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EQUALIZING EDUCATIONAL OPPORTUNITY IN NEW BRUNSWICK, 1955 - 1967

by

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CHAPTER I

INTRODUCTION

The purpose of this study is to trace the course of events which led the government of New Brunswick in 1966 to adopt a program to equalize educational opportunities in the public schools, and to review the long, sometimes acrimonious debate which preceded this measure. More specifically it describes the different reactions of two provincial administrations to the inability of many New Brunswick municipalities to satisfy the post World War II demand for increased and improved educational services.

The first government with which this study is concerned was elected in 1952 under the leadership of Progressive-Conservative Hugh John Flemming. The following year it appointed a royal commission on the financing of schools in New Brunswick known as the MacKenzie Commission. In 1955 the MacKenzie Report recommended that the government assist the poor areas by replacing the existing system of matching grants for education with a foundation program where grants are paid on the basis of need. This document was never fully debated and went unimplemented even after Premier Flemming was ultimately successful in his repeated attempts to secure increased federal aid for his province.

In 1960 Mr. Louis J. Robichaud, the Opposition member of the legislature who had most castigated the Flemming government for its failure to reform the financing of education, led the Liberal Party to an electoral victory and became the new Premier. His government, in turn, created a royal commission on taxation and municipal finance in New Brunswick known as the Byrne Commission. Its report recommended a radical reorganization

of municipal government and a high degree of equalization in education, health, welfare, and justice. There was considerable debate this time and while many disagreed with specific recommendations, few people disagreed with the principle of equalization. Early in 1965 Premier Robichaud announced that his government accepted the principle and was preparing legislation to translate it into reality. When the bills were made public in the fall, the nature of the debate changed considerably. It was no longer an academic exercise where one could declare himself in favor of equality of educational opportunity without having to face or even consider the logical implications of the concept. Here were real equalizing measures affecting everyone in the province. There followed a most bitter struggle from which the government emerged shaken but victorious. Although the controversy did not only involve education, the educational aspects were sufficiently exciting and revealing about the politics of educational finance to be worthy of careful study.

Need for the Study

In 1965, the Toronto Globe and Mail writing about New Brunswick's nascent "Program of Equal Opportunity", observed:

> It set out to solve the problems of municipal finance common to almost all Canadian communities. The working out of the details in legislative measures--and in practice--will be watched with interest right across Canada. [1]

It was indeed watched carefully by the media at the time but since then there has apparently not been any major study of the evolution of the program as it involved education. Consequently, anyone now wishing this information must do considerable research, yet the New Brunswick model of financing education cannot be ignored. Of the Canadian provinces, Prince Edward Island is presently in the process of implementing a similar pro-

gram [2] while others are struggling with many of the same problems which precipitated the Program of Equal Opportunity. Several American states and agencies, interested in the New Brunswick system, have sent representatives to examine the program and have invited many of those intimately involved with it to participate in meetings and conferences. [3] Even such encounters, however, are unlikely to yield a comprehensive picture of the factors and events which led to the Program of Equal Opportunity, the nature and intensity of the resistance offered by certain individuals and groups, or the arguments and alternatives which they put forward. This information would be most valuable to anyone investigating the possibility of implementing a similar program. He would then be in a better position to identify the potential sources of resistance, their relative strength and the views they are likely to advance. This study should also be of interest to those concerned in the politics of equalization and to the teachers who have entered the New Brunswick system since 1967 and do not know how it came to be. Indeed, the Program of Equal Opportunity is a great experiment in the financing of education about which many Canadian educators and administrators are unfortunately unaware.

Statement of the General Problem

The purpose of this study is to trace the source and progress of the efforts to equalize educational opportunities in the public schools of New Brunswick from 1955 to 1967, and to report on the nature and intensity of the resistance which accompanied these efforts until the last bill of the Program of Equal Opportunity had been passed by the Legislative Assembly.

Statement of Sub-Problems

There are six sub-problems:

(1) To discover the reasons for the widely differing reactions to the documentation of serious disparities in the standard of education in the various areas of New Brunswick and to the recommendations for equalizing measures by the two royal commissions which studied the financing of public education in that province.

(2) To determine the extent to which these different reactions were due to ethnic differences between the Acadian and anglophone groups in the province.

(3) To investigate the importance of federal aid as a factor in the deliberations and actions of the Flemming and Robichaud governments respectively during this period.

(4) To observe the apparent inconsistency of those who favored equalization by the federal government but not by the provincial administration, and those who accepted the principle of equalization but not the equalizing measures.

(5) To present all the major arguments advanced for and against the equalization of educational opportunities in New Brunswick during this period.

(6) To outline the political dimension of the debate concerning the equalization of educational opportunities in the province from 1955 to 1967.

Delimitations of the Study

This study is limited to a consideration of the efforts to equalize educational opportunities in the public schools of New Brunswick from 1955

to 1967. There will be no attempt to include the reforms in the organization and financing of higher education which were being implemented in the latter part of this period. Some mention will be made of the movement to equalize educational services in other parts of Canada, but only inasmuch as it had some effect on developments in New Brunswick. Similarly the issue of federal aid will be considered only as it related to school finance in New Brunswick. The differences between the Acadian community and the rest of the province will only be explored as they became issues or as they were determining factors in positions taken during the extended debate. The equalization of services which were effected in the areas of justice, health, and welfare will be ignored except when it has a direct bearing on educational developments. Finally, the emphasis will be placed on narration rather than explanation or evaluation of the changes which took place; in this respect the views attributed to individuals or groups will be those recorded in the press, in public documents, and those expressed in interviews and correspondence with the writer. Since the personal papers of the main participants are not available and will not be for some time, this dimension is unfortunately not included. And, though there are ethical dimensions to the equalization issue, it is felt that the quality of the study would be better served by neutrality in these matters. There will therefore be no ethical judgement, stated or implied, attributed to the positions of favoring or resisting equalization.

Explanation of Terms

It would be nonsensical to present this study on the "equalization of educational opportunity" without explaining what is to be meant by this often overworked expression. Above all it is important to clarify

what the concept represented for those who were involved in the struggle to implement it in New Brunswick from 1955 to 1967. There have been many developments in this area, especially since the major report Equality of Educational Opportunity by the American sociologist, Mr. James Coleman, [4] and subsequent findings concerning compensatory education but it would be meaningless to use these recent findings to judge events preceding them. [5]

No comprehensive definition of "equality of educational opportunity" was found to have been given during this period, even by the main proponents. It was considered a simple concept understood by everyone. However, the intended meaning emerges from the numerous statements made over the years about equality of educational opportunity in New Brunswick. In order to situate this meaning within a conceptual framework it will be useful to cite some points made a few years ago in an article called "The Concept of Equality in Education". [6] The authors, Komisar and Coombs, contended that: Inherent in the concept of equality is a meaning of "sameness" [7] in some respect, for example, tallness. It may even be a sameness of ratio where no parts are the same as in 2/4 equals 8/16 or 1 + 3 + 7 equals 6 + 5. In New Brunswick, not even the most fervent egalitarian wished to make educational facilities and practices the same in every respect in every part of the province. Uniformity was sought in the financing of education and an approximate sameness of ratio in facilities and personnel. There were of course degrees in the equalization desired. Some wanted to reduce disparities but not to the point of sameness, that is, they wanted to lessen the inequalities. Other wanted to achieve sameness of ratio in a minimum basic program and accept the inequalities above that. Yet others wanted the level of teacher competency, physical facilities and course offerings to be approximately the same for all. Any locality would still

be free to tax itself for luxuries but the province would be the equalizing agent for the basic education program. The reformers' foes opposed uniformity and government interference with local initiatives.

There is a second concept of equality which Komisar and Coombs call "fittingness"; for example, equality of treatment for a man and a baby who are hungry would be to give them the type and quantity of food they require and not same amount of the same food. [8] There was always provision in the province for some adaptation of educational services to local needs and from 1964 the Department of Education wished to reorganize instruction so that the individual needs of pupils could be met.

Historically the concept of equality has had a moral dimension and is usually thought of as good while inequality (of treatment for example) is considered bad. [9] Certainly in New Brunswick justice was invoked by the reformers as the principle requiring equalizing measures.

It has always been conceded by egalitarians that some inequalities are justified and even necessary [10] but their main thrust as reformers has been that certain inequalities could no longer be justified and hence not tolerated. [11] The impulse towards the equalization of educational opportunities in New Brunswick came from those who became aware of the existing inequalities in public school education across the province and felt them to be no longer justified. Conversely, most of the opposition to equalization came from people who were only remotely aware of the existing inequalities but felt that they were justified by various factors, such as the industry and resourcefulness of certain areas, the lack of interest of certain municipalities, or the tradition of local control. Others were willing to help the poor (equalize) but would not tolerate sameness (equality) because of its infringement upon individual liberty which they considered the greater principle.

Review of Related Literature

As previously mentioned, no major reporting of the efforts to equalize educational opportunities in New Brunswick from 1955 to 1967 has been found. There is not even a recent comprehensive history of education in the province. For the pre-1900 period the K. F. C. MacNaughton book [12] is very complete. J. E. Warner's "History of Secondary Education in New Brunswick" [13] provides some interesting viewpoints on developments before 1900 and precious information on the 1900-1945 period. M. H. Hody's thesis, "The Development of the Bilingual Schools of New Brunswick 1784-1960" [14] though concentrating on Acadian schools is, nevertheless, very comprehensive and provides considerable information on school financing. It also contributed much to the writer's conclusion that New Brunswick could not be considered as a province in which there are two main ethnic groups, the English who are educationally progressive and interested, and the Acadians who are apathetic and regressive. Certainly there are differences in their approach to education and some Acadian areas neglected education as did some English, but the inescapable conclusion to be derived from reading Warner, Hody and histories of the Acadian people is that they did remarkably well in education considering the severe handicaps under which they operated.

Concerning the developments from 1960 to 1967 there have been a considerable number of articles which summarize the recommendations of the Byrne Report and the main provisions of the Program of Equal Opportunity. Apparently only Ralph R. Krueger's major article, "The Provincial-Municipal Government Revolution in New Brunswick" [15] involves considerable research and some analysis. It examines the whole Program of Equal Opportunity, however, and hence contains little specifically about education, but pro-

vides many little known facts about the internal activities of the Robichaud government during 1964-1966. Finally, Financing the Canadian Federation; the first hundred years by Moore, Perry and Beach,[16] while not dealing specifically with education or with New Brunswick, provides an invaluable summary of the federal-provincial fiscal arrangements which played an important part in the debate and the financing of the Program of Equal Opportunity. The outstanding fact to be derived from this review of related literature, however, is the great need for an up-to-date comprehensive history of education in New Brunswick from 1900 to the present.

Sources of Data

The primary sources of information for this study are the reports of the two royal commissions; the Royal Commission on the Financing of Schools in New Brunswick (1955), Dr. W. H. MacKenzie, Chairman; and the Royal Commission on Finance and Municipal Taxation in New Brunswick (1963), Edward G. Byrne, Q. C., Chairman. For the debates in the provincial legislature, the main source is the Synoptic Report of the Proceedings of the Legislative Assembly of New Brunswick. Other important sources are The Educational Review and Newsletter, published by the New Brunswick Teachers' Association, personal interviews with Dr. Alexandre Boudreau, vice-chairman of the Byrne Commission, the Honourable Louis J. Robichaud, Premier of New Brunswick from 1960 to 1970, and W. W. Meldrum, Q. C., Minister of Education from 1966 to 1970, correspondence with many of the principals, and of course the newspapers of the day.

