years, provincial payments covered only 20.6 per cent of its total expenditures in the province. Municipal duties

but it could arise at any time....I wonder what our position would be should the Attorney General insist that he be supplied with copies of S. & I. reports on the grounds that the Province is paying a portion at least of the expense of this work (ibid., vol. 3583, file GH 125-2 (1958), McClellan to Nicholson, Mar. 7, 1958).


70 Ibid., p. 81.
consumed the time of an additional 25 per cent of its manpower. Assuming a de facto distribution of 75 per cent provincial and municipal contract duties and 25 per cent federal duties, the Force estimated that the present 60/40 ratio saved the province over $6 million in fiscal 1963-64 alone. Projected back to 1950, it estimated a total saving to the province in excess of $50 million and a per capita cost amounting to one third of the per capita provincial policing costs in Ontario and Quebec. The Force also noted its practice of routinely posting additional men to the province, not covered by the contract or the 10 per cent differential, in anticipation of contract strength increases.

The fact that British Columbia appeared to be reviewing the efficacy of contract policing troubled the Force greatly. In addition to its submission, headquarters instructed the provincial commander to provide "information on rumours that you know of concerning any possibility that B.C. is considering reverting" to

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71 Ibid., p. 94. D/Comm'r. Lindsay to W.C. Higgins, July 3, 1964. Payments of $13,134,619 offset the total expenditure of $63,585,549.88. The gross figure did not include however, the thousands of unpaid overtime hours expended by members of the Force nor time spent on vacation, sick leave or training. In fiscal 1963-64, the population of British Columbia approximated two million. The provincial bill was $2,411,928, or slightly in excess of $1,000 per capita. The per capita costs for provincial policing of Ontario and Quebec were $6,544 and $6,768, respectively.

72 Ibid., file GH 125-10 (1961), p. 42, Nicholson to Bonner, Oct. 9, 1958. During the period May 1 to October 1, 1958, there were between 60 and 82 additional members in the province.

73 There is no indication that the federal government shared this concern.
a provincial force. When the province threatened to notify the contracting municipalities of the possibility of cancellation, Comm'r. McClellan viewed the move as "a deliberate attempt to cause trouble and may be indicative of the attitude that the British Columbia government will take in the forthcoming discussion on contracts." The R.C.M.P. also worried that the province intended to enlist the municipalities in support of its bargaining position with Ottawa.

The Force's resolve to continue its provincial and municipal role in British Columbia was unmistakeable. Despite earlier misgivings concerning the efficacy of large municipal detachments,

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77 Subsequently, the president of the British Columbia Federation of Peace Officers publicly criticized the Force for attempting to broaden its base in the province. Frazer MacDonald lambasted the Force for "an attempted 'takeover'" of the five-man Central Saanich municipal police force. The incident occurred amid a feud between the local council and its police force over a unionization bid. After firing one officer, council asked the R.C.M.P. for a feasibility study on contract policing. According to MacDonald, the R.C.M.P. possesses a branch "with no other duties than to go out and do a sell-job." He 'complimented' the Force on the quality of its submission, however noted that it was defeated as the result of a contra submission by the federation which noted the loyalty to Force, not community, shared by R.C.M.P. members as well as the Force's penchant for consolidating small detachments and making frequent personnel changes ("RCMP called power 'hungry,' Edmonton Journal, July 6, 1973).
particularly from Comm'rs. Wood and Nicholson, the senior echelon of the Force did not wish to lose the many personnel employed in British Columbia, nor suffer the loss of pride that rejection would inevitably cause.  

Another federal-provincial conference took place during November 1964 to discuss the contracts and attempt to remedy the impasse of 1960. Its agenda dealt principally with the issues highlighted by Favreau: the cost-sharing ratio and the extension of municipal contracting. The R.C.M.P. prepared a comprehensive briefing document for use by the conference participants in which it mounted another spirited defence of the contracts.

The Force pointed to the poor salaries and working conditions of its members as evidence of their cost effectiveness. It noted that of thirteen major police forces in the country, its recruits

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78 The desire to remain dampened the Force's drive to divest itself of many non-police duties. The few tasks transferred to branches of the provincial government were, according to the Force, transferred as the result of "continual complaintive bargaining...and...sound administrative management" (PAC, RG 18, vol. 3595, file GH 125-10 (1964), p. 144, Forrest to McClellan, Sept. 29, 1964). The non-police functions included operating a detachment at the site of a provincial mental hospital.

In another interesting twist to the Force's retention of such duties, Harvison, while the provincial commander in British Columbia, supported members continuing to act as court orderlies for unpaid lay magistrates. In his opinion there were "some advantages to our members having this very close liaison with the Magistrates" (ibid., GH 125-10 (1961), p. 76, Harvison to Nicholson, Dec. 20, 1956).


80 Ibid., p. 250.
received the lowest pay and its senior constables the second lowest pay. While most forces either paid or allowed time off in lieu of overtime, the R.C.M.P. afforded neither. Virtually all police forces adhered to a 40-hour, 5-day work week. Meanwhile, the R.C.M.P. contracts contemplated a 6-day work week and the Force expected its members to be on call 24-hours a day. Most forces provided service pay to members as a form of merit bonus, the R.C.M.P. did not. Its pension plan was contributory and its clothing allowance for 'detectives' below average. On the plus (or negative) side, it pointed to the range of its pension plan, good annual leave provisions and medical and life insurance plans.

The conclusion is arresting:

The R.C.M.P. does not presently grant additional pay for overtime, extra duty, call back or court attendance. Hours of work on the average substantially exceed 40 per week. With the exception of a very good pension and annual leave provisions most of the fringe benefits represent reduced dollar expenditures per man in comparison with those incurred by many of the other forces in Canada on which data are available. 81

In the end, the conference established a new formula for determining the cost base for provincial contracts and a new cost-sharing ratio, 82 though not what the federal government desired. 83

The 1966 renewals incorporated the changes, which saw the provincial contribution rise by one per cent per year commencing

81 Ibid., pp. 272-74.
82 "Memorandum of Agreement between Canada and Saskatchewan," July 12, 1966, s. 12.
April 1, 1966, reaching 50 per cent by the end of fiscal 1975-76.\(^4\) The municipal rate continued at 50 per cent for the first five members and 75 per cent thereafter.\(^5\)

In addition to increased concern over the 'bottom line,' another manifestation of the change sweeping the federal bureaucracy was the establishment of a number of new ministries. The Treasury Board Secretariat severed its ties to the Finance Department in 1966 and in 1967, the Pearson government created the Solicitor General's Department, a new ministry designed to handle those functions related to policing, corrections and parole.\(^6\)

The Ministry represented the first effort to establish a "ministerial portfolio," one combining a traditional department with one or more agencies, all of which being responsible to the same minister.\(^7\) This led to the establishment of a Secretariat within the Ministry "for the purpose of developing and coordinating policy across the portfolio."\(^8\) The concept challenged the Force's direct access to the Minister:

The Deputy Solicitor General, supported by a small staff, was to place the operationally biased recommendations of the

\(^4\) See App. B.


\(^7\) Doerr, p. 144.

\(^8\) Ibid., p. 145.
agencies into the perspective of broader government policies, for the purpose of decision making by the Solicitor General and his Cabinet colleagues.

The R.C.M.P. effectively scuttled the plan. French and Beliveau suggest that, although the R.C.M.P. felt neglected within the Justice Ministry and lobbied to come under the Prime Minister's direct control, the creation of a new ministry, which could examine its affairs in minute detail, was not welcome news. The Force soon became embroiled in a dispute with the Secretariat over access to the Minister. With the apparent support of the Prime Minister, the Force prevailed, however relations between the Secretariat and the Force soured. In the end, French and Beliveau suggest that the Secretariat was "all but swallowed by the putative co-ordinatees."91

In the decades following creation of the Ministry, it became clear that the portfolio was seldom sought by prospective cabinet appointees. A relatively low-level post with an occasionally high and potentially explosive profile, the Department served as a revolving door for junior ministers.92 Most of those who did land

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90 Ibid., p. 14, ft. 18.

91 Ibid., p. 15. Also, see Reed, pp. 75-7.

92 For example, the R.C.M.P. Security Service debacle, parole violators committing crimes, prison riots and, recently, questions concerning the Canadian Security Intelligence Service.

93 See the inset chart and App. D. The Ministry was also home to four deputy ministers between 1968 and 1979 (Doerl, p. 100).
the position knew little of the Force prior to their appointment. By the time they familiarized themselves with the agencies under their command, it was time to leave. Inevitably, this prevented serious ministerial policy making and relegated most decision making to the agencies.

Nevertheless, the Force now faced two obstacles within the federal bureaucracy which were not there during the heydays of contracting: a newly strengthened Treasury Board and a Ministry Secretariat which had the time to more closely scrutinize its mandate and activities than was previously the case. Both Treasury Board and the Ministry also became involved in the negotiations giving rise to contract renewals. Having prevailed in its battle with the Secretariat, the Force next sought to soothe the vanquished and obtain an ally in the ongoing financial wars with Treasury Board. To a large extent, it succeeded.

The tremendous size of the R.C.M.P. affords it vast human and physical resources which can be harnessed to prepare position papers, gather statistics and so forth. In comparison, the Ministry Secretariat is miniscule94 and must often rely on the Force's superior resources and information systems. Nevertheless, the Force remains alive to the fact that the Ministry has close links to the Treasury Board and is cautious in its interaction with

94 In fiscal 1987-88, the Secretariat utilized 266 person-years in comparison to the R.C.M.P.'s 19,894 (Solicitor General Annual Report 1987-1988, p. 15).
Ministry staff. In the final analysis, the symbiotic relationship between the Ministry and the Force remains problematic.

At the same time that the Force faced increased pressure within the federal bureaucracy, it also faced a new and, to its system of contracts, potentially destructive threat from outside. Doern and Phidd describe the 1970's and 1980's as years in which there was a "grudging and belated discovery of scarcity.... Gains for one group, region or class increasingly became a visible loss for another." With the buoyant economy of the 1950's and 1960's a thing of the past, governments at all levels attempted to place a lid on spending, raise new taxes and squeeze the most out of every dollar of revenue. Fiscal matters assumed a much higher profile on the federal political agenda and impacted on every department and agency of government.

Not surprisingly, Ontario and Quebec raised their voices in opposition to the R.C.M.P. contracts. Quebec's Premier Jean Lesage raised the issue as far back as a July 1965 conference of first ministers. His comment that the contracts were, as "a fact," an "indirect...subsidy," followed a candid observation by the Minister of Justice, Guy Favreau:

Mr. Favreau explained that in order to maintain a police force quasi-national in character, the Federal Government has had to subsidize it heavily, both in financial terms and in terms

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95 A senior bureaucrat interviewed during the course of this research suggested that this also impacts on the procedure followed during the preparation for renewal negotiations.

96 Doern and Phidd, p. 233.
of improving the quality of services rendered.97

The reference to a subsidy by Favreau is quite remarkable for a federal politician.98 Not surprisingly, Quebec again raised the issue in 1973, and in 1977 made a claim for $743.6 million, representing what it felt was owed for the period commencing in 1966.

Ontario supported Quebec's position.99 Both argued that by the absence of payments in lieu to the central provinces, the contracts were patently inequitable. The Trudeau government

97 PAC, RG 18, vol. 3584, file GH 125-2 (1965), unsgd. notes, July 22, 1965. Members of the Force interviewed during the research for this thesis almost invariably refrained from using the word "subsidy" and corrected any suggestion that the federal government's portion of contracting costs represented a subsidy.

98 Guy Favreau and Davie Fulton are known for the 'Fulton-Favreau' constitutional amending formula which received wide circulation during the mid-1960's (see Favreau, The Amendment of the Constitution of Canada (Ottawa: Queen's Printer, Feb. 1965)).

99 Estimates of the amounts 'lost' to Ontario and Quebec vary. A newspaper article in 1980 estimated Ontario's loss at $1.5 billion, (The Telegraph-Journal, St. John (hereinafter referred to as Telegraph-Journal), Nov. 12, 1980). Similarly, Maclean's magazine estimated a figure of $800 million for Ontario and $1 billion for Quebec in a February 23, 1981 article. The variance is attributed to difficulty encountered when attempting to assess federal benefits under the contracts, an amount which must be deducted to arrive at the federal subsidy. Certain intangibles, such as training and administrative costs, figure significantly in the problem.

In 1977 Justice Minister Marc-Andre Bedard of Quebec actually pursued the matter one step further. He advocated the turnover of various federal responsibilities of the Force in Quebec to the Q.P.F., making the latter Quebec's "'national' police forke [sic]." The suggestion was greeted with very little enthusiasm by R.C.M.P. Commissioner Maurice Nadon ("RCMP to stay in Quebec," Globe and Mail, Feb. 5, 1977).
rejected all such claims. During the mid-1970's, Solicitor-General Francis Fox refused even to discuss the matter, causing the Globe and Mail to editorialize that it "reminds us of how, through sheer dint of failing to cooperate, the art of Canadian federalism has been dragged to its present exalted state."\textsuperscript{100} Despite the federal government's avowed indifference, the contracting provinces feared that the claims from Ontario and Quebec might drive Ottawa away from the contracts.\textsuperscript{101} Presumably it also persuaded them to pay a higher percentage of costs in subsequent renewals.

Within the federal government, the concern over Quebec and Ontario's claims was never far from the minds of senior politicians and bureaucrats. The Treasury Board and the Prime Minister's Office often used it when sparring with the Solicitor-General and the Force over funding increases or when asked to reduce their demands on the provinces.

As the renewal negotiations of 1976 approached, Solicitor-General Warren Allmand warned that the federal government might expect an increase in the provincial and municipal shares of contract policing costs. At the same time, he applauded the R.C.M.P.'s clearance rate for reported crimes and its recent, increased emphasis on crime prevention, white collar crime and drug

\textsuperscript{100} "What Others Are Saying - Say No," n.d. (1976 or 1977).

\textsuperscript{101} Mary Trueman, "Study may alter RCMP role in policing provinces," The Globe and Mail, Toronto (hereinafter referred to as the Globe and Mail, n.d. (1977 or 1978)).
trafficking. In a 1973 speech in Halifax, Allmand characterized the Force as the best provincial policing option for the money, adding that a provincial force was not economically viable in the smaller provinces.  

During November 1975, Ottawa made its pitch, proposing a rise in the provincial share from 50 to 60 per cent. Allmand later reduced that demand to 52 per cent in the first year and one per cent per year for the next four years. Initially all the provinces rejected the proposal. They formed a common front and negotiated past the contract expiry dates. Veiled threats of resurrecting provincial police forces could be heard in some quarters. All eventually capitulated, however. The renewals

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102 Betsy Chambers, "Allmand says RCMP best bargain," The Mail Star, Halifax (hereinafter referred to as the Mail Star), Apr. 10, 1973. In its 1974 report, The Nova Scotia Royal Commission on Education, Public Services and Provincial-Municipal Relations recommended a regional system of policing for the populated areas of the province. It envisaged county-wide police forces with responsibility for the towns and cities while the R.C.M.P., on contract, would continue in the rural areas. The resulting hodgepodge was never implemented (see generally, Graham, Harris and Walters, vol. 1, ch. 15).


105 Ibid.

106 Ibid.

107 For example, Nova Scotia Deputy Attorney-General Gordon Coles offered it as a possible option if the R.C.M.P. became cost prohibitive ("Provincial force could be option if RCMP too costly," ibid, Mar. 25, 1976).
included a "direct costing base" which individualized the Force's expenses in each province, utilizing the total cost of contracting as opposed to the number of contract positions as a base. Also created were two municipal cost bases, one for those communities under 25,000 in population and the other, closer to the provincial base, for those above. The apportionment of costs for the municipal contracts saw an increase of the municipal share to 52 per cent for the first five members and 77 per cent for the balance. A one per cent per year increase followed until fiscal 1980-81. The federal government declined to commit itself to a longer renewal term, pending the outcome of a re-examination of its role in law enforcement.