Method of Procedure

The narrative is divided into eight chapters. Chapter one introduces the study while chapter two provides the historical perspective of

the development of education in New Brunswick generally and the financing of education in particular. The body of the study is concerned with the efforts to equalize educational opportunities from 1955 to 1967. Chapter three describes the creation of the MacKenzie Commission and summarizes the MacKenzie Report while chapter four covers the limited discussion of the report which took place from 1955 to 1960 and the Flemming government's unwillingness to implement it. Chapter five feals with the creation of the Byrne Commission and the blueprint for reforms contained in its report while chapter six reviews the discussion which followed. Continuity with the MacKenzie Report discussion is emphasized and Premier Robichaud's commitment to reform is contrasted with his predecessor's lack of enthusiasm in that direction. Chapter seven covers the Program of Equal Opportunity legislation introduced by the Robichaud government as a result of the Byrne Report and the bitter debate which followed. Emphasis is on the narration of events and the summarizing of arguments presented for and against the reform program. A summary and some general conclusions are presented in chapter eight.

There are four appendices. Appendix A contains the terms of reference of the MacKenzie Commission. A table showing the proportion of Acadians in each of New Brunswick's fifteen counties is presented in Appendix B. The Byrne Commission's terms of reference are contained in Appendix C. Appendix D consists of a map of New Brunswick showing the location of the counties and the principal cities and towns. Footnotes follow each chapter.

1. Globe and Mail (Toronto), November 20, 1965.

2. According to the information given by the Deputy Minister of Education of Prince Edward Island, Mr. Moase, at a seminar at the University of Alberta, March, 1972.

3. Former Premier Louis J. Robichaud, former Minister of Education W. W. Meldrum and others have told the writer of these visits and speaking engagements. (Robichaud interview, Ottawa, May 11, 1972; Meldrum interview, Sackville, June 10, 1971).

4. James Coleman, Equality of Educational Opportunity (United States Office of Education, 1966).

5. It must be pointed out, however, that the newest developments were by no means unknown in New Brunswick even among politicians. For example, in his campaign for the leadership of the Progressive-Conservative Party of New Brunswick, Mr. Charley Van Horne stated that he had been chairman of a "Head Start" committee in California and would like to see similar efforts in his province. See Daily Gleaner (Fredericton), October 24, 1966.

6. B. Paul Komisar and Jerrold R. Coombs, "The Concept of Equality in Education", Studies in Philosophy and Education, Vol. III, No. 3 (Fall, 1964), 223-244.

7. Ibid., 224.

8. Ibid., 225.

9. Ibid., 237.

10. For example, the draftsmen of the United States Declaration of Independence accepted that "all men are created equal" but made provision for many people, the President for example, to be unequal in power, privileges, etc.

11. It is not implied that these four points were the conclusions reached in Komisar and Coombs' article in Studies in Philosophy and Education, rather they were argued in an open ended debate, but they are the ones found relevant to this study.

12. Kathryn F. C. MacNaughton, The Development of the Theory and Practice of Education in New Brunswick 1784-1900, (Fredericton, University of New Brunswick 1947).

13. John E. Warner, "History of Secondary Education in New Brunswick", (Unpublished master's thesis, University of New Brunswick, 1944).

14. M. H. Hody, "The Development of the Bilingual Schools of New Brunswick 1784-1960", (Unpublished doctoral thesis, University of Toronto, 1964).

15. Ralph R. Krueger, "The Provincial-Municipal Government Revolution in New Brunswick", Canadian Public Administration, Vol. 13 (1970), 51-99.

16. A. Milton Moore, J. Harvey Perry, and Donald Beach, The Financing of Canadian Federation; the first hundred years (Toronto: Canadian Tax Foundation, 1966).

CHAPTER II

A HISTORICAL BACKGROUND

A frequently heard objection to the extensive reorganization of municipal government proposed by the Byrne Commission (1964) was that it would abolish a traditional form of local and county government which had served well. The commission, foreseeing the complaint, had replied firstly by opening its report with these words of Jean Monnet: "What counts is to make up our minds to see things in the perspective of building the future not of preserving the past", [1] and secondly by including a chapter called "Historical Perspectives" in which it traced the origins of these traditions and showed that most were neither as old or successful as claimed. This chapter attempts to provide the background information relevant to this study by dealing with the following topics: (1) Acadians, Loyalists, and democracy; (2) early legislation and provisions for the financing of schools: (3) the tradition of local control; (4) the Free Schools Act of 1871; (5) the 1931 Commission on Education; and (6) the 1943 legislation on school finance.

1. Acadians, Loyalists and Democracy

Prior to becoming a province in 1784, New Brunswick was an outpost of Nova Scotia with transportation so difficult that there was little contact between the approximately 1500 English residents and the roughly equal number of Acadian inhabitants. [2] Their common concern was economic survival. Yet the first school legislation was already in effect in the form of An Act Concerning Schools and Schoolmasters. This act provided

for little organized education but did establish unequivocally the principles of government authority over education and preferred status for Protestants. It ensured the latter by bluntly stating that "no popish person should be so presumptive as to set up any school in the province." [3]

In the course of the year 1783, some 11,500 "Loyalists" [4] made their way from New England to New Brunswick, fleeing the consequences of having supported the losing side during the American Revolution [5] and hoping to build a new society after the English model to which they had remained loyal. [6] It has often been repeated that the New England states were education minded and that among the Loyalists were some 200 graduates of Harvard as well as many from other institutions of higher learning. [7] It does not follow, however, that the Loyalists were imbued with a desire to develop a system of popular education in their new province. As MacNaughton has concluded:

> The fact remains...that education in New Brunswick began with the old inherited ideas that education was a voluntary affair, that the first provision must be for secondary education along classical lines for the benefit of boys in the upper stratum of society, that the supervision of education was the prerogative of the clergy and that the masses must go untutored or look to the efforts of religious, charitable and philanthropic agencies. [8]

The Loyalists also rejected most of the democratic practices which they had known in New England. The leaders of the new province were mistrustful of any popular participation in the administration of public affairs, a practice to which they attributed the troubles in the American colonies. [9] It is well documented that they had a sense of class distinction and felt scorn for the pre-Loyalist settlers, especially the Acadians whom they had sometimes displaced from their lands. [10]

The Acadians, on the other hand, can scarcely be said to have had a strong commitment to education or to democratic practices. With respect

to the former, the innumerable hardships of pioneering in the inhospitable new world since the early 1600's compounded by the total disorganization caused by their expulsion in 1755 had made any provision for education next to impossible, though the few priests in the area managed to teach some elements of literacy. [11] It was a backward society in more ways than one. With regards to politics, it will be recalled that the Acadians had come from the France of the "Ancien Régime" and had been completely isolated from the influences which were to culminate in the revolution of 1789. Their overwhelming desire was to wage the daily struggle for survival, on their small farms and fishing communities, undisturbed by any authority except that of an occasional visiting priest. Reinforcing this insular attitude was the fact that as a people the Acadians had always been caught in the political machinations of two great powers a situation which had brought them nothing but troubles.

Another factor not to be forgotten when speaking of New Brunswick is that of economics. Aside from the few who were involved in government, shipping, or lumbering, most of the inhabitants were engaged in subsistence farming, and education beyond basic literacy and the ability to compute was not likely to result in any pecuniary advantage.

It can thus be asserted without being unkind or unfair to either the Loyalists or the Acadians that neither group was particularly prepared for building a democracy nor were they devoted to the concept of popular education beyond certain rudiments. Further, both were apt to walk into the future looking to the past.

2. Early Legislation and Provision for the Financing of Schools

From the very first, the leading Loyalists who were not able to send their sons to be educated in England set up private Grammar Schools.

The Society for the Propagation of the Gospel in turn made some efforts to provide schooling for the children of the poor, [12] but its resources were meager and therefore so were the results. The first provincial legislation concerning public education was The Parish School Act of 1802. It provided for the granting of £10 per parish to encourage education. The Justice of the Peace was to be the controlling agent for this expenditure. [13] In 1805, an Act for Encouraging and Extending Literature in this Province approved the granting of £200 for a Grammar School in Saint John and provided for similar aid to one such school in each county. The odd stipulation that the county grammar school would have to be moved to a different parish each year resulted in only the Saint John school being built. [14]

By 1816 it was apparent that little was being done to organize education. The Parish Schools Act passed that year approved more money for the parish schools and provided for a school board of three trustees to be named by the Justice of the Peace. This board was to be responsible for finding a suitable school building, raising £30 from the inhabitants of the parish and securing the services of a suitable teacher. When this was done it would be eligible for a grant of £20 from the provincial treasury. A further provision allowed a parish to voluntarily choose the assessment method of financing schools, but none did so and two years later the option was withdrawn. [15]

At about this time the monitorial or Madras schools were introduced by the National Society and the Society for the Propagation of the Gospel. [16] They were encouraged by the government and at their peak in the late 1820's enrolled some 1200 pupils. [17] No major changes were made during this period [18] so that New Brunswick's first half century as a province elapsed with no central educational authority yet organized and

education still left, by and large, to the vagaries of local initiative.

3. The Tradition of Local Control

In the debate which is the subject of this study, the opponents of compulsory equalization of educational opportunity often stated that New Brunswick had a long tradition of local control over education which the government should not disturb. Yet local control was not defined. If it is interpreted as leaving the communities largely to their own devices to finance education, then the previous section shows that this was the case in New Brunswick from the very beginning. Further, from 1816 on, the provincial grants were proportionate to the local contribution, a principle which rewarded expenditure at the local level but unfortunately made no distinction between those districts unwilling to pay and those unable to do so.

If, on the other hand, local control is taken to mean that the citizens of each community have final say on the organization of education for their children, then it never legally existed. It has already been said that before 1784 Catholics were forbidden from organizing schools and that the governor had authority to decide on who might be allowed to teach. From 1802 the Justices of the Peace acted instead of school trustees and after 1816, the year that the property owners of Upper Canada gained the right to elect their own school trustees, the justices of New Brunswick were given authority to appoint them. It was only in 1858 that New Brunswickers were permitted to elect trustees at the town or parish level and 1871 before the privilege was granted at the local district level. [19]

The official provincial supervision of education which had hitherto only covered the distribution of grants and the approval of who might teach greatly expanded in scope after 1844. In that year the Assembly

voted to establish an inspectoral system to oversee all schools receiving financial assistance from the province. [20] This was followed by the creation of a Board of Education and a training school for teachers in 1847, [21] and the appointment of a Chief Superintendent of Education in 1852. [22] As the latter's professional staff became more numerous and better organized a growing body of regulations governed an increasingly large area of education including curriculum. It must be admitted, however, that in practice the provincial supervision was not very thorough because of the small inspectoral staff, poor transportation, and relative government indifference. Hence, in actual fact, the local areas had considerable discretion of action or inaction.