To that end, it established a task force to enquire into all issues impacting on federal policing. The Solicitor-General expressed the hope that it would lead to "a 'rational approach' to policing in Canada. If nothing else, it served to worry the


109 Ibid., pp. 4-5. Although the federal/provincial cost-sharing ratio is important, so too is the definition of the cost base. Over time, it changed dramatically, including or excluding various elements. For example, training and administration expenses are very difficult to apportion between contract and non-contract duties. The suspicion is that earlier contracts took a much more conservative view of the cost base than have those during the past two decades. Alan Grant notes that "[t]he pricing formula is extremely complex and it is not possible to be sure whether provinces and municipalities receive a benefit from the R.C.M.P. contract" ("The Police: Organization, Personnel and Problems," The Practice of Freedom - Canadian Essays on Human Rights and Fundamental Freedoms (Toronto: Butterworth & Co. (Can.) Ltd., 1979), p. 405, at 407).
provinces that a major federal policy shift, affecting the contracts, might be in the wings.\footnote{Malcolm Gray of the Globe and Mail reported that the head of British Columbia's police commission, John Hogarth, suspected that "the end result of a federal review on shared-cost policing may be Ottawa's withdrawal from shared-cost policing, possibly as part of a bargain struck with Quebec" (Malcolm Gray, "Commissioner who helped make B.C. police 'too popular' is bowing out after 3 years," Globe and Mail, Dec. 21, 1977).}

Allmand's successor, Francis Fox, did little to allay fears:

In a recent interview, he said publicity about the study group will probably lead provinces to believe that this is the aim, but no decision has been made. He said the group has merely been asked to examine thoroughly the direction of the RCMP, to answer such questions as: "Should it be allowed to grow eventually to 40,000 men, or should we stop and look at where we are going?"\footnote{Mary Trueman, "Study may alter RCMP role in policing provinces."}

Even before completion of its report, rumours abounded. Opposition critic Elmer MacKay revealed a document, presumably part of the report, dated March 30, 1977, which recommended a realignment of R.C.M.P. responsibilities in federal law enforcement, a reduction in municipal contracts and a takeover of the Ontario and Quebec provincial police.

The task force apparently noted the increased cost and difficulty of federal law enforcement in Ontario and Quebec, intimating that contract personnel lessen the cost of federal police duties.\footnote{A senior bureaucrat interviewed during the research of this thesis queried whether this result serves as a reason to contract or a justification for contracting!}

By eliminating municipal contracts, yet acting as a contract provincial force across the country, the federal
government could avoid the most expensive and least beneficial aspect of contracting while retaining a national infrastructure to support its federal duties. Solicitor-General Jean-Jacques Blais, Fox's successor, denied any change in government policy.

In 1977, a conference of attorneys-general raised an issue which up to that point had languished on the back burner during renewal negotiations - control. Although fiscal concerns regularly dominated contract renewal discussions, the question of who actually controlled the operations of the R.C.M.P. dated as far back as the first contracts with Alberta and Saskatchewan at the turn of the century.

A senior policy maker interviewed in the course of this research defined control, in terms of the contracts, as the ability of the province to direct what is to be done and with what intensity, but not how to do it. In other words, a province can instruct the divisional R.C.M.P. commander to actively enforce criminal laws dealing with, for example, drinking and driving and to increase the intensity of that enforcement over the Christmas holiday period. The same bureaucrat described the inherent problems with such a relationship. For example, when dealing with

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113 Also in the late 1970's, the Royal Commission on Financial Organization and Accountability, the Lambert Commission, continued the work begun by the Glassco Commission. It concentrated on perceived problems in the areas of financial controls and accountability, noting a pre-occupation on the part of Treasury Board with new programs, at the expense of existing programs. Needless to say, it recommended an increased emphasis on the latter (See Reed, pp. 84-5).

a political corruption investigation involving provincial officials, the Force becomes obliged to take direction on all but operational methodology from the provincial attorney-general. 115

In 1977, the attorneys-general identified the sharing of intelligence information on organized crime as a problem. Believing that the Force kept such matters too close to its chest, Attorney-General Jim Foster of Alberta expressed the concern that "not enough political control is being exercised over the force federally or provincially." 116

A 1979 meeting of the same group agreed that the R.C.M.P. must report to provincial governments on its federal activities within their respective provinces and further, asserted a proprietary interest in all information collected by the Force in the course of its contractual duties. 117

The sentiments expressed by the attorneys-general reflected

115 An example of this dynamic is found in the case study of the New Brunswick Highway Patrol, found at App. J. Interestingly, municipal and provincial forces in Ontario and Quebec seldom find themselves investigating federal politicians and bureaucrats for fraud or influence peddling, most of those investigations falling to the R.C.M.P. by agreement or otherwise.


117 "RCMP Should Report Activities," The Daily Gleaner, Fredericton (hereinafter referred to as the Daily Gleaner), Sept. 12, 1979. This is unquestionably a difficult area. It is still not satisfactorily resolved, primarily because of the inevitable overlap in the Force's information gathering processes. Intelligence, be it raw data or analysis, gathered under provincial contracts is mixed with that obtained in the course of federal duties. With computerization, the problem is magnified. Layered upon the practical difficulties are the constitutional entitlements and the various federal and provincial statutes which impact on information access and privacy.
the concerns of many politicians and organizations on hearing of a litany of civil rights abuses committed by members of the R.C.M.P.'s Security Service during the 1970's and 1980's.\textsuperscript{118} Its "dirty tricks" became the subject matter or of interest to no less than four Royal Commissions at the federal and provincial levels,\textsuperscript{119} eventually leading to the separation of the Security Service from the Force and its transformation into the Canadian Security Intelligence Service (C.S.I.S.).

The grumblings over control of Force activities suddenly acquired increased significance with the advent of negotiations leading up to the 1981 renewals.

THE 1980-81 RENEWAL

The 1980-81 renewal negotiations were by far the toughest yet between the provinces and Ottawa.\textsuperscript{120} Solicitor-General Robert

\textsuperscript{118} The contract role of the Force did not escape comment during the public hearings (see, for example, the submission of the Law Union of B.C. to the MacDonald Commission ("Provincial Police Forces Urged By Law Union of B.C.," Cape Breton Post, Sydney, Feb. 2, 1979)).

\textsuperscript{119} Known as the MacDonald (federal), Keable (Quebec), Krever (Ontario) and Laycraft (Alberta) Commissions. In his 1978 report, Mr. Justice Laycraft recommended that future contracts clearly delineate the R.C.M.P. divisional commander's responsibility to the provincial attorney-general (Grant, The Police, p. 18).

\textsuperscript{120} Many of the participants were the same persons who partook in the various conferences and meetings which gave rise to the repatriation of Canada's constitution.
Kaplan started the ball rolling during October 1980 by announcing the federal government's intention to seek an increase in the provincial share and that of small-municipal contracts to 75 per cent (from 56)\(^{121}\) and other municipal contracts to 90 per cent (from 81),\(^{122}\) potentially a $100 million shift in financial responsibility.\(^{123}\) Svend Robinson, the New Democrat M.P. for Burnaby predicted an 80 per cent "over-all increase" in British Columbia's policing costs, from $35 million in fiscal 1980-81 to

\(^{121}\) An interesting and highly artificial and speculative game of number crunching played a significant role in the posturing during the negotiations. The provinces used the compiled statistics from coded work sheets, compiled daily by R.C.M.P. members in the field, in an attempt to determine the federal benefit obtained from contract members. They arrived at a percentile of 49.45 per cent. The federal government responded with a figure of 27.13 per cent, including both direct benefits (i.e. work done on behalf of the federal government by contract personnel) and intangibles (i.e. the benefit of a federal presence). Dr. John Hogarth, on behalf of the provinces, then offered a detailed response to the federal position (see generally, Response to Federal Paper of April 6, 1981 Concerning Federal Benefits From R.C.M.P. Contracts, n.p.: Apr. 1981). Originally designed to estimate overtime requirements, Chris Murphy notes that "constables routinely record only organizationally appropriate figures" on the forms, termed "cheat sheets," in adherence to established norms. Murphy concludes that the figures "cannot be said to reflect accurately the actual distribution of work activity" (Chris J. Murphy, The Social and Formal Organization of Small Town Policing: A Comparative Analysis of R.C.M.P. and Municipal Policing, unpub. doctoral thesis, Univ. of Toronto, 1986, pp. 147-48). Unfortunately, being R.C.M.P. forms, it was difficult for the federal government to dispute their veracity, relegating it to a scrum over numbers with the provinces.

\(^{122}\) "Will the RCMP be good value?", Times-Colonist, Victoria (hereinafter referred to as the Times-Colonist), Nov. 2, 1980 and "RCMP plan 'expensive','" ibid., Dec. 15, 1980.

$63 million in fiscal 1981-82.\textsuperscript{124} Not surprisingly, the provinces balked. The provincial attorneys-general, caucused in Victoria, issued a communique which called the proposal "unreasonable" and suggested that it may reflect a federal wish to remove the R.C.M.P. from contract duties. The chairman, British Columbia's Allan Williams, objected to such a move, calling the re-establishment of a provincial police force a "retrograde step."\textsuperscript{125} An editorial in the \textit{Times Colonist} of Victoria suggested that because of the federal subsidy and the economies of scale\textsuperscript{126} which the R.C.M.P. enjoyed, the provinces and municipalities could probably not obtain the same level of service even with the proposed increases.\textsuperscript{127} On the other hand, it noted that "in return for that rapidly shrinking advantage, the provinces and municipalities are giving up a great deal of control over their policing." It noted that the R.C.M.P. trains its own personnel,

\textsuperscript{124} \textit{Times-Colonist}, Dec. 15, 1980.

\textsuperscript{125} "RCMP cost 'unreasonable,'" ibid, Nov. 8, 1980, p. 3.

\textsuperscript{126} For example, crime detection laboratories and identification services, police service dogs, the air and marine sections.

Another factor which strengthens the arrangements is the R.C.M.P.'s policy of frequently transferring personnel, inspired partly by a belief that familiarity breeds corruption. This factor is neutralized to an extent, however, by the lack of familiarity members possess of the communities they police.

\textsuperscript{127} The results of a joint provincial-municipal study of justice services in New Brunswick support this view. Although noting that contract rates increased dramatically in recent years, it found that municipalities with their own forces still paid more for policing than contracting municipalities (Heather Dunsmuir, "Higher Priority Needed For Policing Services," \textit{Daily Gleaner}, n.d. (Dec. 1980), p. 1).
operates its own complaints procedures, negotiates employment conditions (including salary) with Ottawa and is often slow to provide additional manpower: 128

The gaps between costs and benefits of a provincial police force is narrowing. The additional price might be offset by the benefits of provincial or municipal control. A careful study should be undertaken... 129

Questions were asked. Could the Force be trusted to accurately report its activities to the provincial attorneys-general and, if so, to what extent must they report? Kaplan stood firm:

To be a national force...there has to be a fair degree of centralization of operational policy and administration....I [cannot] become the operator of a placement service which would not be the RCMP. 130

Comm'r. Simmonds also entered the fracas. Simmonds assumed the high mantle just as the Security Service scandals began to unfold in the media. Known as a no-nonsense policeman and manager, many viewed his appointment as a move to curb the excesses of the Security Service and renew the tradition of discipline which some felt had eroded under the leadership of his predecessor, Maurice

128 Solicitor-General Graham Harle of Alberta highlighted this problem. In a news conference, he advised that his province received less than one-half of the additional members requested during each of the past three years ("RCMP fee meet set," Times-Colonist, Oct. 26, 1980, p. 3).

129 "Will the RCMP be good value," Times-Colonist, Nov. 2, 1980.

Nadon. Simmonds maintained a public reticence through most of his term. On January 31, 1981, however, he gave a speech to The International Conference on Police Accountability, at Vancouver, in which he appeared to advocate the R.C.M.P.'s reversion to a strictly federal police force. He opened with two premises: an ethnically and culturally diverse country such as Canada requires "a high degree of local autonomy and local control" in government and the organizations and institutions of government responsible for implementing social policy must be "fully accountable" to the government with jurisdiction over the particular social program. In other words, provincial police forces must be accountable to the provinces. He added that if one takes this to imply that he felt the R.C.M.P. should remove itself from contracting, the answer is:

...simply "yes", but it is a very qualified "yes", ....I don't think for one moment that the Force should be removed from contract policing until quite a number of things have been studied, agreed to and put in place.

He went on to propose a redefinition of constitutional responsibility for criminal offences, distributing them between

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131 During Nadon's tenure (Jan. 1, 1974 to Aug. 31, 1977), females and married persons became eligible for employment as police officers, overtime was implemented, salaries rose dramatically, a Royal Commission inquired into the internal discipline and grievance process and literally dozens, if not hundreds, of other administrative reforms took place. The major excesses of the Security Service occurred well before his term.


133 Ibid., pp. 181-82.

134 Ibid., p. 183.
senior and local levels of government, with a corresponding redefinition of policing responsibility, thereafter an end to contracting.¹³⁵ Defying a half-century of history, Simmonds suggested that contracting, at least municipal contracting, developed and continued through the years because of the poor quality of local law enforcement.¹³⁶ He expressed the belief that modernization and training had cured those problems and local communities could now assume the duties which the Force handled under contract.

Coming as it did in the throes of the renewal negotiations, it is hard to view the speech as much more than federal posturing, through the mouth of the R.C.M.P. In more recent years, the views expressed have generally been disregarded by senior management of

¹³⁵ Ibid., pp. 183-84.
¹³⁶ He stated:

I need hardly recite to this audience some of the problems associated with small town police forces, local police committees, and the like, a few years ago. Faced with this problem, it was immensely attractive to be able to contract for competent and professional police services from a well organized and respected police force that was administered by another level of government.... many of the concerns that I mentioned earlier with respect to local policing have now largely disappeared, and thus, without too much difficulty local forces, adequately trained for local policing, operating under prescribed standards, and fully accountable under provincial legislation, could be put in place (ibid., p. 186).
the Force. Some suggest that Simmonds did not really mean to advocate an 'end to contracting, he was simply crystal ball gazing. In any event, the speech received considerable attention. By agreeing that accountability was a legitimate provincial concern, however in the same breath suggesting that the only way to obtain it was through an end to contracting suggested that the provinces arguments, however meritorious, were secondary to the real issue: do you want to continue contracting or not?

Simmonds made it clear that control was not a new issue. As old as policing itself, the control of law enforcement and the accountability of its employees was little different in 1981 than it was when Alberta and Saskatchewan tossed the issue around in the earliest contracts. The Force's problems during the late 1970's merely catapulted the issue back onto center stage and made it an almost perfect bargaining tool for the provinces when they had little else.

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137 For example, the present Commissioner, Norman Inkster, unequivocally affirmed his "commitment to the continuation of the contract policing role of the RCMP," noting that the "contract function strongly reinforces our character as a national police force" (Norman D. Inkster, "The Contract Role of the RCMP," Pony Express, vol. 13, no. 2 (Feb. 1988)).

138 A senior federal bureaucrat interviewed in the research of this thesis suggested that Simmonds based his comments on a vision of an enhanced federal role for the Force by the year 2,000, cognizant of the recommendations of the recent federal law enforcement study.
Deadlock followed heated negotiations between Ottawa and a common front of contracting provinces. In the words of Robert Lewis, writing for Maclean's:

The negotiations are anything but subtle: the provinces, suspicious and steaming about the federal proposal, draft a rejection and put their counteroffer in the mail. Days later in Ottawa, federal officials suspect a deliberate stall, since nobody now is foolish enough to entrust urgent communication to Canada Post. The feds dispatch their reply by Telex—but when it arrives, two or three pages are missing.