Finally, it is significant that the British North America Act of 1867 apportioned virtually absolute power over education to the provincial legislatures with no mention of any inalienable rights which the municipalities might have. [23]

4. The Free Schools Act of 1871

One of the few occasions in the nineteenth century when the Legislative Assembly of New Brunswick acted with some boldness with respect to public education was in passing the Free Schools Act in 1871. The Speech from the Throne of that year stated in part:

> It is the first duty of the governing power to make provision for the education of every child. The children of the poorest in our land should have free access to schools, where they can receive at least the rudiments of an education, that will qualify them for an intelligent performance of their duties as citizens. [24]

MacNaughton has suggested several factors which might explain this new liberal attitude towards public education. Among these were the poor school attendance, the fact that Nova Scotia and Ontario had passed similar laws without serious political repercussions and even the Mother Country

had recently enacted reforms in education. Also, the British North America Act had focussed attention on the provincial responsibility for education, and school inspectors had long been advocating compulsory assessment. [25] In addition, many third and fourth generation Loyalists had lost some of their class-consciousness and immigration, especially of Irish Catholics, had made the anglophone population more heterogeneous. [26]

The Free Schools Act provided for the financing of schools from three sources; a government grant, a county grant from a fund raised by collecting thirty cents per inhabitant, and compulsory local assessment in the new districts which the Board of Education would create. [27] It further provided for a modicum of aid to designated "poor districts" to be provided in equal proportions by the county and the province. Hody has written that: "Only the aid to poor districts embodied the principle of equalization; all the other grants intended to encourage local effort effectively discriminated against the poorer areas of the province." [28] That may be a bit severe considering the times, because in reality the county fund provided some equalization within those entities and the compulsory assessment at the district level obliged those with no children to participate in the financing of education and the wealthier residents to pay according to the value of their property. Looking at the whole province, however, Hody's statement is correct, but it must be pointed out that if the aid to the poor districts indicated government acceptance of the principle of equalization it did little else. The amounts allocated for this aid were so small that the assistance provided was minimal. In the years which followed, the legislature did not increase this aid, in fact, during the depression of the 1880's some economy measures were effected. [29] Even when a degree of prosperity returned towards the end of

the century the legislature did not significantly increase its grants to poor districts. For example, in the year 1900 there were 584 districts designated as poor and the total provincial aid amounted to $8,877.54. [30] It would appear that MacNaughton was correct in concluding after her exhaustive study of the history of education in New Brunswick from 1784 - 1900, that the Free Schools Act of 1871 was a good foundation for a proper educational system but that it was not built upon. [31]

5. The 1931 Commission on Education

It has been seen that New Brunswick entered the twentieth century with essentially the same educational system as in 1871. There was a brief period early in the century when it participated in the then avant-garde movement of consolidating schools. When the outside agency which had sponsored the program withdrew, however, the program was not continued. [32] Similarly, after 1913 some efforts were made to provide a measure of agricultural education and from 1918 the province expanded its efforts in the direction of technical and vocational education, but in both cases there was federal money involved. [33] In the meantime, the poor areas were unable to provide adequate elementary education much less vocational education. Their demands for increased provincial aid were ignored until 1930 when the government finally felt disposed to attempt some reforms in educational finance. The Speech from the Throne of that year revealed:

> It is proposed to appoint a Commission to survey the whole field of education with a view to giving greater aid to poor districts and a general extension of educational facilities. [34]

This commission was finally appointed in May 1931. It comprised twenty-two members under the chairmanship of A. S. MacFarlane, the province's chief superintendent of education. [35] The following March it presented

the government with the Report of the Commission on Education for the Province of New Brunswick, Canada. [36] It recommended that the county be made the unit of financial responsibility for education. [37] The report urged that an Equalization Fund be instituted to receive money from taxes levied on provincially equalized assessment of property and a uniform method of taxing income in order to redistribute it on the basis of need. [38] It further suggested that the cities and towns be given the option of remaining outside the county units but be required to pay into the equalization fund. [39] Hody is of the opinion that the proposed equalization was the reason the recommendations were not implemented [40] but it is likely that the Depression and the difficulties inherent in equalizing assessments were also factors.

6. The 1943 Legislation on School Finance

In 1936 education became a ministry of the government, [41] indicative that the growing importance and problems of that function were recognized even if little was being done to ameliorate the situation. A few years later, Dr. C. H. Blakney, a man deeply interested in educational reform became the province's second Minister of Education. In 1943 he introduced three major bills dealing with the financing of education. The first was An Act to Provide for Financing Rural Schools as County Units (known as the County School Finance Act) which provided for the voluntary forming of county finance boards. These boards of seven members, (three of whom including the chairman would be appointed by the Lieutenant-Governor-in-Council and the other four named by the County Council) were to be responsible for preparing an education budget of operating expenses for the county's rural schools. The province would pay 10 per cent of this budget

while the rest was to be raised locally. The district boards were to remain and they could request a "supplementary school budget" which would be raised by an extra levy on that district. [42] A further amount not exceeding 10 per cent of the total county school budgets was to constitute an Equalization Fund, but it was not the same concept which had been proposed by the commission on education a decade earlier. This equalization fund, having the restricted application of equalizing the availability of certain instructional aids, was reduced to 5 per cent of the county budgets in 1948 and a few years later to 2 1/2 per cent, supposedly because equality had been achieved. [43]

The complementary legislation to the County Schools Finance Act was an Act Authorizing Financial Assistance to Rural Schools for Capital Expenditures. Essentially it committed the provincial government to pay, by means of various grants, 40 per cent of the approved costs of school buildings and equipment in rural areas. [44] A third bill, an Act to Amend the Schools Act, provided for more money to be channeled to local school districts. [45]

This legislation effected the first major change in the financing of education in New Brunswick since 1871. As the Chief Superintendent of Schools later wrote:

> ...1943 must be considered a milestone in educational progress. In that year there were over 1,500 separate school boards in the province and the tax rate varied from twenty-five cents to over ten dollars. Each individual district was responsible for the operation of the local school and the standard of education was as varied as the tax rate. [46]

After the legislation was passed, inspectors of schools proceeded to advocate acceptance of the county finance plan in their respective areas and by January 1945 every county save Restigouche had adopted it. [47] The new system proved a great boon to education in rural areas by providing in-

creased provincial assistance and equalization at the county level. Thus, within the province, disparities had been reduced but not eliminated. The cities and towns with their higher assessments had been allowed to remain outside the county units, the matching grant system left the poor areas at a disadvantage and the equalization fund had a very narrow application.

In 1947 the province, wishing to participate in the federal-provincial tax rental agreement, agreed to distribute one half million dollars annually to city and town school boards and county finance boards as compensation for abandoning the right to levy an income tax. This was to be known as the General School Grant and paid on a per capita basis according to the 1941 census figures. [48] These measures might have put the financing of education in New Brunswick on a reasonably sound footing had the costs been static, but the post-war period was marked by a rapid increase in demand for educational services which left the municipalities in financial difficulty. In 1950 the provincial government agreed to give them $1,590,072 as grants-in-aid for education. The source of this money was the newly levied 4 per cent sales tax for education and social services. It was to be distributed in such a way that the total of all grants for education should amount to no less than 40 per cent of the net operating budget of the school boards of cities and towns and 50 per cent of that of the county school finance boards. [49]

Conclusion. Even such a cursory look at the history of public education in New Brunswick reveals that it has not been a high priority of most of its governments and that every major change took considerable time to be achieved. Warner attributes this lack of a strong commitment to public education to geographic and economic reasons, apathy on the part of legislators and parents, traditionalism, the lack of a master plan and the

racial problem. About the latter he wrote:

> Isolation of the French citizens of this province [New Brunswick] resulted in one of the great educational tragedies of its history. Both language groups were responsible--the English in failing to appreciate the educational needs of the Acadians in their attempt to Anglicize the province completely, and the French in their early voluntary seclusion and refusal to cooperate in whatever small efforts were made for their educational advancement by the English. [50]

It appears that there may have been two additional reasons for the longstanding delay in giving assistance to the poor areas of the province. One was the tendency to stress the last word of the expression "equality of educational opportunity". There appears to have been a feeling among those in power that the opportunity was there for all citizens to work hard and tax themselves to provide for their children's education and that those who did not lacked initiative. The second factor is that it was easy to forget the poor areas, their miserable schools, and untrained teachers Most of the 'establishment' lived in cities or towns, their children attended relatively good schools and it is normal that they would think of those schools rather than the poor one-room schools in rural areas. As late as 1956, Dr. F. E. MacDiarmid, Director and Chief Superintendent of Schools in New Brunswick, published an article entitled "Equality of Educational Opportunity" in which he stated that in some places the expression was merely a platitude, but:

> The present system in vogue in New Brunswick seeks to provide, (a) equal educational facilities for all, and (b) courses suited to the needs of young people of varying degress of ability and interest. [51]

Yet, a royal commission had just released a report deploring the great number of one-room schools, the 648 untrained local-licence teachers [52] and the fact that thousands of children did not have access to high schools or even adequate teaching in the elementary grades. One cannot say that

Dr. MacDiarmid was ignorant of the provincial situation or suggest bad faith on his part. The poor areas were simply easy to forget.

1. Jean Monnet, architect of the European Common Market, as quoted in the Report of the Royal Commission on Finance and Municipal Taxation in New Brunswick, Edward G. Byrne, Q. C., Chairman. (Fredericton: n.p., 1963), I. (Hereinafter also referred to as the Byrne Report).

2. William B. Hamilton, "Society and Schools in New Brunswick and Prince Edward Island" in Canadian Education, A History, ed. by J. D. Wilson, R. M. Stamp and L. P. Audet (Scarborough: Prentice-Hall of of Canada, Ltd., 1970), 106.

3. Maud Hazel Hody, "The Development of the Bilingual Schools of New Brunswick, 1784-1960" (unpublished Doctoral dissertation, University of Toronto, 1964), 93.

4. Katherine F. C. MacNaughton, The Development of the Theory and Practice of Education in New Brunswick, 1784-1900 (Fredericton: University of New Brunswick, 1946), 26.

5. Ibid., 22.

6. Ibid., 23.

7. Ibid.

8. Ibid., 24.

9. Ibid., 23.

10. Ibid., 24.

11. Ibid., 29.

12. Ibid., 57.

13. Ibid., 41.

14. Ibid., 58-59.

15. Ibid.

16. W. B. Hamilton, 108.

17. Ibid., 109.

18. K. F. C. MacNaughton, 64.

19. Ibid., 166-167.

20. Ibid. 97.

21. J. E. Warner, 208.

22. W. B. Hamilton, 116.

23. There was of course the matter of the right to denominational schools which the Catholics claimed after the 1871 Act stipulated that all the schools of New Brunswick be "non-sectarian". This dispute was taken to the Parliament of Canada and the Privy Council in London. The latter ruled that the Catholics had not had these schools "by law" and hence were not entitled to them. This caused much bitter feelings among the Catholics who were mostly Acadians and was an important factor in their long alienation from the school system. (For further details see M. H. Hody, 52-75).

24. MacNaughton, 187.

25. Ibid., 186.

26. Ibid., 79-84 passim.

27. Ibid., 197-198.

28. M. H. Hody, 259.

29. K. F. C. MacNaughton, 242-244.

30. M. H. Hody, 255.

31. K. F. C. MacNaughton, 263.

32. Robert M. Stamp, "Education and the Economic and Social Milieu: The English Canadian Scene from the 1870's to 1914" in Wilson, Stamp and Audet, 299.

33. Ameer H. Ali, "Federal Aid to Education in New Brunswick" (unpublished master's report, University of New Brunswick, 1965), 22-24.

34. Synoptic Report of the Proceedings of the Legislative Assembly of New Brunswick (Fredericton, 1930), 6.

35. M. H. Hody, 154.

36. Ibid., 157.

37. Ibid., 274.

38. Ibid., 159 and 272.

39. Ibid., 273.

40. Ibid., 274.

41. Byrne Report, 75.

42. Annual Report of the Department of Education of New Brunswick for the school year ending June 30, 1951 (Fredericton, 1951), 12-13.

43. Ibid., 13.

44. Ibid.

45. M. H. Hody, 284.

46. Annual Report of the Department of Education (1951), 12.

47. M. H. Hody, 167.

48. Annual Report of the Department of Education (1951), 17.

49. Ibid., 17-18.

50. J. E. Warner, 305.

51. Education, Vol. I (Toronto: W. J. Gage and Company, 1956), 45-63.

52. Report of the Royal Commission on the Financing of Schools in New Brunswick, Dr. W. H. MacKenzie, Chairman (Fredericton, 1955), 10. (hereinafter referred to as the MacKenzie Report).

CHAPTER III

THE MACKENZIE COMMISSION

Educational legislation passed by the Liberal government of John B. McNair in 1943, the County Schools Finance Act and the Rural Schools Assistance Act provided for generous provincial assistance, on a matching basis, for capital construction of school facilities and related expenditures. After the end of the Second World War the newly created county school finance boards took advantage of this legislation to build much needed facilities. By 1950, the resulting demands on the provincial treasury caused Premier McNair to pass the unpopular measure of a 4 per cent Social Services and Education Sales Tax. Two years later, as will be shown, the electorate decided that a new government might be able to eliminate this tax. This chapter deals with the period between 1952 and 1955 and the MacKenzie Report on school financing commissioned by this new government. Topics are discussed under the following headings: (1) the election of Hugh John Flemming as Premier of New Brunswick: (2) the appointment of the MacKenzie Commission and its terms of reference: (3) the reasons for the creation of the royal commission; and (4) the MacKenzie Report.