Lewis suggested that the negotiations further fueled the tensions within the nation as the result of the ongoing constitutional debate and energy prices. He noted that the tables had turned since 1932. Now the federal government had a large deficit and some of the contracting provinces, such as Alberta, enjoyed surplusses. He suggested that Ottawa hoped popular support for the Mounted Police would force the provinces to relent and pay a larger share of the contract costs.

In New Brunswick, the province began a move to replace the R.C.M.P. highway patrol with the newly-formed New Brunswick Highway Patrol (N.B.H.P.). It also encouraged municipalities to

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139 Attorney-General Roy Romanow of Saskatchewan reportedly spearheaded the provincial bargaining, Kaplan the federal. The presence of British Columbia was also felt, due to both its sheer size (approximately 4,000 R.C.M.P. personnel) and ample human resources to assist with research and negotiating.


141 Ibid.

142 See App. J for a case study of the N.B.H.P.
regionalize their policing responsibilities.¹⁴³ In most contracting provinces, the attorneys-general issued dire warnings of the consequences to small communities and to Canada's treasured symbol, the Mounted Police.¹⁴⁴ Other voices tried to reduce the tensions, however.

Writing in July 1981, Professor Robert Jackson¹⁴⁵ expressed the hope that the matter would soon be resolved and that the R.C.M.P.'s provincial role "not be sacrificed in short-sighted bargaining." He termed the agreements "mutually beneficial": quite economic for the provinces, despite the loss of some control, and affording the federal government "a large integrated national police network." In his opinion, Ottawa obtained a federal policing capacity where it was not otherwise possible, a reserve force for emergencies and a unifying institution within the country which instilled pride in Canadians. As a byproduct, the contracting provinces obtained uniform police services at a lower per capita cost than the central provinces.¹⁴⁶

The federal-provincial sparring continued in and out of the public eye until August 1981, by which time both sides had exhausted every ploy and statistic at their disposal. A

¹⁴³ Lewis, p. 46.

¹⁴⁴ Lewis, pp. 45-6.

¹⁴⁵ Then chairman of the Univ. of Ottawa's Political Science Dept.

traditional saw off resulted and the sliding scale approach to increasing the provincial and municipal contribution continued. The provincial share and the share for municipalities with a population under 15,000 rose from 56 to 70 per cent over the 10 year life of the contract while larger municipalities jumped from 81 per cent to 90 per cent over the same term. 147 As a solace of sorts to the provinces, Ottawa permitted the inclusion in the contracts of clauses which specified that provincial policing "objectives, priorities and goals" are determined by the attorney-general and that the appointment and replacement of divisional commanders and criminal investigation branch heads is only to be made after consultation with the respective province. 148

The 1981 renewal negotiations can hardly be compared to those in earlier days, particularly in the years preceding 1960. The acrimonious debate between Ottawa and the provinces resulted from the interplay of various factors. With national security of little real concern to Canada during the late twentieth century, the Force's continued presence across the country became of much less importance to the federal government. The threat of termination by the provinces no longer carried the weight which it did in earlier years. Ottawa held the cards. On the other hand, the Force's presence did assist the federal government logistically in meeting its own policing responsibilities. Furthermore, the


148 Ibid., p. 12.
R.C.M.P.'s strong public support, particularly on the prairies, made an end to contracting politically unattractive.

For the provinces, much was at stake during the 1980-81 negotiations. With relations between Ottawa and the provinces running at a relatively low ebb and the federal government's attention increasingly directed to its deficit, the provinces pulled out all the stops in an attempt to salvage the best possible deal. The tired argument of control served as a smokescreen of sorts, as did most other arguments which the provinces dredged up: efficient policing, public support, political fallout, unfairness and so forth. To them, like the federal government, finances were uppermost. The political difficulties created by operating their own provincial forces became a distant second.

To the Force, aware that the shifting federal agenda effectively replaced national security concerns with financial concerns, the negotiations, though not life-threatening, were painful. An increasingly complex federal bureaucracy allowed it much less room in which to manoeuvre. More often than not, its power did not extend past the inner machinations of the federal bureaucracy. Without a trump card, it became necessary to persuade both the Ministry and Treasury Board of the merits of contracting, at the same time remaining on good terms with the provinces. No longer the initiator of policy, the Force increasingly became a masseur.
The 1980's were busy years for the R.C.M.P. Despite losing its Security Service, the Force underwent steady growth, due both to increased contract policing requirements and an expanded federal complement, primarily in the protective security field in and about Ottawa. It weathered various political and policing crises under the leadership of two Commissioners\textsuperscript{149} and largely regained the public trust which had been shaken by the scandals of the late 1970's.

An analysis of factors which impacted on the contracts since 1980 or which have that potential in the future is largely dependent on the results of the upcoming 1990-91 renewal negotiations. Until then, one can only speculate on the weight to be attached to particular issues. Although the avowed intention of this thesis is not to engage in idle speculation, certain issues deserve mention, if only in passing.

\textbf{Municipal Contracts}

After the 1981 renewal negotiations, the federal government, concerned about the continued applicability of the Quebec and Ontario claims, set forth certain guidelines to deal with

\footnote{\textsuperscript{149} See App. E.}
'converting' and 'emerging' municipalities. In the past, such towns or villages, particularly the latter, were almost guaranteed a municipal contract if they so desired and the Force had available members. The new guidelines, referred to as the 'Hinton formula,' severely restricted this ability.

They provided that emerging municipalities above the provincial threshold could only obtain a municipal contract if their population did not exceed 15,000 and they were not part of a regional or metropolitan community possessing a police force. Such contracts were also contingent upon the availability of federal financial resources and Treasury Board person years and subject to the 1990-91 contract rate of 70 per cent. The same conditions applied to converting municipalities, however they, in addition, could not be involved in an ongoing labour dispute with their municipal police force (thus deflecting criticism of union-busting away from the federal government) and had to obtain the additional members from within the existing provincial contract.

150 Municipalities which wish to abandon their own police forces in favour of municipal contracts.

151 Emerging municipalities are those which grow in population to a size exceeding the threshold specified in provincial policing legislation and below which members of the Force police communities under the respective provincial contract. Differing thresholds and legislative provisions complicate the situation, as does non-enforcement of the threshold by provinces willing to continue towns or villages under the umbrella of the provincial contract.

152 Hinton, Alberta was the community which brought this problem to a head and gave rise to the guidelines.
establishment. The guidelines effectively ended conversions\textsuperscript{153} and severely restricted emerging municipalities from obtaining contracts.\textsuperscript{154} The practical result is that municipalities embroiled in disputes with their police departments can no longer automatically turn to the R.C.M.P. as a replacement service. Although officers can be provided on an interim basis under the umbrella of the provincial contract, permanent municipal contracts are now difficult to obtain.\textsuperscript{155} Municipalities must either obtain a liberal interpretation of the guidelines from Ottawa, join a regional force or revamp their own force. The guidelines, obviously aimed at appeasing the central provinces, make a decision on the future of municipal contracting all the more crucial. If municipal contracting is inequitable to the central provinces or to those municipalities which fund their own forces, then merely restricting new contracts does not remove the inequity which those already in place represent.

\textsuperscript{153} Shediac, New Brunswick is an example. During October 1988, Shediac decided to dissolve its municipal force and seek an R.C.M.P. contract. The guidelines hampered this attempt (see Alan Cochrane, "Shediac No Closer to RCMP Contract," \textit{The Moncton Transcript}, Nov. 30, 1988, p. 13).


\textsuperscript{155} For example, Shippegan, New Brunswick looked to the R.C.M.P. after disbanding its own force. Although provided interim assistance, the request did not get past the provincial solicitor-general ("Little hope Shippegan will have permanent RCMP force: Landry," \textit{The Telegraph Journal}, July 12, 1989).
During early 1989, the Globe and Mail obtained a censored copy of a federal task force report on policing. Federal Law Enforcement Under Review (FLEUR) completed its work in 1986, concluding that 47 agencies, including the R.C.M.P., share responsibility for enforcing federal statutes, spending in excess of $500 million per year. According to the newspaper, the report concluded that much of the money was "poorly spent" and that jurisdictional disputes frequently occur between the agencies.

The impact of FLEUR's report on contracting is difficult to determine. It pointed to various problems with the present structure of federal law enforcement which, if remedied, will likely result in an increased burden on the R.C.M.P. The tendency to turn to the R.C.M.P. when consolidating tasks, which is what must occur, is irresistible. An indication of this can be seen in the Force's renewed mandate in protective security, particularly around the National Capital Region. After the tragic shooting of a security guard at a foreign embassy in Ottawa, the Force began placing its own special constables in similar positions and forming special tactical teams. Similarly, increased concern over air safety resulted in increased establishments in airports across the country, Toronto's Lester B. Pearson International Airport becoming


157 Ibid.
the largest R.C.M.P. detachment in the nation. Although FLEUR's emphasis was on federal policing, another report paid closer attention to the Force's contractual role.

The Nielsen Task Force

As part of its government-wide mandate, the Ministerial Task Force on Program Review, established by Deputy Prime Minister Erik Nielsen in 1984, examined the role of the R.C.M.P. in the justice system. In a study team report to the task force, "the future role and responsibilities of the RCMP" were identified as "the major law enforcement issue confronting the federal government." The report noted that increased contractual commitments, accounting for over 50 per cent of the Force's financial and human resources, resulted in a diminution of priority within the Force to its federal duties. As a result, other federal agencies often ended up doing the job, resulting in inefficiencies, duplication, a lack of enforcement and lost revenue. It looked to FLEUR and a similar program within the Justice Ministry, the Federal Compliance Project, to provide a basis for "the rationalization of federal enforcement of federal statutes." Its comments concerning the 1990-91 renewals are interesting:


159 Ibid.
most provinces will not be ready to discontinue contract arrangements by 1991.... At the same time, many within the police community and some provincial officials have come to question whether a national police force is the most effective or efficient means of providing municipal police services, or should they be community-based and under local authority.\textsuperscript{160}

In the opinion of the study team, withdrawal from contracting should only occur after arriving at a definition of the Force's federal role.\textsuperscript{161} Interestingly, it noted a dual benefit to the federal government from contracting: first, the fact that members on contract also performed federal duties, and second:

...a pool of redeployable, well-trained police; diverse experience for RCMP members; a visible unifying federal presence; a single command structure; economies of scale; a greater degree of clarity, continuity and consistency in policing; and an emergency response capability.\textsuperscript{162}

Typical of motherhood statements, these benefits are more illusory than real. They infer that federal policing is either less thorough or requires increased resources in Ontario and Quebec. Otherwise, there is no benefit to the federal government by having members of the Force enforce both federal and other statutes concurrently. They also assume the ability to use the R.C.M.P. as a militia, pulling members away from their contract municipalities and provinces to be used for emergencies elsewhere, including Ontario and Quebec. Furthermore, they take no cognizance of the importance of local control, favouring centralized command and the virtues of economies of scale. In many respects, the

\textsuperscript{160} Ibid., p. 350.
\textsuperscript{161} Ibid.
\textsuperscript{162} Ibid., p. 376.
justifications are throwbacks to 1950 and earlier.

The report is candid, however, in noting that "the real provincial and municipal burdens are lighter than the agreements would indicate." It notes that the cost base upon which the provincial/federal split is based does not include "headquarters costs, including Canadian Police services and interprovincial transfer costs." Furthermore, a "concessional 'office rental' rate" is fixed at below actual value per square foot.\footnote{163}{Ibid.}

The report concludes by suggesting four alternatives: maintaining the status quo, ending contracting, withdrawing from municipalities over 15,000 in population ("only British Columbia would be seriously affected") or withdrawing from specialized services, such as traffic enforcement. If contracting continues, it recommends a reassessment of both the cost base and the cost share between parties.\footnote{164}{Ibid., pp. 379-80.}

Meech Lake

Although its adoption becomes increasingly doubtful with the passage of time, provisions of the Meech Lake Accord have the potential of seriously restricting the federal government's ability to contract with provinces and municipalities. The Accord
stipulates that Ottawa "shall provide reasonable compensation" to a province which chooses "not to participate in a national shared-cost program...established by the Government of Canada...in an area of exclusive provincial jurisdiction," provided that the province possesses a compatible program. At present, Ottawa is under no such obligation. Whether the Force contracts can be interpreted as a form of shared-cost program, such as medicare, is uncertain. In the absence of a subsidy, there is no federal grant and therefore no federal sharing. Thus, the importance of distinguishing between federal benefit and federal subsidy becomes most important. Similarly, as the Accord works prospectively, it is questionable whether a renewal constitutes a new program, falling within the section, or an existing program, falling without. Nevertheless, Ontario and Quebec will likely view this provision with interest, should the Accord or a like formula take effect.

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166 Ibid., Hogg, p. 37.

167 See generally, ibid., pp. 37-42.
The Lower Mainland

The area in which the Force's contract strength is most vulnerable is the Lower Mainland of British Columbia. Due to the large and growing size of its municipal contracts, the federal government, in particular Treasury Board, will no doubt be looking closely at the efficacy of continuing to 'subsidize' policing in the suburbs of Vancouver. Combined with rumblings of a regional police force again being heard in the Lower Mainland, the likelihood exists that the renewal negotiations may consider a special opting out provision for that area of the province.

Newfoundland

The peculiar problems faced by the Force with Newfoundland's contract continue to the present. After the Badger debacle in 1959, little love was lost between the province and the federal government, evidenced by the Fort Pepperell problems and the creation of the Newfoundland Constabulary Highway Patrol. The Force suffered by default. Just when it appeared that matters had returned to normal, Newfoundland went its own way once again. In

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168 The case study at Appendix K overviews the history and present circumstances of the Force's contract presence in the Lower Mainland.

169 See App. I.
1982 the jurisdiction of the Constabulary expanded to include the area surrounding St. John's, followed by Wabush, Labrador in 1984 and the City of Corner Brook in 1986; replacing the R.C.M.P. in those locations.

The move by the Constabulary renews the dual provincial policing mode that existed before 1950, the Force increasingly restricted to rural Newfoundland (similar to the Rangers) with the Constabulary in the towns and cities. The recent Liberal electoral victory may bring the R.N.C.'s expansion to an end. In addition, one bureaucrat suggests that a highly charged public service strike in the province caused considerable concern in provincial circles over the Constabulary's ability or resolve to mediate similar affairs in the future. Furthermore, the province once again has a segmented provincial police establishment which inevitably must be streamlined, in one direction or other.

Control and Accountability

The question of control over the Force's operational activities within contracting provinces received new life from a majority judgment of the late Chief Justice Bora Laskin of the Supreme Court of Canada in Attorney-General of Canada v. Canadian

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National Transportation, Ltd. et al. Laskin questioned the long-held assumption that 'administration of justice' in s. 92(14) of the Constitution Act, 1867 includes criminal justice, by holding that the federal government can prosecute all federal statute offences, including those under the Criminal Code. Grant Garneau suggests that from reading Laskin's judgment one can conclude that policing must follow the prosecutorial function and therefore, the federal government has the power to investigate all criminal offences. Professor Henry Brown suggests that this could make the R.C.M.P. Canada's only police force with criminal investigation powers: "a mind-boggling thought." The impact of such an interpretation for the Canadian criminal justice system is considerable. Should provinces pursue their demands for increased control to the highest court of the land, they stand to lose much more than they could gain.

An interesting reversal of the normal provincial concern with control emerged in 1988 during a judicial inquiry in Nova Scotia. Evidence from former senior officers within the Force described interference in politically sensitive investigations by the

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171 (1983) 7 C.C.C. (3d) 449 (S.C.C.). The four justices in the majority are no longer on the Supreme Court bench while the dissenting judgment was by Mr. Justice Dickson, now the Chief Justice. The changed complexion of the Court may affect the outcome of similar cases in the future.


173 Gerard McNeill, "Rulings 'can strip provincial AGs' of powers" (Canadian Press) n.p., n.d.
provincial attorney-general's department. The former divisional commander noted that the department insisted upon being notified of the results of investigations "involving prominent persons" prior to the laying of charges.\textsuperscript{174}

In 1980, despite 14 senior members of the Force supporting the laying of charges against a former deputy premier, D/Comm'r. R. Quintal said no, expressing the opinion that the case was not "strong enough to warrant bucking the AG's Department directive not to lay charges."\textsuperscript{175} He envisioned "serious consequences" to the R.C.M.P. if it went ahead.\textsuperscript{176} D/Comm'r. T. Venner wrote Quintal in June 1980, expressing the view that the Force must draw a line on interference and even suggested an end to the Nova Scotia contract.\textsuperscript{177} A government lawyer at the inquiry asked that consideration be given to recommending "clearer language" in the provincial contract "to ensure the Mounties realize they have unconditional investigative authority."\textsuperscript{178}

The foregoing may serve to blunt the effect of provincial arguments in favour of additional control mechanisms, which in turn


\textsuperscript{176} Ibid.


reduces the provincial bargaining position at renewal time.

Bilingualism and the Application of Restrictive Federal Legislation

Increasingly, problems surface with attempts to interface federal legislation with the Force's contractual role. At present, the federal privacy, access to information and bilingualism legislation apply to the Force, regardless of whether it is functioning in a federal or a provincial role. As a result, for example, the Force must provide services in both official languages in locations which qualify under the Official Languages Act, and, accordingly, employ persons with facility in both French and English.

The issue reared its head in Alberta during 1988 with statements by Premier Don Getty that federal bilingualism policy unfairly discriminates against the opportunities for employment within the Force of unilingual English persons. Similarly, unilingual members of the R.C.M.P. in New Brunswick complained that the Force's bilingualism policy adversely affected their

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advancement.

In the area of information access, the release of a censored copy of FLEUR's recommendations evidences the difficulties imposed by federal legislation. It took 26 months after a request under the Access to Information Act\textsuperscript{182} before a newspaper obtained the report's release. According to the Globe and Mail:

The RCMP cited a number of provisions in the access act to justify withholding sections of the report. These included the right of a cabinet minister, in this case the Solicitor-General, to refuse to disclose any records containing plans involving his department's management or personnel, advice to a cabinet minister, consultation between public servants, and information obtained by an investigative body.\textsuperscript{183}

Despite the impact which a redefinition of the Force's federal role might have on the contracts, provincial governments presumably also did not obtain a copy of the report until its release to the paper.

Federal Restraint

In view of the overriding importance of finances to the contracts, Finance Minister Wilson's battle to decrease the deficit will inevitably impact on all departments and agencies of government. Although policing is generally one of the last areas to suffer cutbacks, there is no guarantee that this practice will


or can continue with respect to the Force's contractual role. Presently, restraint indirectly affects the Force in many ways.\textsuperscript{184} It could easily affect the Force directly if the federal government closely examines the financial cost of contracting.

THE RENEWAL PROCESS

With the present agreements due to expire on April 30, 1991, renewal negotiations are high on the list of priorities for many Force and other federal bureaucrats, as well as provincial officials. Through the years, a highly structured committee system developed within the federal government to deal with renewals. A Negotiations Task Force within the R.C.M.P. drafts policy, assisted by a representative from the Solicitor-General's Ministry.\textsuperscript{185} The Force and the Ministry then interface with Treasury Board representatives. Similar working groups will soon form within provincial ministries, leading up to the actual negotiations. It is doubtful that any provinces will withdraw from the contracting

\textsuperscript{184} For example, the reduced level of hiring in the public service often means that regular members of the Force must perform clerical tasks, ironically tasks normally handled by persons paid approximately one-half of their salary.

\textsuperscript{185} Under the stewardship of Comm'r. Inkster, the Force witnessed the lateral appointment of a civilian, Michael Shoemaker, to the position of D/Comm'r. (Corporate Management). Shoemaker is tasked with handling the 1990-91 negotiations for the Force. Interestingly, while an ADM, he spearheaded the 1980-81 negotiations on behalf of the Ministry. The effect on the R.C.M.P. of such cross-pollination of high level talent remains to be seen.
fold, although an upper threshold may be reached during the 1990-91 renewals, beyond which contracting is no longer feasible for some, or most, provinces and municipalities.

Assuming that the parties and the Force wish to continue the agreements, the key is to find a cost base and a ratio which realistically attributes the relative worth of the contracts to the provinces and the federal government. The elimination of any federal subsidy is of paramount importance. The bedevilling question is determining the size of the subsidy and the process for its elimination.
In many respects, the history of contracting for R.C.M.P. services is a microcosm of Canadian history. To the student of government, it provides fertile material for an overview of public policy making in Canadian governments since shortly after Confederation. It also allows for an examination of a peculiar institution or agency of the federal government which long ago developed a unique persona and a surreal position within Canadian society.

Various conclusions can be drawn from the research. Most important is that contracting developed, not in response to one factor, but the interplay of many. Utilizing Doern and Phidd's model of public policy analysis, this thesis examined the contracting system in terms of the interplay of ideas, structures and processes.

Ideas, the most important aspect of interplay, change with time and between levels of government. Representing the normative content of policy as well as the core ideas of institutions, various dominant ideas are clearly visible in the development and continuation of contracting.

The N.W.M.P. carved a niche for itself in western Canada as it helped implement federal government policy in the territories.
So effective was it in this mission that it became irresistibly connected with the west, though remaining an appendage of Ottawa. The Dominion government's desire to provide security and a federal presence in the west continued into the twentieth century. As settlement became less frantic and labour turmoil culminated in the Winnipeg General Strike, national security surpassed in importance the need for a unifying national presence. Ottawa's nineteenth century desire for a western policing capability soon transformed into a twentieth century desire for a national police force.

Until the 1950's, the federal government relied on the R.C.M.P. to protect it from internal threats and insurrection. The national security needs of the federal government nicely complemented its desire for a national, integrating presence across the country which could facilitate settlement and the delivery of government services. A quasi-military police force, along the pattern of the British colonial model, ideally suited the requirements of an organization required to act as both a civilian police and a form of militia.

With the every increasing belt-tightening of federal governments after 1950, the importance of a national security presence declined and became secondary to the economies of scale believed to result from a federal force undertaking federal duties in conjunction with a contractual role. National security and a national presence became subsumed in a secondary category of indirect or intangible benefits.

From 1906 to the present, provincial and federal government
agendas seldom meshed. The earliest contracts, completed in Alberta and Saskatchewan during 1906, were almost an afterthought. They were a convenience for two fledgling provinces. When the convenience was superseded by the political desirability of managing one's own police force, contracting became less desirable to them. Only when the downside of political expediency and running one's own show surfaced did Saskatchewan revert to contracting in 1928. Financial concerns, though secondary to Saskatchewan proved uppermost to the five other provinces which followed suit in 1932. The 1950 absorptions in Newfoundland and British Columbia, though largely the result of financial considerations, bore symptoms of political expediency. Newfoundland, like Alberta and Saskatchewan in 1906, had larger problems than policing with which to concern itself at the time of Confederation. The personal involvement of Attorney-General Wismer in British Columbia cannot be discounted in that province.

The importance of structures to interplay is ably demonstrated by the R.C.M.P.'s unique strength within the federal government. Sewell notes that it is Canada's national symbol, a mothering institution:1 "so that just like sex and religion, it's a subject polite conversation avoids."2 Regardless of its excesses, the Canadian public inevitably rallies behind the scarlet coated Mounties and extricates them from controversy. This is not to say

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1 To adopt a term used by John Hogarth (Globe and Mail, Dec. 21, 1977).
that the Force is a government to itself. In point of fact, the R.C.M.P.'s ability to mesh its agenda with that of the federal government during the first half of the twentieth century allowed it to prosper in a way that it could not have done otherwise.

The Force remained available to the federal government's national security needs for over a half century. By doing the federal government's 'dirty work' during the years of labour strife and through two world wars, it learned the importance of a national security role and its own unique ability to perform that role. It emphasized the importance of national security whenever questioned about the contracts, their extension or continuation. In Grant's words, the Force "has met the challenges of the market place in police services." Some suggest that the Force plays the bureaucratic game poorly. The reverse seems closer to the truth, certainly before 1951. While reviewing the process by which the R.C.M.P. acquired an increased responsibility over federal law enforcement, Chapman notes:

The force had indeed acquired a mastery of bureaucratic politics, diplomatic skill, professional competence and media expertise which, combined with intense pride, esprit de corps and ubiquitous intelligence, made it a power which few would

3 Grant, The Police, p. 35.

4 In a criticism of the Force's malfeasance in dealing with its Minister over Security Service issues, French and Beliveau observe that: "[f]or the senior officer...the really unknown territory is Ottawa, or more specifically, the federal executive, elected and bureaucratic. Of all the managerial functions, it is policy making and external relations which are least developed within the Force" (p. 51). In defence of the authors, it should be noted that their treatise deals primarily with the post-1950 era.
willingly confront. 5

The Force's strong organizational ethos and sense of mission was personified by its Commissioners. The strength of personality and degree of trust possessed by four of its long-serving heads, Perry, Starnes, MacBrien and Wood, allowed the Force to virtually chart its own course for the better part of half a century. They recognized organizational opportunity when it presented itself and became the quiet, yet forceful and persuasive initiators of policy. They underplayed problem areas and continually provided justifications for initiatives. After selling the virtues of contracting to their federal masters, they represented provincial concerns in the corridors of power. The responsible ministry generally operated with a hands-off approach toward the Force, allowing it to forge ahead, knowing that it would distance itself from political controversy.

The evolution of various financial and consultative processes in the federal government served to change forever the Force's strength within the bureaucracy. With the development of stricter financial controls, particularly by way of Treasury Board guidelines and scrutiny, the federal government became much more concerned with the bottom line, the cost of contracting. By the mid-1950's, Treasury Board's influence on the Force became unmistakeable. The Badger debacle of 1959 thrust the tenuous nature of the contracts into the political limelight, resulting in

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5 Chapman, p. 83.
the resignation of Comm'r. Nicholson and, for the first time, causing the Force to lose a major bureaucratic skirmish involving the contracts. The glories of earlier days did not return. The federal agenda changed in a way that disadvantaged contracting, requiring the Force to increasingly defend and seek to maintain the status quo. At times, the Force also found the burden of contracting almost more than it could handle.

Processes played an ever-increasing role in the system of contracting between 1960 and 1981 as well, due largely to a new importance attached to the renewal process. Characterized by federal-provincial conferences and increasingly hard-nosed bargaining, the negotiation process forced a reassessment of the cost and worth of contracting by all levels of government. Undoubtedly a federal subsidy continued for many years. The very fact that the provincial share increased steadily during the past two decades reflects a catch-up scenario in Ottawa's attempt to find that perfect figure when a federal subsidy is eliminated and provincial and federal benefits coincide. The renewal negotiations of 1990-91 will undoubtedly continue that search, whether successfully or not remains to be seen.

The interplay model provided a valuable framework for the research. Ideally suited for a review of policy in a historical time frame, the model is sufficiently broad to permit discussion of a wide range of policy inputs, yet of sufficient definition to prevent a rimless exercise. The importance of ideas, structures and processes varied with time, all co-mingling to permit the
continuation of the contracting system.

Despite the important role played by Commissioners of the Force, the model demonstrates the persistence of dominant ideas, those inculcated in the Force and those shared with the federal government. It allows for the inclusion of both ideas and personalities in the assessment of policy initiatives. The model also demonstrates the validity of Bayley's analysis of structural permanence in policing. The Force developed a canny ability to survive and expand despite the intercession of all manner of obstacles during its early years.

Furthermore, it shows the importance of both setting and timing. The strength of provinces within the Canadian federation allowed them to develop a quasi-possessory title to the Force, despite it being a creation of the federal government. The diffusion of policy initiatives between provinces and among municipalities aided in this process. Similarly, the timing of the Winnipeg General Strike, the rise of trade unionism, the advent of the Great Depression, and the ongoing fear of communism all played their part in helping the Force grow strong. Although the interplay of various factors can also be seen in the case studies explored in this thesis, the extent of their importance is lost without an appreciation of the larger policy environment. There may well be a bottom line below which the advantages of interplay are lost.

The R.C.M.P. is *de jure* a federal police force and, as the result of its contracts, a national police force. Although a
relatively imprecise term, it denotes a multi-faceted, cross-
country role, which some suggest leads irresistibly to difficulty.
James Q. Wilson suggests that because "a sense of mission becomes
the basis for organizational loyalty, having two or more missions
becomes the basis for organizational conflict."6 Dave Broadfoot,
Canadian comic extraordinaire, is more direct: "I think the
Mounties are spreading themselves too thin to maintain the image
and respect they once had."7 Similarly, J.R. Mallory:

It is possible that these arrangements, however economical,
may have gone too far. They not only impose a great strain
on the resources of the force, but place too much
responsibility for law and order in a single federal agency.
It is likely today that all but the smaller provinces could
support provincial forces large enough to operate at a high
level of efficiency.8

In a similar vein, French and Béliveau, writing at the time
of the Security Service scandals of the late 1970's, stated:

Both the federal government and the RCMP have recognized that,
for reasons of the geographic dispersion and sheer numbers
involved, for reasons of jurisdictional complexity in an era
of intergovernmental conflict (the RCMP answers to over two
hundred governments as a result of the contract obligations),
and for reasons of federal fiscal policy (the federal
government foots a significant part of the cost of contract
policing, to the distress of the non-participant provinces,
Ontario and Quebec), the possibility of ending municipal and
even perhaps provincial contracting must be considered.9

They add however that:

---

6 Wilson, p. 13.
7 Dan Hughes, "A one-man show," Today's Senior, July 1989, p. 3.
9 French and Béliveau, p. 59.
...there are intangible values embodied in the RCMP which make it extremely valuable and effective. Any organization that can generate the degree of public support and of loyalty among its membership that the RCMP enjoys is doing something right. The RCMP did not become part of the national mythology, or at least the anglophone version thereof, without an extraordinary record of dedication and service,...

Any withdrawal by the federal government from the field of contracting must, of necessity, be a slow withdrawal. Grant views a fast withdrawal by the federal government as a difficult political proposition, due to "the strong public feeling of national pride in the R.C.M.P."

John Hogarth provides an interesting reason why the Canadian public should not allow the Force to relegate its activities to the federal sphere. Writing in 1974, he observed that:

It would be a mistake for the RCMP to get out of municipal policing,... For one thing, it's what I call benign policing. The police are highly visible, working in the community and subject to local criticism. It opens up the police to outside influences....

Here then one comes full circle from the earlier discussion of the importance of local control in policing. Though not a paradigm in late twentieth century law enforcement, it remains an important check on abuse and a vehicle for local input in the enforcement of society's ordinances. Whether the R.C.M.P. or any similar police organization is capable of continuing a large and diverse mandate, yet retain a sense of community and adherence to

10 Ibid., p. 60.

democratic principles remains to be seen. If it can, then further
growth in federal policing as well as increased provincial and
municipal contracting are viable options for the Force. If it
cannot, then reversion to the role of a federal investigative
agency should be considered.