1. The Election of Hugh John Flemming as Premier of New Brunswick.

In 1952, the Honourable John B. McNair was in his twelfth year as Premier. [1] When he called an election for September of that year he did so with confidence. After all at dissolution the standings in the House had been forty-six Liberals and five Progressive Conservatives. [2] He also felt

that he had a good election issue in the fact that the Trades Labor Congress of the American Federation of Labour was seeking official recognition in New Brunswick, an attempt resisted by the government as a grave menace. [3] The new leader of the Conservatives, Mr. Hugh John Flemming, however, chose to campaign on the promise to do everything possible to remove the 4 per cent sales tax and end the extravagant practices of the McNair government. [4]

To the surprise of many Mr. Flemming emerged victorious with thirty-six seats to the Liberals' sixteen. [5] Although he chose a former teacher, Mr. Claude D. Taylor, as Minister of Education and Municipalities, the new government's first Speech from the Throne did not promise any new policies or directions in the field of education, [6] stating only that the government was "giving careful consideration to the educational needs of our people..." and, "The building program will be continued in conformity with the educational needs and the ability of the ratepayers to pay." [7]

2. The Appointment of the MacKenzie Commission and its Terms of Reference.

There seems to have been little discussion of education during the 1953 session of the legislature except in the context of the difficulties which the municipalities were having in financing it. The Opposition repeatedly called for a larger proportion of the federal grants and sales tax revenue to be turned over to the municipalities. The government did not respond until July when it announced that a royal commission would study the whole question of provincial school finance. [8] An order-in-council dated September 11, 1953 created The Royal Commission on the Financing of Schools in New Brunswick. [9] Its chairman was Dr. William H. MacKenzie (superintendent of schools, Saint John), with Miss Julie-Anne Levesque (a long time teacher from Edmundston) and Mr. R. Donald Stewart (an insurance broker with considerable experience in municipal affairs) as the other

members. [10] Its terms of reference (see Appendix A) authorized it:

> ...to hold an inquiry into and concerning the following matters:
> (d) all matters proper to be considered for the disposition of government grants made available to and administered through the several school administrative units of the province, and
> (e) the relative tax-paying ability of the province in comparison with that of the other provinces of Canada. [11]

3. The Reasons for the Creation of the Royal Commission.

In view of the subsequent neglect of the commission's report, some have wondered why it was appointed. It is always difficult to discover the reason for a government action. In all likelihood many factors were involved. Certainly there were serious problems in the two areas of Honourable C. D. Taylor's portfolio, education and municipal affairs. Many municipalities were having extreme difficulty in meeting the increasing demands for services, especially education. They were becoming increasingly vocal about their needs and the Opposition found this a very good point to include in speeches in the House. [12] The report of the Department of Education for the school year ending June 30, 1953 indicated that the province was falling behind in the effort to provide basic educational facilities for the increased number of pupils who were starting school and those who were staying in school longer. One paragraph summarized the situation:

> While many new schools have been built and many new classrooms have been added, the percentage falls far short of the increase in grade 1 enrollments. The problem of providing adequate classrooms for all our students is becoming a serious one. While ratepayers are presently burdened with taxation, it is evident our building programme for primary and elementary students is not keeping pace with the normal or indicated increase in enrollments. [13]

The situation, the report went on to say, was even worse in terms of the supply of well trained teachers and high school facilities, especially in the vocational area.

There are reasons to believe that among the senior officials of the Department of Education the Minister particularly valued the advice of Dr. Harris Chapman, the former superintendent of schools of his county (Albert) whom he had appointed Director of Teacher Training, effective January 1st, 1953. [14] That Dr. Chapman felt changes in the financing of education were needed was clearly indicated in his forthright annual reports. For example, in 1952, his report stated that funds for education would continue to be inadequate as long as their main source was property taxes raised at the municipal level. The situation was made worse, he said, by the fact that there was a decided tendency for school budgets to increase more rapidly than did provincial assistance. [15] It is reasonable to assume that he would have said the same thing to a Minister of Education who sought his advice.

The commission's terms of reference suggest another reason. If it was to compare the relative tax-paying ability of New Brunswick to that of the other provinces it was certain to find disparities. There was no point in obtaining this information unless it was to be used at Ottawa to seek federal aid. It would therefore seem that Mr. Flemming was already preparing his case for the next federal-provincial conference. [16]

Finally, the two classical reasons for a government to appoint a royal commission are to gain time and to receive the complete facts and objective advice with respect to a given situation. There is no reason to believe that they were not factors in the Flemming government's decision to appoint the MacKenzie Commission. [17]

4. The MacKenzie Report.

The royal commission completed its work on January 26, 1955. In the preceding sixteen months it had held hearings in all the counties of the province, receiving submissions from many school boards, organizations,

and municipal bodies. The commission had had also done quite extensive research to obtain data on which to base its findings and recommendations. Within the province it had experienced difficulties in this endeavour because of the absence of a coordinating agency for provincial statistics and a certain lack of diligence on the part of some school boards and municipalities in keeping complete records. [18] For inter-provincial comparisons there was of course the Bureau of Statistics but the task was made even easier by the fact that two such studies were in progress. One was being done by Dr. Ayers of the Canadian Teachers' Federation and the other by Dr. M. E. Lazerte for the Canadian School Trustees' Association. Their cooporation was gratefully accepted by the New Brunswick commission. [19]

It is also interesting note how the commission interpreted its terms of reference. It felt it had been asked to "devise and recommend an adequate and equitable structure of financial support for the public schools of New Brunswick" [20] as well as provide the interprovincial comparisons. Whether that was indeed what the government had desired, that was the product presented. The report will be summarized here in six sections: 1) the state of educational finance in New Brunswick; 2) the comparative tax paying ability of New Brunswick; 3) the recommendations; 4) the foundation program, step 1 and step 2; 5) Restigouche County; and 6) the case for federal aid.

<u>The State of Educational Finance in New Brunswick</u>. The commission's first major step after having set up it working organization had been to seek the views of the citizens as well as the various educational and municipal bodies, concerning the problems and possible solutions. This was done by means of sixteen public hearings across the province yielding eighty-seven submissions and several unofficial presentations. [21]

> One major point on which practically all parties were in agreement was the burden of school costs; with one or two exceptions the major briefs contended that the local taxing bodies had reached the point where heavier tax burdens could not be borne. [22]

The most frequently suggested solution was that the provincial and federal governments provide more money and that it be distributed more equitably. [23] A few people presenting submissions felt that the province should assume complete responsibility for the financing of education but this view was not widespread. The constant refrain, the report stated, was that educational costs were spiraling upwards while property taxes had reached their limit. [24]

In tracing this problem the commission found that the property tax had formerly been a primary source of revenue but had now become a minor part of the overall tax structure. For example, it showed that of the total tax moneys collected in 1933 the municipalities had received 41.2 per cent while in 1950 their share was 12.25 per cent. [25]

Compounding the problem, according to the commission, was that despite the fact that the principle of assisting the poor areas had been accepted in 1871 [26] most of the provincial grants instituted since then had been "effort grants", that is, the province matched a certain proportion of the money raised locally. This had been the case with the County School Finance Act and the Rural Schools Assistance Act of 1943. No matter how welcome and beneficial, they had wrought difficulties on the poor districts which had to struggle, sometimes unsuccessfully, to pay their share. The most extreme case of this involved vocational grants where a school was required to have at least three vocational departments and meet certain standards before it was eligible. [27] The MacKenzie Commission stated bluntly that matching grants were basically unfair because they "favor those that

have and discriminate against those that have not." [28]

If the matching grants were inherently unfair, and the proposal to centralize the financing of education at the provincial level was too radical, the commission felt that putting the provincial grants on the basis of fiscal need seemed to offer a satisfactory solution. [29] There was one serious difficulty, however. This required an accurate method of measuring need. The tax rates were meaningless as the assessing was done locally and varied greatly from one area to another. In fact, it was contended by Professor R. J. Love of the University of New Brunswick and others that it was impossible to equalize the grants on the basis of need unless assessments were first equalized for the whole province. [30] The commission considered employing an outside firm to do this but rejected the idea because of the time factor. [31] It then decided to use a method developed in the United States which determined the ability to pay on the basis of eight indices; retail trade, telephones, passenger vehicles, general population, total income to national revenue, land grants, tax levies of schools, and total production values, expressed for each county as a percentage of the total. [32]

This method yielded the expected information that some counties had a greater tax-paying ability than others. More surprising was the finding that the disparity of wealth was not as great as the disparity in the number of children to educate. [33] For example, it was determined that; "Gloucester County with 10.20% of ability expends on 16.7% of the children $68.83 each, while Kings County with 7.08% of the wealth and 4.84% of the children spends on each child $140.93." [34] Illustrating the commission's contention that provincial moneys were being very unevenly distributed by the existing grants structure was its table showing provincial aid per pupil

in average daily attendance in 1953. [35] It showed, for example, that the city of Bathurst had received $81.49 per pupil from the province while the town of Grand Falls had received $25.36 per pupil. [36] Under this system, therefore, those areas able to raise money locally were rewarded by the provincial government. The end result was that some areas had enough money for "frills" while other districts went without necessities. [37] Among these necessities which some school districts were lacking were competent teachers. It was noted that of the 4,164 teachers employed in New Brunswick in 1953, 648 were local licensees who had had no teacher training and in most cases had not completed high school, while 921 others had third or second class licences. [38]

Summarizing the situation within the province, the commissioners wrote:

> The thing that struck the Commission most forcibly was the unevenness of school facilities, not only between counties but within counties. Some consolidated areas have adequate or even luxurious school buildings, offering a wide variety of training, while within a short distance huddles a mean little building poorly taught by a local-licensed teacher, who may not have gone to school herself beyond grade VIII. [39]

The Comparative Tax Paying Ability of New Brunswick. In order to compare New Brunswick's ability to finance education with that of the other provinces, it was necessary to find a reliable index of tax paying ability. The MacKenzie Commission decided that personal income was the best indicator. [40] It found that in 1952, New Brunswick's measured per capita personal income of $766.00 was slightly more than half of British Columbia's $1,381.00, [41] and the gap was widening. From 1946 to 1952, for example, the average personal income in Canada had increased by 50.2 per cent, while that of New Brunswick had only increased by 33.2 per cent. [42]

The commission also found that in the country, as in the province, the areas with the most wealth had relatively fewer children to educate. Thus to effectively measure the ability to pay for education, it decided to take into account both the wealth and the number of children. Using this concept of "educational load" the commission determined that New Brunswick had 4.516 per cent of the nation's children but only 2.25 per cent of the total personal income while Ontario, for example, had 28.069 per cent of the children but 39.764 per cent of the income. This meant that to support education at the level of the national average, New Brunswick would have had to spend 4.329 per cent of its total personal income while British Columbia would have only expended 1.588 per cent. [43] These comparisons showed that New Brunswick was making the greatest effort , that is, actually spending a higher proportion of its personal income on education than any other province, [44] but of course the level of education provided was far from being the highest.

Recommendations. Since New Brunswick had been identified as a poor province already making the country's greatest effort to finance public education, the commissioners were understandably reluctant to recommend increased spending. Yet, convinced of education's importance and noticing that expenditures for liquor far exceeded those for schools, [45] the MacKenzie Commission felt it had to opt for some increase in spending. Much could be accomplished, however, by a complete reorganization of the distribution of moneys now being spent. Its solution, essentially, called for the province to spend whatever money it had with extreme care and to distribute educational grants according to fiscal need. This was based on the principle that the province had an obligation to assure a certain minimum basic program of

education for every child. It was emphasized however, that local control should be preserved. [46] The municipalities would thus be left almost completely responsible for the financing of "frills". The report stressed that:

> Our programme of financial support as recommended is aimed at developing principally a sound fundamental education. Such extras as are included should be by the district itself, and the safeguards set up are aimed at this objective. [47]

So spartan was its outlook that the commission was uncertain whether vocational education should be considered an integral part of the program or a desirable but overly expensive luxury. [48] The main concern, it repeated, was to provide an adequate basic education for all children.