Having exhausted most arguments during the negotiations of
1980-81, the negotiations of 1990-91 will probably be less
caustic, however no less important. Inevitably they will provide
the framework for both the Force's role and the structure of
Canadian policing in the early part of the twenty-first century.
Due to the subsidy built into contracting, the federal government
has never been able to tout the virtues of redistribution and
equality which the contracts allow. The claims of Ontario and
Quebec now make it impossible to do so. If the provinces and
municipalities wish to retain the Force in a contractual capacity,
they must be willing to pay the full cost of contracting, minus
clearly ascertainable federal benefits. Only then can the federal
government openly offer the Force's services without fear of
complaint.
# APPENDIX A

## PROVINCIAL POLICING (1867 TO 1990)

<table>
<thead>
<tr>
<th>PROVINCE AND DATE OF ENTRY IN CONFED</th>
<th>PROVINCIAL FORCE</th>
<th>RCMP CONTRACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.C. 1871</td>
<td>1871 - 1950</td>
<td>1950 - PRESENT</td>
</tr>
<tr>
<td>ALTA. 1905</td>
<td>1917 - 1932</td>
<td>1906 - 1917</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1932 - PRESENT</td>
</tr>
<tr>
<td>SASK. 1905</td>
<td>1917 - 1928</td>
<td>1906 - 1917</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1928 - PRESENT</td>
</tr>
<tr>
<td>MAN. 1870</td>
<td>1870 - 1932</td>
<td>1912 - 1917*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1932 - PRESENT</td>
</tr>
<tr>
<td>ONT. 1867</td>
<td>1909 - PRESENT</td>
<td>NIL</td>
</tr>
<tr>
<td>QUE. 1867</td>
<td>1870 - PRESENT</td>
<td>NIL</td>
</tr>
<tr>
<td>N.B. 1867</td>
<td>1927 - 1932</td>
<td>1932 - PRESENT</td>
</tr>
<tr>
<td>P.E.I. 1873</td>
<td>1930 - 1932</td>
<td>1932 - PRESENT</td>
</tr>
<tr>
<td>N.S. 1867</td>
<td>1928 - 1932</td>
<td>1932 - PRESENT</td>
</tr>
<tr>
<td>NFLD. 1949</td>
<td>1949 - PRESENT**</td>
<td>1950 - PRESENT</td>
</tr>
</tbody>
</table>

*In 1912, Manitoba acquired additional territory from the Dominion Government. Referred to as New Manitoba, the R.N.W.M.P. policed it under contract.*

**The Royal Newfoundland Constabulary is a provincial force, however, for many years policed only the City of St. John's.**

Source: Appendix A is a compilation of information found elsewhere in this thesis. A similar table is found in R.C.M.P. Contract Policing Branch, *An Overview of RCMP - Contract Policing*, p. 15.
FEDERAL-PROVINCIAL AGREEMENTS FOR FORCE SERVICES (1905 TO 1990)

SERIES A (1906-11):

These were the first federal-provincial contracts for R.N.W.M.P. services and provided for lump sum provincial payments of $75,000, plus prisoner expenses.

Sask. July 1, 1906 to Mar. 31, 1911
Alta. "

SERIES B (1911-16):

These represented a renewal of Series A, on the same financial terms. The Manitoba agreement related to New Manitoba.

Sask. Apr. 1, 1911 to Mar. 31, 1916
Alta. "
Man. July 1, 1912 to Mar. 31, 1916

SERIES C (1916):

These represented a renewal of Series B, on the same financial terms. They were cancelled by mutual agreement.

SERIES D (1928-35):

These represented the first of an unbroken chain. With slight variation due to prisoner expenses, the provinces each paid the equivalent of $1,000 per member, per annum for those in the province.

Sask. June 1, 1928 to May 31, 1935
Alta. Apr. 1, 1932 to May 31, 1935
Man. "
N.S. "
N.B. "
P.E.I. May 1, 1932 to May 31, 1935

SERIES E (1935-43):

These essentially renewed Series D.

Sask. June 1, 1935 to May 31, 1943
Alta. June 1, 1935 to May 31, 1940
Man. June 1, 1935 to Apr. 1, 1940
N.S. June 1, 1935 to May 31, 1942
N.B. June 1, 1935 to Mar. 31, 1942
P.E.I. June 1, 1935 to May 31, 1940

SERIES F (1940-53):

These essentially renewed Series E.

Sask. June 1, 1943 to May 31, 1953
Alta. June 1, 1940 to May 31, 1949
Man. Apr. 2, 1940 to Apr. 1, 1950
N.S. June 1, 1942 to May 31, 1949
N.B. Apr. 1, 1942 to Mar. 31, 1949
P.E.I. June 1, 1940 to May 31, 1949
SERIES G (1949-56):

These assumed a 60 federal/40 provincial split, which amounted to $1,400 in the first year, subject to adjustment after three years. Also, Newfoundland and British Columbia commenced contracting.

- Alta. June 1, 1949 to May 31, 1955
- Man. Apr. 2, 1950 to Apr. 1, 1956
- N.S. June 1, 1949 to May 31, 1956
- N.B. Apr. 1, 1949 to Mar. 31, 1956
- P.E.I. June 1, 1949 to May 31, 1956
- Nfld. Aug. 1, 1950 to July 31, 1956
- B.C. Aug. 15, 1950 to Aug. 14, 1956

SERIES H (1955-59):

These continued the 60/40 split, subject now to yearly adjustment. A common end applied to all the contracts.

- Sask. June 1, 1953 to May 31, 1959
- Alta. June 1, 1955 to May 31, 1959
- N.S. June 1, 1956 to May 31, 1959
- N.B. Apr. 1, 1956 to May 31, 1959
- P.E.I. June 1, 1956 to May 31, 1959
- B.C. Aug. 15, 1956 to May 31, 1959

SERIES I (1959-66):

These essentially renewed Series H and ran from June 1, 1960 to Mar. 31, 1966.
SERIES J (1966-76):

These ran from Apr. 1, 1966 to Mar. 31, 1976 and changed the cost-sharing ratio (federal/provincial), as follows:

1966-67 - 59/41  
1967-68 - 58/42  
1968-69 - 57/43  
1969-70 - 56/44  
1970-71 - 55/45  
1971-72 - 54/46  
1972-73 - 53/47  
1973-74 - 52/48  
1974-75 - 51/49  
1975-76 - 50/50

SERIES K (1976-81):

These ran from Apr. 1, 1976 to Mar. 31, 1981 and changed the cost-sharing ratio (federal/provincial), as follows:

1976-77 - 48/52  
1977-78 - 47/53  
1978-79 - 46/54  
1979-80 - 45/55  
1980-81 - 44/56

SERIES L (1981-91):

These continue from Apr. 1, 1981 to Mar. 31, 1991 and change the cost-sharing ratio (federal/provincial), as follows:

1981-82 - 44/56  
1982-83 - 43/57  
1983-84 - 44/58  
1984-85 - 41/59  
1985-86 - 40/60  
1986-87 - 38/62  
1987-88 - 36/64  
1988-89 - 34/66  
1989-90 - 32/68  
1990-91 - 30/70

Note: The commencement and termination dates for contracts are
those of the written documents and do not take into account late renewals, which applied retroactively.

APPENDIX C

DEPARTMENTAL RESPONSIBILITY FOR THE FORCE (1873 TO 1990)

<table>
<thead>
<tr>
<th>Responsible Ministry</th>
<th>Years</th>
<th>Ministers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept. of Justice</td>
<td>1873-1876</td>
<td>5 *</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>1876-1878</td>
<td>2</td>
</tr>
<tr>
<td>Dept. of the Interior</td>
<td>1878-1883</td>
<td>1 *</td>
</tr>
<tr>
<td>Dept. of Indian Affairs</td>
<td>1883-1887</td>
<td>1 *</td>
</tr>
<tr>
<td>Pres. of the Privy Council</td>
<td>1887-1889</td>
<td>1 *</td>
</tr>
<tr>
<td>Dept. of Railways &amp; Canals</td>
<td>1889-1891</td>
<td>1 *</td>
</tr>
<tr>
<td>Pres. of the Privy Council</td>
<td>1891-1921</td>
<td>8</td>
</tr>
<tr>
<td>Dept. of Justice</td>
<td>1921-1922</td>
<td>2</td>
</tr>
<tr>
<td>Dept. of Militia</td>
<td>1922</td>
<td>1</td>
</tr>
<tr>
<td>Dept. of Justice</td>
<td>1922-1965</td>
<td>19</td>
</tr>
<tr>
<td>Dept. of Solicitor General</td>
<td>1966-PRESENT</td>
<td>14</td>
</tr>
</tbody>
</table>

* The movement between departments is somewhat misleading. In each case, Sir John A. Macdonald was the responsible minister. Macdonald, who considered the Force his own creation, brought it with him when he changed portfolios. As a result, there was consistency in the minister, if not the ministry, between 1878 and 1891.

Source: R.C.M.P. Historical Section; MacDonald, Rickerd and Gilbert; Debates, various sessions; and Canadian Parliamentary Guide, various years.
### APPENDIX D

**MINISTERS RESPONSIBLE FOR THE R.C.M.P. (1920 TO 1990)**

<table>
<thead>
<tr>
<th>From</th>
<th>Minister</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 1917</td>
<td>N. Rowell</td>
<td>Conservative</td>
</tr>
<tr>
<td>July 1920</td>
<td>J. Calder</td>
<td>Conservative</td>
</tr>
<tr>
<td>Sept. 1921</td>
<td>R. Bennett</td>
<td>Conservative</td>
</tr>
<tr>
<td>Dec. 1921</td>
<td>L. Gouin</td>
<td>Liberal</td>
</tr>
<tr>
<td>Feb. 1922</td>
<td>G. Graham</td>
<td>Liberal</td>
</tr>
<tr>
<td>April 1922</td>
<td>L. Gouin</td>
<td>Liberal</td>
</tr>
<tr>
<td>Jan. 1924</td>
<td>E. Lapointe</td>
<td>Liberal</td>
</tr>
<tr>
<td>June 1926</td>
<td>H. Guthrie</td>
<td>Conservative</td>
</tr>
<tr>
<td>July 1926</td>
<td>E. Patenaude</td>
<td>Conservative</td>
</tr>
<tr>
<td>Sept. 1926</td>
<td>E. Lapointe</td>
<td>Liberal</td>
</tr>
<tr>
<td>Aug. 1930</td>
<td>H. Guthrie</td>
<td>Conservative</td>
</tr>
<tr>
<td>Aug. 1935</td>
<td>G. Geary</td>
<td>Conservative</td>
</tr>
<tr>
<td>Oct. 1935</td>
<td>E. Lapointe</td>
<td>Liberal</td>
</tr>
<tr>
<td>Nov. 1941</td>
<td>J. Michaud</td>
<td>Liberal</td>
</tr>
<tr>
<td>Dec. 1941</td>
<td>L. St. Laurent</td>
<td>Liberal</td>
</tr>
<tr>
<td>Dec. 1946</td>
<td>J. Ilsley</td>
<td>Liberal</td>
</tr>
<tr>
<td>July 1948</td>
<td>L. St. Laurent</td>
<td>Liberal</td>
</tr>
<tr>
<td>Nov. 1948</td>
<td>S. Garson</td>
<td>Liberal</td>
</tr>
<tr>
<td>June 1957</td>
<td>E.D. Fulton</td>
<td>P.C.</td>
</tr>
<tr>
<td>Apr. 1962</td>
<td>D. Fleming</td>
<td>P.C.</td>
</tr>
<tr>
<td>Apr. 1963</td>
<td>L. Chevrier</td>
<td>Liberal</td>
</tr>
<tr>
<td>Date</td>
<td>Name</td>
<td>Party</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------</td>
<td>--------</td>
</tr>
<tr>
<td>June 1965</td>
<td>G.J. McIlraith</td>
<td>Liberal</td>
</tr>
<tr>
<td>July 1965</td>
<td>L. Cardin</td>
<td>Liberal</td>
</tr>
<tr>
<td>Jan. 1966</td>
<td>L. Pennell</td>
<td>Liberal</td>
</tr>
<tr>
<td>April 1968</td>
<td>J.N. Turner</td>
<td>Liberal</td>
</tr>
<tr>
<td>July 1968</td>
<td>G.J. McIlraith</td>
<td>Liberal</td>
</tr>
<tr>
<td>Nov. 1972</td>
<td>W.W. Allmand</td>
<td>Liberal</td>
</tr>
<tr>
<td>Sept. 1976</td>
<td>F. Fox</td>
<td>Liberal</td>
</tr>
<tr>
<td>Feb. 1978</td>
<td>J.-J. Blais</td>
<td>Liberal</td>
</tr>
<tr>
<td>June 1979</td>
<td>A.F. Lawrence</td>
<td>P.C.</td>
</tr>
<tr>
<td>Mar. 1980</td>
<td>R.P. Kaplan</td>
<td>Liberal</td>
</tr>
<tr>
<td>Sept. 1984</td>
<td>E.M. MacKay</td>
<td>P.C.</td>
</tr>
<tr>
<td>Aug. 1985</td>
<td>P. Beatty</td>
<td>P.C.</td>
</tr>
<tr>
<td>June 1986</td>
<td>J. Kelleher</td>
<td>P.C.</td>
</tr>
<tr>
<td>Nov. 1988</td>
<td>P. Blais</td>
<td>P.C.</td>
</tr>
<tr>
<td>Feb. 1990</td>
<td>P. Cadieux</td>
<td>P.C.</td>
</tr>
</tbody>
</table>

Source: R.C.M.P. Historical Section; McDonald, Rickerd and Gilbert, p. 33; Debates, various sessions; and Canadian Parliamentary Guide, various years.
APPENDIX E

COMMISSIONERS OF THE FORCE (1873 TO 1990)

Sep. 25, 1873 - W. Osborne Smith (temp.)
Oct. 18, 1873 - George A. French
July 22, 1876 - James F. Macleod
Nov. 1, 1880 - Acheson G. Irvine
Apr. 1, 1886 - Lawrence W. Herchmer
Aug. 1, 1900 - A. Bowen Perry
Apr. 1, 1923 - Cortland Starnes
Aug. 1, 1931 - James H. MacBrien
Mar. 6, 1938 - Stuart T. Wood
May 1, 1951 - Leonard H. Nicholson
Apr. 1, 1959 - Charles E. Rivett-Carnac
Oct. 1, 1960 - Clifford W. Harvison
Nov. 1, 1963 - George B. McClellan
Aug. 15, 1967 - Malcolm F.A. Lindsay
Jan. 1, 1974 - Maurice Nadon
Sept.1, 1977 - Robert H. Simmonds
Sept.1, 1987 - Norman D. Inkster

Source: Horrall, Pictorial History of the R.C.M.P., p. 248; McDonald, Rickerd and Gilbert, p. 34 and The Quarterly, vol. 52, no. 4 (Fall 1987).
## APPENDIX F

### INTERJURISDICTIONAL EMERGENCY USE OF THE R.C.M.P.
**IN AID OF THE PROVINCES**

<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
<th>Nature of Emergency</th>
<th>Location</th>
<th>Reinforcements No.</th>
<th>From</th>
</tr>
</thead>
<tbody>
<tr>
<td>1931</td>
<td>Sept. 8-Sept. 29</td>
<td>Miners strike</td>
<td>Estevan</td>
<td>47</td>
<td>&quot;Depot&quot;</td>
</tr>
<tr>
<td>1932</td>
<td>Dec. 6</td>
<td>Riot, relief camp</td>
<td>Saskatoon</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td>Apr. 6</td>
<td>&quot;</td>
<td>&quot;</td>
<td>4</td>
<td>&quot;</td>
</tr>
<tr>
<td>1934</td>
<td>Apr. 9</td>
<td>&quot;</td>
<td>&quot;</td>
<td>34</td>
<td>&quot;</td>
</tr>
<tr>
<td>&quot;</td>
<td>Dec. 29</td>
<td>Strike, relief camp</td>
<td>Vancouver</td>
<td>25</td>
<td>&quot;</td>
</tr>
<tr>
<td>1935</td>
<td>Apr. 28</td>
<td>Riot</td>
<td>Regina</td>
<td>50</td>
<td>&quot;</td>
</tr>
<tr>
<td>&quot;</td>
<td>June 6</td>
<td>&quot;</td>
<td>&quot;</td>
<td>25</td>
<td>Alberta</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>30</td>
<td>Manitoba</td>
</tr>
<tr>
<td>&quot;</td>
<td>June 20</td>
<td>&quot;</td>
<td>&quot;</td>
<td>65</td>
<td>Ontario</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15</td>
<td>Quebec</td>
</tr>
<tr>
<td>&quot;</td>
<td>July 2</td>
<td>&quot;</td>
<td>&quot;</td>
<td>5</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>11</td>
<td>Ontario</td>
</tr>
<tr>
<td>1938</td>
<td>July 19</td>
<td>Demonstration by unemployed</td>
<td>&quot;</td>
<td>20</td>
<td>&quot;Depot&quot;</td>
</tr>
<tr>
<td>1941</td>
<td>Sept. 11-Sept. 29</td>
<td>Industrial strike</td>
<td>St. Cath.</td>
<td>28</td>
<td>Ontario</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>26</td>
<td>Quebec</td>
</tr>
<tr>
<td>1945</td>
<td>May 7</td>
<td>Riot, V.E. Day</td>
<td>Halifax</td>
<td>20</td>
<td>New Brunswick</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6</td>
<td>P.E.I.</td>
</tr>
<tr>
<td>&quot;</td>
<td>Sept. 12-Dec. 19</td>
<td>Strike, Ford Motor</td>
<td>Windsor</td>
<td>105</td>
<td>Ontario</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10</td>
<td>Quebec</td>
</tr>
<tr>
<td>1946</td>
<td>July ?-Aug. 26</td>
<td>Strike, Steel Co.</td>
<td>Hamilton</td>
<td>155</td>
<td>Ontario</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25</td>
<td>New Brunswick</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>45</td>
<td>Quebec</td>
</tr>
<tr>
<td>Year</td>
<td>Date</td>
<td>Nature of Emergency</td>
<td>Location</td>
<td>Reinforcements No.</td>
<td>From</td>
</tr>
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</tr>
<tr>
<td>1948</td>
<td>Apr. 15,</td>
<td>Seaman strike</td>
<td>Welland Canal</td>
<td>30</td>
<td>Ontario</td>
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<tr>
<td></td>
<td>June 9,</td>
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<td></td>
<td>Sept. 1</td>
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<tr>
<td></td>
<td>July 28</td>
<td>&quot;</td>
<td>&quot;</td>
<td>5</td>
<td>&quot;</td>
</tr>
<tr>
<td>1950</td>
<td>May 6-7</td>
<td>Flood</td>
<td>Red River</td>
<td>51</td>
<td>Saskatchewan</td>
</tr>
<tr>
<td>1951</td>
<td>May 17</td>
<td>Doukhobor problems</td>
<td>B.C.</td>
<td>21</td>
<td>Alberta</td>
</tr>
<tr>
<td></td>
<td>June 6-</td>
<td>&quot;</td>
<td>&quot;</td>
<td>10</td>
<td>Saskatchewan</td>
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<tr>
<td></td>
<td>July 4</td>
<td></td>
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<tr>
<td>1953</td>
<td>Feb. 1</td>
<td>&quot;</td>
<td>&quot;</td>
<td>6</td>
<td>&quot;</td>
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<td></td>
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<td></td>
<td></td>
<td>7</td>
<td>Alberta</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>&quot;Depot&quot;</td>
</tr>
</tbody>
</table>

APPENDIX G

STRENGTH OF THE FORCE (1900 TO 1989)

1900 - 774
1905 - 813
1910 - 649
1915 - 929
1920 - 1,671
1925 - 977
1930 - 1,245
1931 - 1,351
1932 - 2,348
1935 - 2,573
1940 - 3,767
1951 - 4,341
1955 - 5,376
1960 - 6,504
1965 - 7,516
1970 - 11,761
1975 - 16,716
1980 - 19,822
1985 - 21,149
1987 - 19,894

Note: These figures reflect the total uniform and civilian strength.

# APPENDIX H

## GLOSSARY OF CERTAIN ABBREVIATIONS USED IN THIS THESIS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADM</td>
<td>Assistant Deputy Minister</td>
</tr>
<tr>
<td>ADMOJ</td>
<td>Assistant Deputy Minister of Justice</td>
</tr>
<tr>
<td>AG</td>
<td>Attorney-General</td>
</tr>
<tr>
<td>CIB</td>
<td>Criminal Investigation Branch</td>
</tr>
<tr>
<td>CO</td>
<td>Commanding Officer</td>
</tr>
<tr>
<td>DAG</td>
<td>Deputy Attorney-General</td>
</tr>
<tr>
<td>Dep. Min.</td>
<td>Deputy Minister</td>
</tr>
<tr>
<td>Dept.</td>
<td>Department</td>
</tr>
<tr>
<td>Div.</td>
<td>Division</td>
</tr>
<tr>
<td>DOJ</td>
<td>Department of Justice</td>
</tr>
<tr>
<td>DMOJ</td>
<td>Deputy Minister of Justice</td>
</tr>
<tr>
<td>HQ</td>
<td>Headquarters (Force)</td>
</tr>
<tr>
<td>G-i-C</td>
<td>Governor-in-Council</td>
</tr>
<tr>
<td>MOJ</td>
<td>Minister of Justice</td>
</tr>
<tr>
<td>OC</td>
<td>Officer Commanding</td>
</tr>
<tr>
<td>PABC</td>
<td>Provincial Archives of British Columbia</td>
</tr>
<tr>
<td>PAC</td>
<td>Public Archives of Canada</td>
</tr>
<tr>
<td>SG</td>
<td>Solicitor-General</td>
</tr>
<tr>
<td>TB</td>
<td>Treasury Board</td>
</tr>
</tbody>
</table>

The following rank abbreviations are used:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comm'r.</td>
<td>Commissioner</td>
</tr>
<tr>
<td>D/Comm'r.</td>
<td>Deputy Commissioner</td>
</tr>
<tr>
<td>A/Comm'r.</td>
<td>Assistant Commissioner</td>
</tr>
<tr>
<td>C/Supt.</td>
<td>Chief Superintendent</td>
</tr>
<tr>
<td>Supt.</td>
<td>Superintendent</td>
</tr>
<tr>
<td>Insp.</td>
<td>Inspector</td>
</tr>
<tr>
<td>S/Sgt.</td>
<td>Staff Sergeant</td>
</tr>
<tr>
<td>Cst.</td>
<td>Constable</td>
</tr>
</tbody>
</table>
APPENDIX I

CASE STUDY: THE NEWFOUNDLAND CONSTABULARY HIGHWAY PATROL AND FORT PEPPERELL

The less than rosy provincial policing situation in Newfoundland received a further jolt in 1961 when the province announced its intention to create a highway patrol within the Newfoundland Constabulary, thereby expanding the provincial force outside the city limits of St. John's. The announcement astounded the R.C.M.P.'s new provincial commander, C/Supt. E. Brakefield-Moore, when he first heard it while attending the reading of the Speech from the Throne. He surmised that it was both an attempt to "justify [the Constabulary's]...excessive establishment"¹ and to experiment with the cost of financing a truly provincial force.² He also perceived a "hostile" attitude toward the Force within the provincial government, which he felt was related to the loggers'

¹ PAC, RG 18, vol. 3586, file GH 125-3-12, p. 6, Brakefield-Moore to Comm'r. Rivett-Carnac, Jan. 20, 1961. He felt that the Constabulary required only between 90 and 100 of its 175 officers to effectively police St. John's.

² A 1970 newspaper account lends credence to this assertion. It suggested that the provincial government studied the possibility of either creating a new provincial police force or expanding the Constabulary:

While it may not be commonly known, the Government came to the conclusion that it would be cheaper and less troublesome to keep the Mounties, at least for the time being ("Jobs! Jobs! Jobs! - Police Experts Tell Story," The Newfoundland Herald, St. John's, Sept. 6, 1970).
The anticipated jurisdiction of the Newfoundland Constabulary Highway Patrol (N.C.H.P.) included all provincial highways, although initially limited to the Avalon Peninsula surrounding St. John's. Its duties were to include all manner of activity related to the highways, including sign management, environmental pollution and traffic enforcement, the emphasis being on highway "beauty" and "appearance," not traffic control. Its establishment was expected to number between 60 and 100 persons.

Organizational problems prevented an early start. Volunteers could not be located within the Constabulary's existent traffic

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Attorney-General Curtis disturbed Brakefield-Moore by continually making pointed and not so kind comments about the Force, in particular complaining about the four-fold increase in costs since 1950. Brakefield-Moore recalled the attorney-general's words of greeting when they first met: "I am glad to meet you Chief, and I guess you have heard that we are getting rid of you and your gang." Brakefield-Moore's only consolation was his belief "that no one ever paid the remotest attention to anything [the attorney-general] said" (see above, Brakefield-Moore to Rivett-Carnac). A local newspaper also alluded to the displeasure of certain provincial cabinet ministers upon receiving speeding tickets from the R.C.M.P. ("RCMP 'better deal' than road patrol," The Evening Telegram, St. John's, Jan. 31, 1961).


section, in part due to an aversion for the type of duties to be performed by the Patrol, less than affectionately referred to as a "garbage disposal unit." Also, cost estimates apparently rose, causing the attorney-general to decrease the anticipated size of the Patrol to six or seven persons. He assured Brakefield-Moore that it would not interfere with the R.C.M.P. In the House of Assembly, the Leader of the Opposition criticized the move, pointing to the favourable financial terms in the R.C.M.P. contract and the fact that Newfoundland paid a portion of the cost of 194 Mounted Policemen, despite there being 290 members in the province. He also warned that "local and political pressures" would impact on a provincial force.

Formation of the Patrol continued to waver through the spring and summer of 1961 with the attorney-general hinting at abandoning the idea if the R.C.M.P. increased its level of traffic enforcement. Nevertheless, on June 16, terms of reference were struck: eight persons, enforcing specified provincial acts on two highways with the R.C.M.P. exercising concurrent jurisdiction and

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7 Ibid.
8 This includes some engaged on federal duties and others in the Marine and Air Divisions.
9 "RCMP 'better deal' than road patrol," The Evening Telegram, Jan. 31, 1961.

The Patrol commenced work on July 1, 1961. Its members and those of the R.C.M.P. co-existed peacefully during the ensuing years though they seldom interacted.\footnote{Ibid., p. 72, OIC CIB, "B" Div. to CO "B" Div., Oct. 26, 1965.} According to Brakefield-Moore's successor, C/Supt. W.H. Nevin, the Patrol "exceeded its responsibilities" on one or two occasions "with some resultant confusion."\footnote{Ibid., p. 91, Nevin to Comm'r McClellan, Sept. 14, 1964.} Considering the Patrol's ambiguous role, the peace officer status enjoyed by its members and the jurisdictional overlap between it and the R.C.M.P., Nevin's comments are not terribly surprising or persuasive.

Were the Patrol not a sufficient headache for the Force, the province's attitude toward the policing of St. John's and environs created even greater frustration. With Newfoundland's acquisition of the American base at Fort Pepperell on January 1, 1963, the provincial attorney-general asked the R.C.M.P. to police it on a temporary basis. Due to the base being within the boundaries of St. John's, the request was most unusual.\footnote{Ibid., p. 54, Brakefield-Moore to McClellan, Dec. 10, 1963.} The R.C.M.P. acquiesced, despite the fact that the Constabulary policed St. John's, a city of 60,000 persons, with 186 members while the R.C.M.P.'s St. John's Detachment policed a rural population of
26,000 with only 34 men.\textsuperscript{15} Once in place, gentle persuasion failed to extricate the Force. According to Brakefield-Moore, the attorney-general "as usual is content to let things drag along as they are because no differences are being encountered."\textsuperscript{16} The frustration of his successor is evidenced by correspondence with Comm'r. McClellan:

...a line must surely be drawn somewhere as to just how far this Force should go in being obliged, through force of political and other circumstances, to police large portions of the City of St. John's.\textsuperscript{17}

Due to the historic absence of municipal police forces within Newfoundland, the province paid the complete tab for policing, including that of St. John's. The more duties, therefore, which could be transferred to the R.C.M.P., ostensibly under its contract, the less the cost to the province. In addition, by policing municipalities under the provincial contract rather than by means of separate municipal contracts, Ottawa in essence provided a double subsidy. The province paid for municipal policing at the lower provincial contract rate.

The primitive provincial correctional system presented another example of shrewd manipulation of the R.C.M.P. by the province. With only one large correctional facility, Her Majesty's Penitentiary in St. John's, provincial gaols in population centers

\textsuperscript{15} Ibid., p. 73, C/Supt. G.H. Prime, CO "B" Div., to McClellan, Aug. 10, 1966.

\textsuperscript{16} Ibid., p. 55, Brakefield-Moore to McClellan, June 10, 1964.

\textsuperscript{17} Ibid., p. 91, Nevin to McClellan, Sept. 14, 1964.
serviced the balance of the province. To its continuing chagrin, the R.C.M.P. found itself operating these gaols.\textsuperscript{18} Brakefield-Moore candidly described the problem to McClellan: "[a]t least 3 of the jails are a disgrace to any civilized community but the Province shirks responsibility on this score also."\textsuperscript{19}

Although Attorney-General Curtis bore the silent brunt of the Force's anger,\textsuperscript{20} the R.C.M.P refused to confront the province over the Highway Patrol, Fort Pepperell, municipal policing or responsibility for corrections. It allowed the anomalies to continue unabated, at considerable expense to the federal treasury and despite the increased workload forced on its provincial establishment.

A new provincial commander, C/Supt. G.W. Mudge, reviewed the Fort Pepperell matter upon assuming command, thereafter bringing the absence of "any formal discussions or correspondence between the responsible authorities in Newfoundland and our Force" to the Commissioner's attention.\textsuperscript{21} Despite having allowed the situation

\textsuperscript{18} Newfoundland pointed to the fact that the contract required the R.C.M.P. to assume, not only police duties, but also "duties and services of a law enforcement nature" previously undertaken by the Rangers and Constabulary (\textit{ibid.}, vol. 3585, file GH 125-3-2, p. 50, DAG Nfld. to OC "B" Div., Jan. 21, 1955).

\textsuperscript{19} \textit{Ibid.}, Brakefield-Moore to McClellan, May 13, 1964.

\textsuperscript{20} Nevin doubted that Curtis was "concerned with high standards of police efficiency" (\textit{ibid.}, p. 91, Nevin to McClellan, Sept. 14, 1964). Curtis' offhand remarks concerning the Force proved equally irksome. On one occasion he reportedly told the Force's deputy commissioner that you could "put a tunic on any fat slob and you've got a policeman" (\textit{ibid.}).

\textsuperscript{21} \textit{Ibid.}, p. 98, Mudge to McClellan, Jan. 5, 1967.

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to continue for over three years, McClellan could only promise action in the future:

The policing of the area in question is contrary to the terms of the Provincial contract, and while we have not taken action in the past to be relieved of these duties, it has been my intention to take such steps as might be necessary... 22

Mudge apparently took the initiative. He trusted T. Alex Hickman, who replaced Curtis as attorney-general, 23 believing Hickman "reasonable and sincere" and "interested in efficient policing." 24 Tripartite negotiations between the province, the Constabulary and the R.C.M.P. followed. On April 1, 1967, the N.C.H.P. came to an end and the Constabulary assumed policing responsibility for the entire city of St. John's, 25 a date which coincided with the extension of St. John's boundaries. 26 The provincial government provided weak justification for the move in the House of Assembly:

[The N.C.H.P.] has become redundant in this area due to the extension of the boundaries and the acquiring of more manpower and modern and scientific facilities by the RCMP. 27

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23 Hickman was provincial attorney-general between 1966 and 1969.
25 Ibid.
26 Arthur Fox gives this as the reason for the Patrol's dissolution (The Newfoundland Constabulary (St. John's: Robinson Blackmore Printing & Publishing Ltd., 1971). This is certainly arguable. Had the Patrol been a venture worth continuing, the same reason could justify further expansion.
The R.C.M.P. became the fall-guy. According to the province, the R.C.M.P.'s inadequate strength in 1961 necessitated the creation of the N.C.H.P. With increased rigidity in its enforcement of traffic laws, the R.C.M.P. could once again assume total responsibility for highway enforcement.²⁸

Economy motivated the provincial government's creation of the N.C.H.P. Coming after agreement at the federal-provincial conference of 1960 to continue the 60/40 cost-sharing arrangement, it can hardly be considered an attempt to extract a better deal from Ottawa. Likely, the yearly increase in the actual per member cost persuaded the province that it could do better with a provincial force. The N.C.H.P. was its pilot project. The less than happy relationship between Ottawa and St. John's probably served to hasten the move.