The Foundation Program. Essentially, the MacKenzie Commission recommended a foundation program of educational financing. It proposed a program whereby the province would determine a minimum level of education, defined as a certain expenditure per pupil, after which the municipalities would levy a specified mill rate on property assessments equalized by the province. This would raise a significant portion of the money required in wealthy areas and of course lesser amounts in poorer areas. The provincial government would then contribute a grant equal to the amount required to bring the school district's budget up to the foundation total. [49] Hence the districts with low assessment would receive higher grants than those with high assessment and the government's money would be distributed according to the fiscal need of the districts.

Of course the foundation level is simply a guaranteed minimum. The extent of the equalization involved depends on whether the government fixes this minimum at a high level or not. Established at a high level,

the poor districts receive much aid and relatively few areas have the wealth and desire to exceed it. If, on the other hand, the basic program is set at a low level, any district which can afford to exceed it does so and the disparities are scarcely reduced.

Since it would have been impossible to put this plan into effect properly without provincially equalized assessment, requiring some time to effectuate, the commission recommended that the reorganization be implemented in two steps so that the basic reform would not have to wait. [50] Step two will be examined first so that step one can then be seen in better perspective.

Step 2, then, the ultimate outcome of the reorganization, called for:

(a) unit costs figured on a per pupil basis (weighted as in (b));

(b) a minimum foundation program defined as an expenditure of $110.00 per elementary pupil and $150.00 per high school pupil (grades 10-12) in average daily attendance;

(c) a uniform rate of property taxation for educational purposes based on equalized assessment throughout the province;

(d) the basic government grant to each municipality to be the difference between the total cost of the minimum program and the amount that is raised by (c);

(e) limited supplementary grants to encourage "effort" or to relieve property tax in certain areas. [51]

The commissioners made it clear that the figures of $110.00 and $150.00 per pupil were arbitrary figures chosen because they seemed sufficient to provide a fairly adequate basic program and within the present means of the province. The government, however, would be free to raise or lower the figures as it felt it could afford without disturbing the prin-

ciples on which the foundation program was based. [52] Step one recommended by the MacKenzie Commission was a temporary measure until equalized assessment could be achieved. It was more complicated than step two because it attempted to help poorer areas without any way of measuring poverty. In this first phase, most of the existing grants were to be continued, modified somewhat, but still on a matching basis so that the equalizing effect was significantly less than in step two. Essentially it involved a foundation program defined as in step two, $110.00 per elementary pupil and $150.00 per high school pupil both based on average daily attendance. The province would provide half this sum and the municipalities would bear the other half, regardless of ability to pay. The province would also pay an effort grant of 25 per cent of whatever the municipalities spent above the foundation level to a maximum of $160.00 per elementary pupil and $200.00 per high school pupil. [53] To ensure that the money was spent wisely it would be stipulated that no less than 65 per cent of a district's budget (excluding debt charges) must be spent for instructional purposes, a copy of each district's budget and audit must be sent to the Department of Education every year, [54] and the minimum salary scale for teachers holding first class licences would be raised to the following:

Years of experience	0-2	3-5	6-10	11-15	16 plus
Elementary school	1700	1900	2300	2700	3000
High school	2500	2700	3000	3600	4000

Superintendents and inspectors would certify each board's adherence to the guidelines. [55]

To assist school boards with the other educational costs, the MacKenzie Report recommended that most of the existing grants be retained. These included the 50 per cent transportation grant and the high school

tuition grant. The commission considered capital grants under the Rural Schools Assistance Act effective and reasonable, the Act having been recently amended. The grants under the Vocational Act, however, were felt to be too generous allowing wealthy districts to build overly elaborate facilities largely with provincial funds. [56] This was to be remedied by lowering the maximum of many grants so that the costs of any luxuries would be borne by the districts. It was recommended that building grants under the Vocational Act not exceed 40 per cent to a maximum of $6,000.00 per classroom, that more care and economy be exercised in the approval of equipment for shops and laboratories and that complete vocational grants not be approved for schools having an enrollment of fewer than 300 pupils in grades seven to twelve. [57] It also urged the creation of a provincial advisory and record keeping division to assist local boards in issuing debentures, and suggested that paying 40 per cent of the annual debt-servicing charges might be considered as an alternative to capital grants Finally, the MacKenzie Report recommended that step one should include a clarification of the county school finance boards' authority which should include approving all consolidations as well as administering all capital funds of supplementary budgets. [58] This could not apply to Restigouche County because it had not accepted the county school finance system, a fact which prompted special recommendations.

Restigouche County. The county of Restigouche had presented a particular case for the MacKenzie Commission by virtue of being the only one not having organized a county finance board. The royal commission suggested two options to the government; a) it could create a county finance board by legislation, b) the county could be divided into ten districts which would be required to raise not less than thirty dollars per elementary pupil and

forty dollars for each high school pupil. The county in turn would be required to raise twenty-five dollars and thirty-five dollars respectively. This money would then constitute a county fund to be distributed to the districts. [59] Having dealt with the non-conforming county, the commission turned its attention to the larger problem of financing the complete reforms. Not surprisingly it looked to Ottawa.

The Case for Federal Aid. One of the terms of reference of the MacKenzie Commission directed it to compare the province's tax paying ability with that of the other nine provinces across Canada. It was inevitable that such an investigation should reveal disparities and equally inevitable that federal aid would be suggested to reduce them. As the commission explained:

> While this Commission was not specifically required to bring in a recommendation concerning possible participation by the Dominion in financing education, such a proposal would be the logical culmination of the preceding comparisons. It was made very clear during the public hearings that our citizens feel and proclaim the necessity of the Dominion doing so. [60]

The difficulty lay in finding means of obtaining federal money while retaining complete provincial control over education. Several submissions had expressed fear that the federal authorities would not allocate money without wanting to supervise its disposition. The MacKenzie Commission observed that in 1940 the Rowell-Sirois Report had recommended national adjustment grants to enable all the provinces to provide a minimum Canadian standard in education and social services, in other words, a foundation program for health, education, and social welfare in Canada. Basing its formula on an averaged per capita cost of $65.00 for these three services, or $908,960,000.00 in total, the MacKenzie Commission pointed out that a significant amount was already being paid through various federal grants and

tax transfers but they were allocated according to population and not to fiscal need. The proposed system would have the provinces pay the same proportion of the total cost as they have of the total personal income of Canada. The remainder would be paid by federal grants. The formula to calculate the New Brunswick share of the federal grant would thus have been: "Grant = BC - R (AC - D) where: A = population of Canada, B = population of New Brunswick, C = unit cost of welfare, health and education, D = present total of federal contribution, and R = ratio of personal income in New Brunswick to personal income in Canada." [61] Since the MacKenzie Commission had no authority to make recommendations to the federal government, this formula was termed an illustration of how fiscal need could be recognized at a national level.

While the commission was thus indirectly offering advice to the federal government (or building Mr. Flemming's case for the Federal-Provincial Conference) it wandered from the field of education and urged Ottawa to redress the economic balance of the nation by means of large-scale capital investments in New Brunswick and generous grants for power development. [62] In a strange outburst for a provincial commission on school financing, it stated bluntly:

> If the National Government does not adopt a policy of capital assistance to our needed power development, then some of our newly-won consciousness of being a Canadian nation is likely to disappear in resurgent regionalism. The commission does not fancy that the people of New Brunswick relish becoming a scenic dependency of Canada. [63]

It therefore recommended that New Brunswick press "firmly and intelligently" upon the Government of Canada the need for federal grants based on fiscal need and capital grants for the stimulation of large scale industrial developement. [64] The MacKenzie Report ended optimistically on this note, its work done. It remained to be seen whether the provincial and federal governments would be sufficiently impressed to heed the recommendations.

Conclusion. The MacKenzie Commission was the first major commission on educational finance in New Brunswick in over two decades. As is usually the case with royal commissions, it had been appointed because of severe problems in the area of investigation. In this case some municipalities were experiencing great difficulties in meeting rapidly increasing educational costs. The MacKenzie Report was not a particularly revolutionary document but the proposed changes were sufficiently drastic that it was reasonable to expect them to be thoroughly discussed in the Legislative Assembly and in the province at large.

1. Chronicle-Herald (Halifax), September 22, 1952.

2. Ibid., September 9, 1952.

3. Ibid., September 18, 1952.

4. Ibid., September 22, 1952.

5. Ibid., September 23, 1952.

6. Ibid., October 9, 1952.

7. Synoptic Report of the Proceedings of the Legislative Assembly of New Brunswick, February 12, 1953, 3. Fredericton (cited hereafter as Synoptic Report).

8. Ibid., February 23, 1964, 21.

9. Report of the Royal Commission on the Financing of Schools in New Brunswick, W. H. MacKenzie, Chairman. Fredericton: Queen's Printer, 1955. (cited hereafter as the MacKenzie Report).

10. Synoptic Report, April 8, 1954, 391.

11. MacKenzie Report, IX.

12. Synoptic Report, 1952 Session, passim.

13. Annual Report of the Department of Education of the Province of New Brunswick for the School Year ended June 30, 1966. (Fredericton: n. p., 1967), 10.

14. In a letter to the writer dated January 31, 1972, Dr. W. H. MacKenzie former chairman of the MacKenzie Commission expressed the opinion that Dr. Chapman had been instrumental in bringing the commission about.

15. Annual Report of the Department of Education for the year ended June 30, 1952, 119. (Fredericton, n. p. 1952)

16. As will be seen in Chapter IV, Premier Flemming made extensive use of the part of the MacKenzie Report dealing with interprovincial disparities and the need for federal aid.

17. Dr. W. H. MacKenzie is of the opinion that these factors were involved. Personal letter, W. H. MacKenzie, Harding Point, January 31, 1972.

18. MacKenzie Report, XI.

19. Ibid., 1.

20. Ibid.

21. Ibid., Appendix A, 103-105.

22. Ibid., 2.

23. Ibid., 3.

24. Ibid., 2-4.

25. Ibid., 24.

26. Ibid., 14.

27. Ibid., 16.

28. Ibid., 33.

29. Ibid., 24.

30. Ibid., 3. Professor R. J. Love of the Faculty of Education of the University of New Brunswick had previously headed a commission which had recommended a provincial equalization board for assessments. See reference to this commission in MacKenzie Report, p. 24.

31. Ibid., 24.

32. Ibid.

33. Ibid., 31.

34. Ibid.

35. Ibid., 32, Table 7.

36. Ibid.

37. Ibid., 8.

38. Ibid., 10.

39. Ibid., 7.

40. Ibid., 81.

41. Ibid., 82, Table 26.

42. Ibid., 81.

43. Ibid., 83-84.

44. Ibid. It is important to note that this was inclusive of all money spent by the municipalities. The percentage of New Brunswick's provincial budget which was spent on education was exceeded by several provinces. Ibid., 76, Table 19.

45. Ibid., 21.

46. Ibid., 16.

47. Ibid., 68.

48. Ibid., 67.

49. Several variations of this basic concept are possible. For a fairly complete explanation see 1965 Conference on Financing Education, (Ottawa Canadian Teachers' Federation, 1965), 39-65.

50. The commission's hesitancy to recommend immediate action to achieve equalized assessment is somewhat strange in light of the fact that in neighbouring Nova Scotia a royal commission chaired by Judge Pottier had been studying exactly the same topic as the MacKenzie Commission. It reported in November 1954 and recommended equalized assessment and a foundation program. The recommendations were adopted the next year. See Report of the Royal Commission on Public School Finance in Nova Scotia, Justice V. Pottier, Chairman. (Halifax: 1954).

51. MacKenzie Report, 33-37.

52. Ibid., 35.

53. Ibid., 38-39.

54. Ibid., 40.

55. Ibid., 40, 44.

56. Ibid., 47.

57. Ibid., 53.

58. Ibid., 54.

59. Ibid., 70-71.

60. Ibid., 86. It is interesting to note that the Pottier Commission in Nova Scotia reported no such body of opinion. This again suggests the effects of the terms of reference.