The formation of the highway patrol and the general tenor of relations with the provincial government obviously troubled senior management within the Force. Nevertheless, the Commissioner and the divisional commanders seem not to have considered the matters of sufficient importance to 'rock the boat.' The bifurcated policing of highways, the work overload on members at St. John's Detachment and the waste of manpower at gaols were allowed to continue. The continuation of the provincial contract was obviously of greater importance to the Force than such annoyances.

²⁸ Ibid.
CASE STUDY: DEJA VU - THE NEW BRUNSWICK HIGHWAY PATROL

To suggest that the Tory government of Richard Hatfield had its differences with the R.C.M.P. is to understate what transpired in New Brunswick during the late 1970's and early 1980's. It also provides another exception to the Force's normally comfortable relationship with the governments of contracting provinces and demonstrates the continuing importance of both financial and political concerns in the policy making process.

Despite the Force investigating and bringing charges against various persons connected with the provincial Progressive Conservatives during the mid-1970's, the Liberal opposition accused the government of attempting to stymie the Force in those and other political kickback allegations. It alleged that the Force had found it necessary to change its normal procedure for obtaining search warrants by omitting to consult with provincial prosecutors, ostensibly in order to avoid leaks to politicians. Although a judicial inquiry exonerated provincial officials, the various incidents damaged relations between the Force and the province.¹

The provincial government openly expressed its antipathy toward the Force. In a 1978 address to the Canadian Bar Association, the provincial Deputy Minister of Justice, Gordon

¹ See, for example, David Folster, "Closing in for the kill?", Maclean's, Sept. 8, 1980, pp. 24-6.
Gregory, noted the perceived reluctance of certain members of the R.C.M.P. toward prosecutorial supervision, particularly the approval of search warrants and the laying of charges. Gregory pointed to the lack of complete objectivity possessed by "the average police officer":

The power sought by some police officers to carry out their investigative work in secret without informing the Minister of Justice and to inform him of the facts after a charge has been laid is unacceptable to the Department of Justice in this Province.²

In conclusion, he asked whether the public preferred to entrust their freedoms and the judicial system "to the policeman or to an elected Minister of Justice," and, not surprisingly, expressed his preference for the latter: "I prefer that to a dependance upon any appointed official, policeman or otherwise."³

At the same time as the various political scandals unfolded in the province, the government appeared to reassess its involvement in policing, moving from a reactive or passive position to a proactive stance. During 1974, it created a Police Services Branch in the Department of Justice, which acquired responsibility for the R.C.M.P. contracts, local policing, firearms registration, liquor inspection, the sheriffs and coroners service and security


³ Ibid., p. 18. Interestingly, Gregory advocated the increased use of prosecutors, themselves appointed officials, in the vetting of search warrant applications and charges.
guard licensing. During April 1977, Rodman Logan, the provincial Minister of Justice, observed that the adequacy of municipal police investigations into serious crime as well as the adequacy of their communication facilities concerned the province.

In 1980, a provincial government discussion paper recommended that some municipalities assume responsibility for commercial crime investigations from the R.C.M.P. due to the rising cost of the R.C.M.P. contract. Fredericton's police chief observed that this might involve the city department in the sensitive field of political corruption investigations. Liberal Opposition Leader Joe Daigle bashed the proposal as a possible ploy by the province to control and thwart such investigations.

Amid the foregoing, the province announced its intention to create a provincial highway patrol to share responsibility for the policing of provincial highways with the R.C.M.P. and later, assume total responsibility. The government's public rationale for

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4 Peter German, "The Legal Structure and Control of Policing in New Brunswick," unpub. paper, Faculty of Law, Univ. of New Brunswick, Spring 1981.


6 "No RCMP Aid Recommended," The Daily Gleaner, Fredericton, Dec. 6, 1980.

creating the patrol was almost entirely financial. Logan termed it a "logical" move considering the rise in R.C.M.P. costs and the ongoing 1980-81 negotiations. Logan called the R.C.M.P. "the most expensive force in Canada," suggesting that the provincial patrol could do the job for less, even after deduction of the federal subsidy. To one familiar with the Newfoundland Constabulary Highway Patrol, it was a case of déja vu.

Although described as a "more economical method of highway traffic enforcement," the opposition levelled strong criticism at the government after the announcement. It viewed the move as an attempt to even the score with the R.C.M.P. for the political kickback scandals of the 1970's. In addition, Liberal justice critic, Doug Young, called it a "basic change in the administration of justice" which would inevitably lead to the formation of a

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8 He acknowledged that the possible redefinition of the R.C.M.P.'s mandate toward a greater emphasis on federal law enforcement was a consideration, though not a major one (Calvin Woodward, Jr., "Liberals Want Guarantee RCMP Will Be Kept," *ibid.*, Mar. 15, 1980, p. 3).


10 "N.B. gets new cops. To squeeze out RCMP?" *Atlantic Insight*, Sept. 1979. The media quickly coined the Patrol, 'Rod's Rangers,' in recognition of the Minister's personal involvement in its creation.

11 There is no indication that those involved in its formation were aware of the Newfoundland Constabulary Highway Patrol's history, which itself received very little attention outside that province.


provincial police force. He criticized the concept of a highway patrol in a province without a restricted access freeway system, thereby inevitably involving the Patrol in non-traffic duties.

Formed on January 1, 1980, the Patrol originally consisted of former provincial truck and weigh scale inspectors and policed a portion of the Trans-Canada Highway during daylight hours. Its jurisdiction increased gradually until, by June 1, 1983, it included all provincial highways and commercial vehicle enforcement, on a 24-hour basis. Legislation in 1981 and 1988 gave the Patrol its necessary statutory authority and the famed California Highway Patrol apparently served as a model. At its peak, it employed 130 officers in 17 detachments.

After six months of operation, the Patrol's Chief boasted that

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14 Calvin Woodward, Jr., "RCMP Won't Be Reduced - Logan," The Daily Gleaner, Mar. 29, 1980.
15 Ibid.
17 From the Quebec border to Jemseg, south of Fredericton.
19 Ibid., pp. 16-7.
the number of accidents on that portion of the Trans-Canada policed by the Patrol had been reduced by over 60 per cent.\textsuperscript{23} The decrease in accidents did not prevent a large number of residents from the community of St. Leonard demonstrating against closure of their R.C.M.P. detachment, however. Although apparently unconnected to the Patrol, the fact that St. Leonard is situated beside the Trans-Canada sparked Fredericton's daily newspaper to editorialize that the "residents of St. Leonard do not consider the highway patrol an acceptable replacement for the RCMP. Neither do the majority of New Brunswickers."\textsuperscript{24}

The opposition and certain voices in the provincial media opposed the Patrol throughout its existence. Accusations of the beginnings of a provincial police force were repeatedly bandied about and, just as often, denied.\textsuperscript{25}

The overthrow of Hatfield's government by Frank McKenna's Liberals in 1988 sounded the death knell for the Patrol. The new government commissioned a study of the province's provincial policing structure, with emphasis on the Patrol, soon after taking office.\textsuperscript{26} Alan Grant produced a report in short order which overviewed the haphazard policing structure of the province. In


\textsuperscript{24} "Policing Cutbacks," \textit{ibid.}, Apr. 22, 1980.

\textsuperscript{25} Calvin Woodward, Jr., "Air Patrol Cost Investigated," \textit{ibid.}, Apr. 9, 1980.

\textsuperscript{26} Dr. Alan Grant of the Faculty of Law, Univ. of Toronto conducted the study.
his view it diverged "from any rational organizational framework which could be supported by modern police research." Grant avoided attributing blame for the situation, terming it "the seemingly inevitable product of history." 

The co-existence of a contract provincial force and a provincial highway patrol as well as of contract and non-contract municipal forces made the irrationality of New Brunswick's policing structure quite apparent. Grant also noted that most municipal forces were below the minimum threshold size of 15 to 20 officers which the exigencies of modern policing demand. He recommended the abolition of all small municipal forces in favour of a provincial force, contract or otherwise.

Grant commented kindly on the Patrol's work in the province, nevertheless concluded that it represented a duplication of

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27 Grant, Policing Arrangements in New Brunswick, p. 7.

28 Ibid. In reality, historic determinism should neither be held responsible for decades of omission by provincial governments to standardize and upgrade policing within the province nor for the N.B.H.P.'s creation.

29 Grant, Policing Arrangements in New Brunswick, pp. 10-2. The province did not seize upon this recommendation, instead advocating self-initiated regionalization of small forces by their municipalities. By acting solely on the report's recommendations respecting the N.B.H.P., the government lent credence to the argument that it commissioned Grant's report with only one purpose in mind.

30 He declined, however, to analyze the effect of the Patrol on traffic fatalities and injuries, observing that it is "notoriously difficult to measure police work." Although the province's fatalities decreased from 260 in 1979 to 151 in 1987, Grant noted that the decrease "roughly mirrored national and regional trends" (ibid., pp. 32-4 and 42).
resources and fragmentation of service delivery. He noted "a direct overlap" of R.C.M.P. and Highway Patrol detachments in nine locations and the substantial assistance rendered to the Patrol by the R.C.M.P., on 1,102 occasions in 1985 alone.\(^3\) He also compared the cost of the Patrol to that of a similar contingent of contract R.C.M.P. officers and concluded that the latter was more cost effective.\(^3\)

The province acted swiftly upon receipt of Grant's report. During July 1988 it announced the dissolution of the Patrol.\(^3\) The

\(^3\)Ibid., p. 42. The R.C.M.P. also handled 1,254 traffic occurrences without reference to the Patrol. Corresponding statistics for Patrol assistance to the R.C.M.P. are not provided.

\(^3\)Grant's report projected that if the Patrol continued during the next two years, its cost would approximate $20 million. On the other hand, an additional 151 R.C.M.P. officers would cost between $16.4 and $17.2 million for the same period. A report published after the takeover suggests that Grant was in error and that the R.C.M.P.'s actual cost will be $5.8 million higher, bringing its total to approximately $3 million more than that estimated for the Patrol ("PCs not surprised at report on cost of RCMP services," The Telegraph-Journal, Mar. 13, 1989). The true state of affairs should be known at the conclusion of fiscal 1989-90.

\(^3\)In politics, swift action is not necessarily financially opportune. By taking advantage of a provision in the 1976 contract which permitted opting out, New Brunswick assumed that it could similarly opt back in and negotiate an addendum to its 1981 contract or execute a separate contract. An 'opting-in option' would avoid responsibility for start-up expenses. The province assumed wrongly. With no such clause, start-up costs became its responsibility. In other respects, for example, the provincial share of costs, the province was also at the mercy of the federal government. Agreement could not be reached over the estimated $1-2 million start-up costs. When New Brunswick suggested that Ottawa pick up the tab, the Treasury Board responded by suggesting that the province pay 100 per cent of the highway patrol expenses, as opposed to the 66 per cent share enjoyed by all the contracting provinces. The province was left with little choice but to pay the start-up costs. Ottawa then dropped its demand to 70 per cent (ibid.).

Negotiating at a disadvantage also prevented the province from
unelected opposition Tories condemned the move as "political revenge." Within six months the province and Ottawa reached agreement on a resumption of R.C.M.P. highway patrol duties, effective February 1, 1989. The two year contract required the province to pay 70 per cent of the Force's costs. The R.C.M.P.'s pleasure at recapturing the highway patrol duties was evident when its divisional commander in New Brunswick, C/Supt. D. Farrell, promised a total commitment by all members of the Force, including himself, to enforcing traffic infractions.

In words reminiscent of the R.C.M.P.'s return to the prairies in 1928, The Daily Gleaner of Fredericton commented that the N.B.H.P. existed as "an inglorious...duplicate police service.... persuading the R.C.M.P. to absorb most of the Patrol's members, as had been the case in the 1928, 1932 and 1950 absorptions. Instead, the Force absorbed less than one-third ("Watch for the RCMP!" ibid., Jan. 30, 1989).

Ibid.


Its expiry therefore corresponds to that of the 1980-81 series of provincial contracts.

"Deal to have RCMP patrolling N.B. highways approved," The Telegraph-Journal, Nov. 2, 1988. Seventy per cent corresponds to the fiscal 1990-91 provincial share of contracting costs and is four percentage points higher than the provincial share at the time of the takeover agreement.

As with earlier absorptions, Ottawa agreed to purchase certain of the infrastructure utilized by the Patrol in order to partly offset start-up costs (Don Hoyt, "N.B. aims to avoid roadblocks to RCMP service," ibid., Sept. 22, 1988).

Don Hoyt, "RCMP's main aim is to cut road accident rate," The Daily Gleaner, Dec. 6, 1988, p. 6.
never truly accepted in many parts of the province" and unable to "come up to the standards of the Mounties." Another commentator described the Patrol as "possibly the most controversial law enforcement agency in Canada's history." Although a slight exaggeration, its short eight-year life was not without controversy. Various factors accounted for its creation and continuance.

Whenever questioned, the official government position remained that the Patrol was financially expedient. At the time of its formation, the Hatfield government no doubt hoped that it would cost less than the R.C.M.P.'s highway patrol. Whether this was a realistic expectation or not is another, more difficult question. Similarly, one can only surmise that the province hoped its experiment would prove successful and open the door to a provincial force.

Control of the police and the politics of contract renewal were also important to the province. The creation of the Patrol coincided quite nicely with the 1980-81 renewal negotiations. Provincial complaints over costs and control suddenly became more than mere posturing. Although by 1981 the federal government was more interested in the bottom line than patrolling highways in New Brunswick, the move created a crack in the cement of the contracting system, possibly the first of many. It likely caused

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concern within the Solicitor-General's office and great consternation among senior R.C.M.P. officials. The provinces could not have found a better negotiating tool.
CASE STUDY: REGIONALIZATION OF POLICING IN THE LOWER MAINLAND

The delivery of policing services in the Lower Mainland of British Columbia exists as an aberration within Canada's already anomalous policing system. By its absorption of the B.C.P.P. in 1950, the R.C.M.P. inherited 46 municipal contracts. These included a number in the near suburbs of Vancouver, communities which increased dramatically in size during the following years, presenting unique problems for the Force. The municipality of Burnaby, bordering Vancouver's eastern boundary, experienced rapid growth during the 1950's and 1960's, only to be outdone by Surrey during the following decades.

During the first 75 years of its existence, the Force's provincial and municipal policing responsibilities were generally restricted to rural areas of the nation. It is there that the Force carved its niche in the hearts and minds of Canadians.

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2 The R.C.M.P. commenced policing the District of Surrey on May 1, 1951, after the municipality abolished its own police force. The Force utilized 18 members from its provincial strength until the signing of a municipal contract (PAC, RG 18, vol. 3595, file GH 125-10 (1953), p. 2, Memo to file from Chief Treasury Officer, Mar. 5, 1951; p. 3, Wood to Hann, Mar. 6, 1951; and p. 5, Wood to Wismer, Mar. 15, 1951). Presently, Surrey is the Force's largest detachment in a contract province, with a strength of approximately 300 regular members. Burnaby, previously the largest detachment, now ranks second to Surrey in the contract provinces, with in excess of 200 members.
Similarly, its administrative methods and operational procedures accommodated its many distant posts. In the Lower Mainland, the R.C.M.P. faced the reality of big city policing, a challenge it soon learned was not to its liking.

According to Insp. F.S. Spalding, who was present in Vancouver at the time of absorption: "there was no knowledge or prior survey of City, Town and Municipal Policing contracts." It simply was not a priority. The Doukhobor problem clouded the federal government's thinking at the same time as the R.C.M.P. pursued the negotiations, with obvious zeal.

Comm'r. Nicholson inherited the problem when he assumed the top office in 1951. He did his best to discourage contracts anywhere in the country with municipalities in excess of 25,000 persons. In Nicholson's opinion, larger communities could maintain good police departments of their own or band together into regional or metropolitan forces.

A pragmatist, Nicholson hoped that by eliminating certain large contracts he could fill the requests for new municipal

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3 With most big cities in North America come high crime rates. According to Paul Brantingham, a criminologist, Vancouver has apparently "had the highest crime rate of any large Canadian city for a very long time - about 50 or 60 years" (Pat Leidl, "Vancouver: highly literate, woefully violent and expensive," Ottawa Citizen, Dec. 3, 1988).

4 Later A/Comm'r and CO "E" Div.

5 PAC, RG 18, vol. 3595, file GH 125-10, p. 39, Spalding to Nicholson, Apr. 17, 1952. Spalding's memo to the Commissioner was a detailed analysis of the takeover, intended for use in the event of future absorptions!
detachments in the Prairies and Maritimes which continued to reach
his desk. In so doing, he could relieve the stress on detachments
which were often called upon to police small communities without
a police force.

Nicholson also explored another alternative in order to
extract the Force from its onerous responsibilities in the Lower
Mainland. He advocated the division of policing responsibilities
within a municipality, allowing the Force to investigate criminal
offences while a local municipal police force provided routine,
front line uniform services:

The real problem is to get a system that is logical from a
standpoint of good policing and at the same time does not
commit us to duties foreign to the nature of the Force and
which are unpopular with a high percentage of our members.

Nicholson's proposal provoked little interest. An internal

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6 Ibid., file GH 125-10 (1957), p. 73, Nicholson to Harvison,
Dec. 13, 1956. By the early 1950's, municipal contracts had become
the 'Big Mac' of law enforcement services offered by the Force.
In April 1954, 127 applications were pending from municipalities
of under 5,000 persons.

7 Ibid., vol. 3598, file GH 128-2 (1950), p. 8, Nicholson to
Garson, Apr. 5, 1952.

all CO's, Jan. 4, 1956. The significance of Gibbon's comment today
is hard to assess. The members of the Force in the 1950's, for the
most part, did not join to live in a city. The rural orientation
of the Force obviously appealed to them. It appears, however, that
as Canadian society became increasingly urbanized during the past
three decades, so too an increasing number of members within the
Force developed a penchant for the 'balmy' weather and the
amenities offered in the Lower Mainland. The rugged individualism
which characterized early Mounted Police recruits, personified by
the 'farm boy from the prairies,' largely gave way to a more
educated individual, without gender or marital specificity. Many
now appear willing to spend their entire career in 'big city'
policing, something foreign to those who served a few decades ago.
R.C.M.P. working group panned the idea, as did British Columbia Attorney-General Robert Bonner, who described it as "unworkable" and contrary to the province's desire for a "uniform system of policing by one organization."¹⁰

British Columbia obviously liked the deal it struck in 1950.¹¹ The Social Credit government of Premier W.A.C. Bennett replaced the Coalition government in 1952 and ruled the province for the next two decades. Bennett did little to interfere with the structure of policing or the method by which the R.C.M.P. conducted its affairs. Similarly, Attorney-General Bonner seldom interfered with the Force. Senior bureaucrats were left to spar over such matters as finances, manpower and contracts. Chapman believes that political considerations coloured Bennett's treatment of policing and encouraged maintenance of the status quo:

The obvious reforms of amalgamation and consolidation of forces undertaken in Ontario were never socially acceptable to the premier's supporters who wanted their 'own' police and resisted the amalgamation of suburbs and city centres.¹²

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¹¹ Ibid., vol. 3595, file GH 125-10, p. 55, Harvison to Nicholson, Aug. 6, 1952. Harvison advised the Commissioner that "the Premier seems to be partial to Police Forces generally and to our Force in particular. He expressed satisfaction with the Contract and with the manner in which it is working out here."

¹² Chapman, p. 84.
As a result, the Force remained in the suburbs of Vancouver and in large communities elsewhere in the province, continually increasing in size with the rise in population. During the early 1960's, both the Treasury Board and the Diefenbaker government expressed concern with the number of municipal contracts which, by 1962, totalled 120. The Minister of Justice, Donald Fleming, expressed reluctance when Comm'r. Harvison sought permission to enter into still more:

I hope the time has come when we can begin to emancipate the R.C.M.P. from the burden of these municipal contracts. I am inclined to think that the Treasury Board will also expect this of us.\(^{13}\)

Fleming realized that Ottawa could only extract itself from the municipal contracts over a period of time. Otherwise, the political fallout was sure to be heavy. He recommended giving notice of cancellation to the larger municipalities, observing that "it would be a source of some satisfaction if we were relieved of the Burnaby and North Vancouver contracts." He hoped that such a move might also provide the required impetus for a metropolitan police force in the Lower Mainland.\(^{14}\)

\(^{13}\) PAC, RG 18, vol. 3598, file GH 128-2 (1950), p. 141, Harvison to Fleming, Dec. 11, 1962 and p. 143, Fleming to Harvison, Dec. 19, 1962. Fleming was Minister of Finance prior to assuming the Justice portfolio and thus probably had a better than average insight into the financial cost to Ottawa of the contracts.

\(^{14}\) Ibid., file GH 128-2 (1965), p. 1, Fleming to Harvison, Jan. 15, 1963. Fleming was unwilling to raise the municipal share of policing costs, thereby forcing municipalities to create their own police departments, as a ploy to extricate Ottawa from the contracts. Harvison renewed his request to enter into additional contracts after the Liberal government of Lester Pearson took office in 1963. In 1970, Comm'r. W.L. Higgitt did likewise,
Thousands of miles from Ottawa, the Lower Mainland detachments experienced their own, very practical problems in making the system work. In 1965, the officer commanding Burnaby Detachment, Insp. J. E. Gibbon, recommended the creation of a unified command structure for the Lower Mainland, similar to a regional or metropolitan police force but composed only of R.C.M.P. detachments. He cautioned that the Force must look to the future, forecasting that it could find itself policing one million or more persons in the suburbs, within 20 years. His correspondence reflects the general distaste and low priority accorded large municipal contracts:

In the past Municipal Policing has been looked down on in this Force, and it will be recalled that a few years ago large Municipal Detachments were partially staffed by members who wished to get married early, who left the Force and could not qualify to rejoin in a normal manner, or by men who got into trouble or were disciplinary problems on small Detachments. This brought on a feeling that large Municipal Detachments such as Burnaby were, to quote a phrase, "penal colonies."15

He added that many senior officers within the Force still felt that it should not be involved in municipal policing despite the reaction of municipal officials, who he noted favoured R.C.M.P. contracts, not because of the "quality of...policing" but because

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of their greater economy.\textsuperscript{16}

Gibbon's recommendations apparently received little support as no change occurred to the traditional detachment policing structure. Each continued to operate as autonomous entities, with little coordination except for very serious crimes. In essence, the administrative and operational relationship of detachments such as Burnaby and North Vancouver was no different from that of, for example, Prince George and Vanderhoof or Ashcroft and Clinton. Their commanders reported internally to a sub-division commander\textsuperscript{17} and externally to the individual municipal councils.

The establishment of a police commission in British Columbia\textsuperscript{18} in 1974 by the New Democrat government of Dave Barrett evidenced the province's renewed interest in matters relating to policing. After the 1976 contract negotiations, the province created a task force to study policing costs.

\textsuperscript{16} Ibid. This is not to say that municipal councils are not pleased with the services provided by the R.C.M.P. The Force has always made it a point to report to councils on a regular basis and provide requested information.

\textsuperscript{17} The R.C.M.P. implemented various structural changes within the Lower Mainland. The elimination of New Westminster Sub-Division and a grant of autonomy (i.e. sub-division status) to the 'Big Five' detachments (Burnaby, Surrey, Coquitlan, Richmond and North Vancouver) continues to the present. As other suburban detachments increase in size, they also obtain autonomy. A more radical move, splitting "E" Division into two autonomous divisions, one consisting of the Lower Mainland, the other of the remainder of British Columbia, failed. For various reasons, including the reporting relationship to Victoria, the two divisions are again one.

\textsuperscript{18} Headed by Dr. John Hogarth, who figured prominently in the 1980-81 negotiations.
In its 1978 report, the task force took great pains to consider the various financial implications of alternate policing models. It noted the various indirect benefits of R.C.M.P. contracts, including specialized services, the municipal work performed in small communities by members on provincial contract, the financial advantage of bi-annual billing, the nominal rental charges on various federal buildings and a ten-year pay-back plan for capital expenditures. Nevertheless, the economy, efficiency and equality provided by regional policing systems impressed the task force and it recommended that consideration be given to a regional force for Greater Victoria. The 1981 renewal of the contract effectively shelved any serious consideration of amalgamation there or elsewhere, however.

Today the Lower Mainland is an amorphous collection of municipalities, which begin at Vancouver harbour and extend eastward into the funnel-shaped Fraser Valley. A rudimentary form of metropolitan government is represented by the Greater Vancouver

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20 Ibid., pp. 210-26. A patchwork of police departments exist in metropolitan Victoria as well. R.C.M.P. detachments operate beside and between municipal departments. Resistance from the suburban communities, concerned about increased policing costs, effectively scuttled the prospect of amalgamation. One suburban police board member commented some years later that "economies of scale...only works on assembly lines (Les Leyne, Times-Colonist, July 24, 1985). Similarly, Mayor Mel Couvelier of Saanich, now provincial Minister of Finance, commented that he "doubts there is any political will behind the [police amalgamation] studies" ("Police amalgamation studies lack will - Couvelier," ibid., Oct. 4, 1985, p. B11).
Regional District (GVRD), a governing authority composed of all municipalities and unincorporated areas extending as far east as Maple Ridge, Langley and Matsqui. Of the incorporated municipalities, approximately half operate their own police forces,\(^{21}\) while the balance contract with the R.C.M.P.\(^{22}\)

The working relationship between police forces and R.C.M.P. detachments in the Lower Mainland and even among R.C.M.P. detachments themselves, leaves much to be desired. Although high profile crimes are generally pursued with vigour across jurisdictional boundaries, day to day work is done in relative isolation and is sometimes marked by friction, jealousy or territorial disputes.\(^{23}\) According to a recent study:

The current delivery of police services in the G.V.R.D. is not consistent (R.C.M.P. vs municipal forces), expensive and somewhat complicated because of fragmented and, to some extent, overlapping jurisdictions.\(^{24}\) Each police force (whether R.C.M.P. or municipal) operates within its own jurisdictional boundaries and attempts to sustain its own operations. Coordination...tends to be sporadic and informal.\(^{24}\)

\(^{21}\) For example, Vancouver, West Vancouver, Delta, New Westminster, Port Moody and Matsqui.

\(^{22}\) For example, Burnaby, North Vancouver, Coquitlam, Surrey, Richmond, Langley and Maple Ridge.


\(^{24}\) Leighton, p. 4. The fragmentation of jurisdictions exists within R.C.M.P. detachments as well. Coquitlam Detachment, for example, has the following responsibilities (ibid., App. II):

(a) federal enforcement within the detachment's boundaries,
(b) provincial contract enforcement in Electoral Area "B"
The bifurcation of policing between municipal forces and R.C.M.P. contracts creates problems which become clear when one considers the law enforcement tools which metropolitan Vancouver, with a population in excess of one million, does not possess; for example, a common police radio channel, a common communications system, a common computer or filing system, a full-time emergency response team, a helicopter or an aircraft dedicated for operational policing. What it does possess are remarkable differences between jurisdictions. The R.C.M.P. detachment-style of policing requires general duty members to double as investigators whereas municipal police officers respond to calls and turn investigations over to detectives. R.C.M.P. members patrol alone, municipal officers alone or in tandem, depending on their union contract and human resources. Different forces have different policies with respect to the calls they answer and the priority accorded various investigations.

Vancouver remains the largest metropolitan area in Canada without a regional police force.\textsuperscript{25} Ontario cities are at the

\textsuperscript{25} Toronto regionalized in 1957, Montreal in 1971 and Winnipeg in 1974 (see generally, Task Force on Municipal Policing Costs in British Columbia, pp. 164-68). The concept of regionalization even reached small town New Brunswick. The provincial government, cognizant of the difficulty in obtaining additional R.C.M.P. contracts, openly suggested that municipalities consider regional schemes. Some took the advice. For example, after exceeding the maximum population base for inclusion in the provincial contract and unable to obtain a municipal contract due to the post-1981 freeze on new contracts, the community of Beresford joined with Nigadoo, Petit Rocher and

(Anmore, Belcarra and Lions Bay),
(c) a municipal contract with the City of Port Coquitlam and
(d) a municipal contract with the District of Coquitlam.

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opposite end of the spectrum. There, the province exerted considerable provincial control over many aspects of municipal policing over a period of decades, providing direct subsidies and undertaking an extensive program of regionalizing forces. In many ways, Ontario's actions parallel those of modern Britain: the imposition of minimum standards, an inspection capacity and a program of subsidies.

Arguments for and against regionalizing policing are as many and as varied as arguments for and against local control of the police. Generally, however, movement in Canada appears to be in the direction of amalgamation. On the face, it gives the appearance of greater efficiency, equality of service and financial economy. Recently, the G.V.R.D. commissioned a proposal/discussion

Pointe Verte to form a regional force in 1981.

See generally, The Task Force on Policing in Ontario - Report to the Solicitor General, sub nom. The Police are the Public & the Public are the Police (n.p.: Feb. 1974) and Higley, pp. 289, 310-11, 338, 364 and 449.

Stenning, pp. 57-8.


The unique alternative is that suggested by Insp. Gibbon in 1965, a regional R.C.M.P. force for the Lower Mainland, in essence a contract regional police department. Substantial changes would be required to the force's administrative and operational procedures in order to make such a concept viable.
paper from a private consulting firm on the question. The consultants strongly supported regional policing and recommended preparation of a detailed implementation plan. They noted that although the "R.C.M.P. subsidy would be lost," it would be offset by financial economy, efficient service and employment initiatives.  

The paper received mixed reviews from mayors and police chiefs, but has yet to be taken to the next stage.

The fractured state of policing in the Lower Mainland is a legacy of the B.C.P.P.'s municipal contracts. Adopted by the R.C.M.P. when it absorbed the provincial force, the contracts soon became an unanticipated Achilles' heel for the Force. Despite almost constant suggestion that the Force should withdraw from large contracts or that the Lower Mainland should regionalize, the status quo continued. To leave now would probably result in a substantial loss of human resources, potentially in excess of 1,000 personnel.

Once ensconced in suburban Vancouver, political considerations prevented the Force from extricating itself. Regionalization, without provincial financial support, was believed to mean higher taxes for suburbanites, a prospect which carried little appeal.

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29 Leighton, p. 8.


31 The G.V.R.D. executive committee opted to wait until after federal and civic elections before dedicating the $175,000 required for an implementation plan (Jeff Lee and Al Sheehan, "Police force for GVRD suggested," Sun, Oct. 23, 1988, p. A3).
For good political reasons, the province saw no reason to upset the cart. The R.C.M.P. provided a good service and the price was right.

The federal government and Treasury Board always pointed and continue to point in the direction of the Lower Mainland when considering the efficacy of contracting. The original rationale for contracting with British Columbia, national security, no longer exists, if it ever did. A streamlining of policing in Greater Vancouver, regardless of the form it takes, is fast becoming an imperative and will presumably loom large on the 1990-91 negotiating table.
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