61. Ibid., 88.

62. Ibid., 90.

63. Ibid., 91.

64. Ibid.

CHAPTER IV

THE FLEMMING GOVERNMENT AND THE MACKENZIE REPORT: 1955-1960

The MacKenzie Commission had attempted to make realistic recommendations. It had even proposed that its reforms be implemented in two steps the first of which was quite modest. Inequalities in the level of education available to the children of the province had been well documented and the report had argued convincingly that these disparities were at least partly due to the existing system of provincial grants. But a royal commission report is only an instrument which the government may use or ignore.

This chapter deals with the reactions of the Flemming government to the MacKenzie Report, the discussion which took place concerning it, and the eventual shelving of the report, to the chagrin of a declining number of supporters. Considerable attention is also devoted to the issue of federal aid because of Premier Flemming's conviction that such assistance was a prerequisite to any reform of educational finance in New Brunswick. These topics are discussed under the following headings: (1) the initial reaction to the MacKenzie Report; (2) the federal aid issue; and (3) discussion of the MacKenzie Report and other developments.

1. The Initial Reaction to the MacKenzie Report

With the wisdom of hindsight one might say that the MacKenzie Report's problems began as soon as it was completed. The Speech from the

Throne of February 10, 1955 stated that it was in the process of being finalized and would be given careful consideration when ready. [1] However, a few days later the Leader of the Opposition, Mr. A. C. Taylor, complained that according to the press the report had been completed in late January. He asked that it be released. [2]

It was finally tabled on March 8 by Premier Flemming in the absence of the Honourable Claude D. Taylor, Minister of Education. The next day it was headlined in all the newspapers of the province. Much of the coverage simply outlined the report's major points but some indication of the newspapers' opinions may be deduced from the points which they stressed and those they ignored. Generally speaking the English newspapers stressed the interprovincial disparities and the case for federal aid. The editorialist of the Saint John Telegraph-Journal emphasized that: "On the whole those presenting briefs seemed well satisfied with the educational services being offered", [3] and urged that the royal commission report be studied without haste. The Canadian Press was most impressed by the proposed minimum salary scale which, it said, would give salary increases of up to 80 per cent to some teachers if implemented. It also summarized the report giving more coverage to the documentation of the various disparities of educational services provided within the province. The Canadian Press reporter found that: "Parts of it bore strong resemblance to the findings of the Pottier royal commission on educational finance in Nova Scotia which the legislature of that province still has to consider." [4] But he did not explain the differences in the recommendations made by the two commissions. L'Evangéline, (Moncton) the only major French newspaper published in the Maritimes and the voice of the Acadian elite, carried the Presse Canadienne summary on page one. It stressed the proposed salary scale for teachers,

the case for federal aid, and the main recommendations. Inside, the Acadian newspaper devoted two pages to a chapter by chapter summary of the report. [5] As it later pointed out, this was a valuable service to the Acadian population because the government never made a French translation or summary of the report available. [6] L'Evangéline did not carry any editorial on the topic in the days or weeks following.

It would appear that only The Financial Post saw the report as a possible agent of deep changes in New Brunswick's education system. It wrote that: "Some sweeping changes were proposed with a view to equalizing and extending the opportunities for a good education among the school children of the province." [7] It gave quite extensive coverage to the report including much of the information with regards to intra-provincial disparities.

The Government's Reaction. By March 8th, 1955, when the MacKenzie Report had been tabled, the session of the Legislative Assembly had been past its middle point. A week later Premier Flemming, concluding the debate on the Speech from the Throne, did not mention the report. Finally, on March 16, the Minister of Education acknowledged it. The members of the MacKenzie Commission, he said, were to be congratulated: "It is a job well done. The recommendations will be given careful study by the Department of Education and the Government during the year". [8] He then singled out one section for comment, that of federal aid, remarking that it was possible to have federal assistance for education while at the same time retaining provincial control. The Minister emphasized the existence of federal grants for vocational and technical education and announced that he had sent copies of the MacKenzie Report to every New Brunswick Member of Parliament and Senator: "...in the hope that they will read carefully the section which

I referred to in urging upon the Federal Government that they give us the help we deserve". [9] It is not known whether the Minister was aware that the matter of federal aid to public education had been debated in Parliament one month before and had been rejected by the government. In fact, Mr. R. R. Knight, (C. C. F. Member of Parliament for Saskatoon) had presented the same private member's bill to this effect for several years. In the debate on this occasion the federal government had said that the bill was unacceptable because it would be irresponsible to allocate money for public school education without any means of assuring that it was spent for that purpose and yet the provinces would brook no control measure of any sort. [10]

After the March 16 statement by the Minister of Education, little mention was made of the MacKenzie Report or its recommendations in the legislature. The Members of the Legislative Assembly were likely too busy with the normal workload of the session to read and analyse the implications of the report. In fact several members stated this to be the case. [11]

2. The Federal Aid Issue

If little was heard of the MacKenzie Report in the New Brunswick legislature during the early part of 1955, such was not the case in April when Premier Flemming went to Ottawa for a preliminary meeting to a Federal-Provincial Conference to be held later that year. Here he quoted from the report frequently, explained its terms of reference, used many of its statistics and repeated the essence of everything the report had said about interprovincial disparities and the need for federal aid. [12] There can be no doubt that the New Brunswick Premier felt Ottawa had a moral duty to alleviate the great disparities existing between the provinces. [13]

Premier Flemming had been concerned with securing additional federal assistance for his province since at least 1953. [14] In the House, the increasing financial problems of the muncipalities had become one of the Opposition's favorite topics and it was clear that some areas though heavily taxed could not meet the growing costs of the services which they had to provide. [15] They needed more money and yet Flemming's government had come to power in 1952, largely as a result of his promised efforts to remove the 4 per cent sales tax. He had only succeeded in reducing it to 3 per cent. He had also become convinced that the prime prerequisite for economic progress in the province was more and cheaper electrical power. It was his wish to build a major electrical generating station on the Saint John River at Beechwood. The Premier had requested assistance from the federal authorities for this project and, they being non-commital, he had begun to finance it by means of an overdraft. [16] Thus, not only were the municipalities short of money but so was the province. It was small consolation that these problems were common to most of the Canadian provinces and had really been in the making since 1867 when:

> The federal government was given unlimited powers of taxation...On the other hand the four provinces which entered Confederation in 1867--Ontario, Quebec, Nova Scotia and New Brunswick were given tax sources which in total had produced less than one-fifth of their revenues in 1866. [17]

Thus from the first the provinces, particularly the Maritimes, had been heavily dependent upon federal grants. By the end of the great depression, this grant structure had become such patchwork that the Royal Commission on Dominion-Provincial Relations [18] had been created. Among the recommendations in its 1940 report had been one for "National Adjustment Grants"--unconditional subsidies to equalize provincial finances--in amounts sufficient to enable the provinces to provide a minimum Canadian

level of social services assuming taxes of average severity. [19] This was never implemented but in order to prosecute World War II effectively the provinces and the federal government had signed the Wartime Tax Agreement in which the latter had agreed to compensate the provinces in return for the sole use of income and corporation taxes. In 1947, the Dominion-Provincial Tax Rental Agreement replaced the wartime act and provided for the continued rental of the two tax fields and added inheritance taxes. Rental payments were to be based on the Gross National Product and the population of the provinces. [20] This resulted in some equalization as the poor and wealthy provinces received the same amount per capita though more money was collected from the latter.

The provincial premiers had hoped to obtain increases in the tax rental payments at the 1950 Federal-Provincial Conference. They had stressed that post-war developments had created increased demands for the services which they and their municipalities provided but that the tax fields left to them did not yield much more money, while those of the federal government were providing it with ever increasing sums. Prime Minister Louis Saint Laurent had been sympathetic but had explained that the Korean War and the uncertain international situation precluded the possibility of granting the provinces any significant increases in tax rental payments. [21]

In the years following the 1950 conference, the relative financial positions of the municipalities continued to deteriorate; for example, between 1947 and 1955 the expenditures of the provinces increased by 112.5 per cent, those of the federal government by 131.3 per cent and the municipalities by 165.1 per cent [22] while, as has previously been pointed out, the tax fields which the latter could exploit were very limited. It is no won-

der then that in 1947, municipal levies had represented 2.66 per cent of the taxpayers' personal income while by 1953 they took 3.99 per cent. [23]

This historical perspective of the federal-provincial fiscal relationship explains the spirit of determination of the Premiers who had converged on Ottawa in April, 1955. It was just a preliminary meeting, however, and after the provincial leaders had delivered their message they returned home to await the conference slated for the fall.

3. Discussion of the MacKenzie Report and Other Developments

Discussion of the MacKenzie Report began slowly, even among educators. Officials of the Department of Education had begun an internal study of the report shortly after its release [24] but the New Brunswick Teachers' Association (N. B. T. A.), though interested in the report, had not entrusted its study to any committee. [25] During the summer of 1955 these two bodies together with the University of New Brunswick and the Kellogg Foundation organized an "Educational Conference on Basic Problems in Education" to be held in Fredericton. Delegates were invited from boards of school trustees, county finance boards, county and city superintendencies, the Home and School Association and, of course, the sponsoring bodies. [26]

On the third day of the conference, educational finance became the topic of discussion. The keynote speaker was Dr. J. D. Ayers, Director of Research of the Canadian Teachers Federation, who had recently completed his study of the financing of education in Canada. Using data from the MacKenzie Report, he expressed the opinion that New Brunswick was not making the wisest possible use of the money it had available for school construction. [27] Discussion on the topic continued the next day. Dr. W. H. MacKenzie gave a summary and explanation of the report of the royal commis-

It was perhaps significant that Dr. MacKenzie stressed this statement from the MacKenzie Report. As the remainder of this chapter will show, the admonition was completely ignored in Fredericton.

The 1955 Federal-Provincial Conference. Premier Flemming arrived for the October 3rd Federal-Provincial Conference with most of his cabinet, thirteen advisors, and a detailed proposal entitled "Proposed Formula for Calculating an Adjustment Grant for Provinces that Lack Adequate Capacity to Finance a Reasonably Adequate Level of Services". [33] Little mention was made of direct federal aid for education as it had not been included on the agenda, but Premier Flemming made a strong plea for grants which would allow the provinces to provide an adequate level of services as recommended many years before by the Rowell Sirois Commission. [34]

The federal government eventually agreed to pay "equalization grants" to every province falling below a determined level of taxable capacity. [35] They were to complement the tax rental agreements, however, and the base level was set quite low so that New Brunswick would, in fact, receive an increase of only $400,000.00 in federal grants. [36] Indeed, it appears that the federal authorities had arrived at these equalization payments not as a response to the pleas of the poor provinces but as a device allowing Quebec to receive federal grants while not participating in the tax rental agreements with Ottawa. [37]

The 1956 Session of the Legislature. The Speech from the Throne of the 1956 session of the New Brunswick Legislature only mentioned education obliquely saying that amendments and additions to educational legislation would be presented. [38]

In replying to the Speech from the Throne, the Leader of the

sion which he had chaired. He then participated in a panel with four other experts on educational finance. One of the panelists' conclusions was that the existing grant structure favored vocational education to the detriment of academic courses. They offered, as a suggestion, a resolution that funds for education be distributed equitably among all types of schools according to the number of pupils or classes. [28]

In September Dr. MacKenzie was asked to explain his report to the Seventh Annual Conference of the Institute of Public Administration of Canada held at Halifax. [29] He revealed in his introduction that his personal experiences, including ten years as a student in a one-room school and several years of teaching in rural areas during the 1930's, had influenced his approach to school finance. He expressed his belief that a province should first ensure that every child had access to an adequate basic education before any money was spent on luxuries.[30] Dr. MacKenzie really did not see any great philosophical difficulties involved:

> One hears a great deal these days of 'equalization', 'ability to pay', and that sort of thing: admittedly the principle can become a shibboleth and a trap for the unwary; nevertheless it seems reasonable to suppose that provincial funds should be disbursed to those areas that need help and in proportion as they need it. [31]

He went on to explain how difficult it was to discover the real need of municipalities and their real tax paying ability without equalized assessment. Another reason for implementing equalized assessment, he said, was one about which the commission had warned in its report. It involved the logical implications of the requests for federal aid on the basis of need:

> The province can scarcely place such a proposition in front of the federal government with any real conviction until its own grants to the municipalities are or can be placed on the same basis. What is sauce for the goose is sauce for the gander and we would do well to remember this fact. [32]

Opposition, Mr. A.C. Taylor, took the government to task for having said that the miserly federal offer with regards to tax agreements and equalization would prevent the province from relieving the financial burdens of the municipalities. He charged that the province was now giving them a lower percentage of the federal grants than the Liberal government had alloted in 1952. [39] This argument was repeated several times during this and subsequent sessions. The Conservatives contended that massive federal aid was required to help New Brunswick regain its economic footing and assist the municipalities. The Liberals countered that the Conservatives alloted a lower percentage of the existing federal grants to the municipalities than they had while in power. Both parties used statistics to prove their contentions. Either way, federal aid was a popular issue.

Discussion of the MacKenzie Report took on a strange complexion in that some of the francophone members on the government side of the House joined many Liberals, mostly the francophones, in advocating its implementation, while Premier Flemming and Minister of Education Taylor kept talking of the federal government and its moral responsibilities to aid the poor provinces or of the efforts which the government was making in improving the quality of teacher training. [40]

The report was first mentioned by Mr. Lucien Fortin, Conservative member from Madawaska, who asserted confidently:

> It is our conviction that the report of this Commission (MacKenzie) has been given close attention by the government and, particularly by the Hon. Minister of Education and that all steps will be taken to implement its most important recommendations as soon as possible. [41]

Later in his speech, he was not so certain as to his colleagues' intentions and warned:

> ...there is danger, Mr. Speaker, that we be tempted to shelve the MacKenzie report as being too idealistic and unrealizable. What must not be forgotten is that the MacKenzie report constitutes a real charter of justice and equity. [42]

The next day, the Honourable Mr. Roger Pichette, (Restigouche) Minister of Development and Industry, spoke favorably of the report and stated that he would support its implementation "autant que possible". [43] Mr. Louis J. Robichaud, a Liberal member from Kent County who had prepared that municipality's submission to the MacKenzie Commission and a past-chairman of his local school board [44] also urged implementation and expressed pleasure that a cabinet minister (Pichette) was backing it. [45]

When the Premier and the Minister of Education finally spoke of the MacKenzie Report, however, it began to appear as if early implementation might be in doubt. Mr. Flemming could only talk of it in terms of federal assistance. He reviewed his statement at the Federal-Provincial Conference in October and proceeded to quote again from the sections of the report dealing with federal aid. [46] The Minister of Education devoted the greater portion of his major address to listing the government's accomplishments in other areas of education. These included the greater number of pupils attending teacher training institutions, amendments to the Teachers' Pension Act, and an increase in the minimum salary scale of teachers. Concerning the MacKenzie Report he only reiterated that federal aid was necessary if education in New Brunswick was to progress or even keep pace, and he reported that his department had made "strong representation" to the Department of Labour in Ottawa. [47] Disregarding Dr. MacKenzie's reminder that principles which apply at Ottawa also apply at Fredericton, he went on to say that: "Every effort is being made on our part to arouse in the Federal Government an awareness of its moral responsibility." [48] With regards to provincial action he said that the Department of Education

was still studying each of the recommendations of the MacKenzie Report and that there might be legislation at the next session. [49]

A few days later, Mr. Louis J. Robichaud, the Liberal member who spoke most often about education, [50] voiced impatience over the delay in implementing a report which he said had been praised all over the province. [51] He disagreed with the Minister that nothing could be done unless the federal government did it saying that the challenge of providing for the education of New Brunswickers had always been there and the leadership had always been found to meet it, especially in 1871 and 1943. Besides, he pointed out, some of the MacKenzie recommendations involved no new expenditures but a better administration of present ones. Let those be implemented immediately, he challenged. [52]

Both sides of the argument were repeated a few times during the session but after this exchange nothing new was said or done concerning the royal commission report.

L'Evangéline and the MacKenzie Report. Though history had taught the Acadians not to press any demand too strongly in order to avoid an English backlash we have seen that it was the francophone members of the legislature who spoke most often in support of the MacKenzie Report. This was also true of the Acadian newspapers.

In November, 1955, Le Madawaska, a French newspaper published in Edmundston, printed an article which explained in very simple language how the recommendations of the MacKenzie Report were aimed at putting the government grants on the just basis of ability to pay. It urged people to form study groups to deal with the report and to contact their members of the Legislative Assembly asking them to support it in the House. [53] A later series of articles gave more details and summarized its reasons for favoring the report. These included the report's impartiality, its reflection

of the citizens' wishes, the fact that it adapted to New Brunswick the latest concepts in school finance, and the similarity between the MacKenzie Report's recommendations and those of Dr. Lazerte's recent study for the Canadian School Trustees' Association. The final reason given was that, in the newspaper's view, the report was based on principles of justice and common sense. [54]

Just before the opening of the 1956 session of the Legislature, L'Evangéline began a series of eleven articles in editorial form on the MacKenzie Report. It would seem that the timing was of no particular significance and the aim was simply to familiarize its readers with the report and convince them to support it in spite of the sacrifices which Step 1 would entail. [55] When Mr. Fortin made his major speech in the House in favor of the report, L'Evangéline interrupted its series of articles for two days and substituted excerpts from it. Essentially the articles explained the recommended reforms and the benefits which they would bring to the Acadian areas. The co-authors, Evangéline editor Emery LeBlanc and Euclide Daigle, expressed fear that many francophones might be tempted to resist implementation because of the increased costs involved in Step 1. But, they argued, the benefits far outweighted the disadvantages and the poor areas had to support the report because those districts which presently had good school systems and were receiving disproportionately high provincial grants certainly would not. [56]

In the concluding article, on February 21, the two authors [57] wondered what course of action the government would choose:

> Il ne s'est pas prononcé et la chose a déjà été vue que les rapports de commissions royales soient restés en filière. Nous croyons cependant que notre gouvernement a l'intention d'agir. Reste à savoir jusqu'à quel point il le fera. [58]

The New Brunswick Teachers' Association. As previously mentioned the New

Brunswick Teachers' Association had not set up a special committee to study the MacKenzie Report. It appears that the Association had reached the same conclusion as the government, namely, that federal aid was necessary before any reforms in the financing of education could be effected. It was very concerned with this and had a standing committee on federal aid. [59] In October, 1955, when the federal Royal Commission on Canada's Economic Prospects held hearings in Fredericton, the N. B. T. A. presented a brief in which it quoted statistics from the recent studies on the financing of education in Canada and the MacKenzie Report to show that New Brunswick had an above average number of children to educate with below average ability to pay. One of the brief's recommendations urged: "That educational opportunity in this province be equalized with those elsewhere in Canada through aid from the federal treasury". [60]

During that same month the Board of Directors of the N. B. T. A. met with the Minister of Education. The only requests made at that time which could be construed as having any relation to the MacKenzie Report or the equalizing of educational opportunities within the province was a request for a minimum salary scale similar to that proposed in the report and the suggestion that the provincial government pay a grant equal to 50 per cent of teachers' salaries. [61]

A year later the Association presented a brief to the Premier and the members of the Executive Council. The introduction pointed out that there was much to praise in the educational system of the province because its citizens had shown willingness to make a greater effort to pay for education. But among the things which the teachers of New Brunswick found amiss, according to the brief, were: the high drop-out rates, the lack of resources to better individualize instruction, the inequalities of educa-

tional opportunities across Canada, the sincere but ill-timed criticisms of educational practice, the shortage of teachers, and the low standards of the teacher-training institutions. [62] There was no discussion of the financing of education in New Brunswick nor of the MacKenzie Report. It is therefore somewhat strange that in the concluding section of the brief was the recommendation that:

> ...continued study be made of proposals to distribute the cost of education more equitably, including federal aid, without reduction in the variety and scope of services now being offered. [63]

It seems clear from the above that the N. B. T. A. was concerned that if the MacKenzie recommendations were implemented, the resulting equalization of grants would aversely affect those areas which it felt were now providing an adequately varied and funded educational program. Not willing to pay the price of its "lighthouse" districts, it was hoping that another way would be found to help the poor areas, in other words, to help the 'have-not' areas without taking from the 'haves' of New Brunswick.

The 1956 Provincial Election. In the spring of 1956 Premier Flemming decided to seek a new mandate with June 18 as voting day. In a short and unexciting campaign education was not an issue and seldom mentioned. [64] The Liberals attacked the government's alleged waste, extravagance, favouritism and failure to help the municipalities. The government defended its record, promising that the Beechwood project and other industrial developments would bring prosperity to the province. Citizens were urged to "Carry on with Hugh John". Both parties promised renewed efforts to wrest more money from Ottawa. [65] The electorate decided to heed the Conservatives' slogan and the government was returned with an increased majority. It now held thirty-seven seats to the Liberals' fifteen though the latter had

obtained 47 per cent of the popular vote while the government had received 51 per cent. [66]

The 1957 Session of the Legislature. When the Legislature convened for a new session on February 21, 1957 there was no evidence of legislation to implement the recommendations of the MacKenzie Commission. [67] As the session got under way the members representing the poor counties, as they had in past years, castigated the government for failing to assist the municipalities and asserted that grants according to the recommendations of the MacKenzie Report would be a proper solution. They were mostly members of the Opposition of course, but Conservative Lucien Fortin remained a strong advocate of the report though it meant rising in the House to urge action from his own party. Another member of the government, Fred Somers (Conservative, Restigouche) urged reforms in the distribution of school grants along the same lines. It was difficult for these Conservative members to speak in favor of the MacKenzie Report without directly criticizing their party. Mr Somers stated that his county was receiving better treatment under his party than under the Liberals, but that some injustices in the distribution of provincial grants could be removed by implementing the MacKenzie recommendations. [68] Mr Fortin expressed confidence that the government was well aware of the need for reform and that action on the MacKenzie Report would be forthcoming. [69] Several Liberals pointed to the fact that the report was over two years old and the situation was worsening.

Premier Flemming's addresses, however, were filled with his concerns for the Beechwood project and his unsuccessful campaign for increased federal assistance. The Minister of Education, the Honourable Claude D. Taylor, took no part in the major debates of the session, but during dis-

cussion of his department's estimates he made a statement wherein he reviewed the recent enactments of the government concerning education. The most important of these was the elimination of second and third class licences for new teachers and the acceptance of the principle that teachers' salaries should bear relation to the number of years of training and the years of experience. The new system called for every teacher to have a teacher's licence and a certificate numbered from I to V depending on the years of training. [70] Concerning the financing of education, the Minister declared himself: "emphatically in favour of increased federal aid for all levels of education". [71] He indicated that no changes would be forthcoming unless additional aid was received from that quarter.

Once again, therefore, there was no discussion of the MacKenzie Report in the House except by its supporters and they, apparently, carried little influence with Cabinet, whether they were Liberals or Conservatives.

The Effects of the 1957 Federal Election upon New Brunswick. After the close of the session, most New Brunswick politicians turned their attention to the forthcoming June federal election. Premier Flemming especially was more than a casual observer. In December of the previous year he had participated in the national leadership convention of the Progressive Conservative Party in a role unusual for a provincial premier. He had moved the nomination of one of the candidates, Mr. John Diefenbaker. [72]

The New Brunswick Premier was understandably well pleased when Mr. Diefenbaker's forces won enough seats to form a minority government as he had convinced him to accept a Maritime plank in his platform. This called for supplementary grants for the Maritime Provinces because of their special needs. [73] The new Prime Minister had also promised an early federal-

provincial conference in order to give a better deal to the provinces and municipalities. Shortly after his victory he announced that it would be held on November 25-26 of that year. When the conference convened the federal leader made it clear that he was sympathetic to the plight of the poor provinces:

> We believe that this Federation cannot thrive in a climate of glaring disparities in levels and standards of service and development as between the several provinces from Newfoundland to British Columbia. [74]

He went on to say that he favored a policy of federal assistance for regional development including electrical power and special assistance for the Atlantic Region. Such was the atmosphere at the conference that the Premier of the wealthiest province, Mr. Frost of Ontario, could declare: "We support adjustments to the other Provinces and have gone even further. We believe that such adjustments are necessary". [75]

In his speech Mr. Flemming stressed the change in government and hoped that he had been instrumental in bringing it about. He then enumerated his province's needs, including the difficulties which the municipalities were having in supporting educational services. [76]

In January 1958 the federal government announced that it would raise the provincial share of equalized personal income tax from 10 per cent to 13 per cent for the four remaining years of the tax-rental agreement (1958 to 1961), [77] and that an annual grant of $25 million would be paid to the four Atlantic Provinces for four years. [78]

The 1958 Session of the New Brunswick Legislative Assembly. In the Speech from the Throne on February 18, 1958, it was announced that the province would be receiving some $10 million in extra grants from the federal government, plus special financial aid for the Beechwood power generating project.[79]

It also stated that provincial grants for education stood to be increased and that some amendments to the school legislation would be introduced.[80] When these bills came before the House, however, they proved to be minor and not affecting the basis of distribution of the grants. The Premier hardly mentioned education in any of his addresses save for teacher training in which he seemed particularly interested. The Minister of Education did not participate in any major debate nor did he make a policy statement.

The number of members of the Legislative Assembly who still remembered or cared about the MacKenzie Report was dwindling but there was still a nucleus of members who had not forgotten it. Mr. Claude Savoie, (Liberal, Gloucester) and Louis J. Robichaud (Liberal, Kent) spoke strongly for the belated implementation of the report. They were outdone, however, by Mr. Lucien Fortin from the government side of the House, who now hoped to stir his colleagues into emulating the federal government's generosity towards the poor areas. In a very forceful speech urging the implementation of the MacKenzie recommendations, he pointed out that:

> We have, in past years, placed a great deal of our energies in claiming our just share of the national prosperity and we rejoice that our efforts have met with success. Now the situation should be reflected here at home where similar causes of inequality and injustice exist.[81]

The only indication that the government may have been thinking of correcting the intraprovincial disparities was a speech in the House by the Honourable J. Stewart Brooke (Victoria) Minister of Municipal Affairs, in which he quoted from a 1957 address by Professor H. J. Whalen of the Political Science Department of the University of New Brunswick. The professor had expressed a lack of confidence in the existing form of local government in New Brunswick which, he had said:

> ...has been in a state of chronic and increasing deterioration; so much so, indeed, that many observers hold grave doubts about the continued existence of local self government in its traditional and customary forms. [82]

Acknowledging the weaknesses in the distribution of grants including those for education, the Minister indicated that his department was studying ways of equalizing assessments but that he shared Professor Whalen's misgivings about the present forms of local government. [83]

The 1959 and 1960 Sessions. What the Minister of Municipal Affairs seemed to be suggesting in his speech of February 28, 1958, referred to in the last section, was that it had begun to appear to those responsible for the elaboration of policy that a thorough reorganization of municipal government rather than a revision of the grant structure might be necessary to solve the real problems of the municipalities. If this was so, the task would fall to another government. In spite of continued augmentation of federal grants after Mr. Diefenbaker's overwhelming victory in 1958, [84] a Conference on Current Problems in Education held in Fredericton at which several speakers called for the equalization of educational opportunity in the province through a "foundation program" and queried the fate of the MacKenzie Report, [85] and a call by the New Brunswick Teachers' Federation for increased funds for education and a revision of the grant structure, [86] the government did very little in that direction.

In the House during the 1959 and 1960 sessions the same Members of the Legislative Assembly continued to press for reforms in the financing of education but to little avail. Somewhat more money was earmarked for education, some preliminary steps were taken towards equalizing property assessments and an escalator clause was attached to the municipal grants so that these increased when the federal grants increased. But the basis

of distribution remained the same and the MacKenzie Report appeared to be all but forgotten.

Conclusion. The end of the Flemming government's second term in office found most of the inequalities decried by the MacKenzie Report still undisturbed. In retrospect it seems that it was not positive arguments which defeated the MacKenzie Report but the relative well-being of those areas which the existing system benefited, the political impotence of those against whom it discriminated, the entrenched conviction that poverty was due to the laziness and lack of resourcefulness of the poor, and the non-educational priorities of Hugh John Flemming himself.

1. Journals of the Legislative Assembly of New Brunswick. (Fredericton. 1955), 9.

2. Synoptic Report, February 15, 1955, 31.

3. Telegraph-Journal (Saint John), March 9, 1955.

4. Chronicle-Herald (Halifax), March 9, 1955.

5. L'Evangéline (Moncton), le 9 mars, 1955.

6. Ibid., le 7 février, 1955.

7. Financial Post, March 26, 1955.

8. Synoptic Report, March 16, 1955, 301.

9. Ibid., 302. (Investigator's italics). Mr. Taylor repeated this statement several times in succeeding years but never explained the principle according to which New Brunswick deserved this aid. Presumably it was the principles of need and equalization.

10. Telegraph-Journal (Saint John), February 10, 1955.

11. For example see Synoptic Report, March 11, 1955, 268.

12. Report of Proceedings, Preliminary Meeting to the Federal-Provincial Conference April 26, 1955. (Ottawa: Queen's Printer, 1955), 31.

13. Naturally the Premier made no reference to the parts of the MacKenzie Report which referred to the disparities within the province, that was hardly the place. Yet, any federal official who would have read the report could have reminded him of those sections. No evidence indicating whether this took place has been uncovered.

14. Chronicle-Herald (Halifax), September 14, 1953.

15. The MacKenzie Report had stated that in some areas property tax was insufficient to pay for services required. Other indications were the very low salaries paid to teachers, the necessity of hiring local licensees and such things as the increasing number of properties which were being sold by county sheriffs because of inability to pay taxes.

16. D. Camp, 325.

17. A. Milton Moore, J. Harvey Perry, and Donald I. Beach. The Financing of Canadian Federation: the first hundred years. (Toronto: Canadian Tax Foundation, 1956), I.

18. Hereinafter referred to as the Rowell Sirois Commission.

19. Moore, Perry, and Beach, 18.

20. Ibid., 13-32, passim.

21. Ibid., 34.

22. Ibid., Table 28, 119.

23. MacKenzie Report, Table 3, 19.

24. personal letter from Dr. F. E. MacDiarmid, former Deputy Minister of Education of New Brunswick, Fredericton, June 13, 1972.

25. personal letter from K. E. Gillis, Deputy Executive Director of the N. B. T. A., Fredericton, June 14, 1972.

26. The Educational Review, (N. B. T. A. Fredericton: Vol LXX, September-October 1955, No. 1), 19-22.

27. Ibid., 22.

28. Ibid., 48.

29. Canadian Tax Journal, Vol. IV (January-February, 1956), 40-50.

30. Ibid. 40.

31. Ibid., 43 (investigator's italics).

32. Ibid., 46.

33. Report of Proceedings, Federal-Provincial Conference, October 3 1955. (Ottawa: Queen's Printer, 1955), Appendix E.

34. Ibid., 49-56.

35. Financial Post, October 3, 1955.

36. Ibid., 3.

37. This complicated manoeuvre and the events which prompted it are explained in Moore, Perry and Beach, op. cit., 45-46, passim.

38. Journals of the Legislative Assembly of New Brunswick. February 9, 1956, 9.

39. Synoptic Report, February 14, 1956, 27-28.

40. Teacher training was the area of education to which the two leaders seemed to accord a great deal of importance. Over the years they enacted many measures meant to attract more students to the teaching profession, including loans, a higher minimum salary, better pensions, etc. For a detailed summary see: The Educational Review, (May-June, 1958), 8-9.

41. Synoptic Report, February 15, 1956, 53.

42. Ibid.

43. Ibid., 102.

44. Personal interview, Louis J. Robichaud, Ottawa, May 10, 1972.

45. Synoptic Report, February 24, 1956, 147.

46. Ibid., February 28, 1956, 160.

47. Ibid., March 16, 1956, 376-7. Note that the federal Department of Labour administered most of the grants given through the Technical and Vocational Assistance Act. It is not known specifically what was requested since the MacKenzie Report had stated that the lacunae were with respect to the basic programs and not vocational education.

48. Ibid., 377.

49. Ibid.

50. Except for a financial critic, the Liberal Opposition did not have a shadow cabinet with members specializing on specific ministries. Personal interview with the Honourable Louis J. Robichaud, Ottawa, May 11, 1972

51. Synoptic Report, March 19, 1956, 441.

52. Ibid. 442-443.

53. Quoted by L'Evangéline, (Monction), le 11 fevrier, 1956.

54. Ibid., le 7 fevrier, 1956.

55. The reader will recall that according to the MacKenzie Report, Step 2 would be a foundation program of $110 and $150 with the province making up whatever amount the local district was lacking after it had levied a certain mill rate. Step 1 provided for the same foundation program but with the local area paying one half of the cost no matter what its ability to pay. For some poor areas this would have meant a significant increase in taxes.

56. These articles ran daily in the L'Evangéline from February 7 to February 21, 1956 and this was the basic theme.

57. The articles were co-authored by M. Emery LeBlanc, editor of L'Evangéline, and M. Euclide Daigle who later became executive-secretary of the Société Nationale des Acadiens.

58. L'Evangéline, le 21 fevrier, 1956.

59. Educational Review, Vol. LXX, Sept-Oct., 1955, No. 1, 10.

60. Ibid., Vol. LXX, No. 2, Nov-Dec., 1955, 6.

61. Ibid., 10.

62. The Educational Review, Vol. LXXI, No. 2, November-December, 1956, 12. To document its assertion concerning the effort of the people of New Brunswick to finance education, it used information from School Finance in Canada, Report of the Canadian School Trustees' Association, School Finance Research Committee, 1955, 138, 163. (This is the reference used in the Educational Review) which showed that New Brusnwick expended 4.1% of its personal income on education, the highest in Canada.

63. Ibid., 17. The complete brief was published in the above issue from, 12 to 17.

64. Honourable Louis J. Robichaud, with nearly two decades of experience in New Brunswick politics explains that education does not make a good electoral issue in the province. Personal interview, Ottawa, May 11, 1972 .

65. Chronicle-Herald, (Halifax), June 19, 1956.

66. Ibid., June 20, 1956.

67. Synoptic Report, February 21, 1957, 3.

68. Ibid., March 6, 1957, 126-127.

69. Ibid., 116.

70. Ibid., March 11, 1957, 589-590.

71. Ibid., 591 infra.

72. D. Camp, 238.

73. Ibid., 337.

74. Dominion-Provincial Conference, October 26-27, 1957 (Ottawa, Queen's Printer, 1958), 9.

75. Ibid., 18.

76. Ibid., 39.

77. Moore, Perry, and Beach, 60.

78. It is interesting to note that these provinces had been asked by the federal government to suggest the amount and distribution of this grant and that the request of their chosen spokesman, Mr. Robert Stanfield Premier of Nova Scotia, for $25 million distributed in the following manner: 30 per cent each to New Brunswick, Nova Scotia, and Newfoundland and 10 per cent to Prince Edward Island, was accepted. For greater detail see: John F. Graham, "The Special Atlantic Provinces Adjustment Grants", Canadian Tax Journal, Vol. 8, (1960), 39-41.

79. Synoptic Report, February 18, 1958, 2.

80. Ibid., 3.

81. Ibid., April 17, 1958, 363.

82. As quoted by the Honourable Mr. Brooks, ibid., February 28, 1958, 111.

83. Ibid.

84. Moore, Perry, and Beach, 63.

85. The Educational Review, Vol. LXXIII, January-February, 1959, No. 3, 39-40.

86. Ibid., November-December 1958, No. 2, 43. (N. B. T. A. brief to the provincial government).

CHAPTER V

THE BYRNE COMMISSION

In 1960 the New Brunswick electorate chose Louis J. Robichaud to succeed Hugh John Flemming as Premier. The new leader was energetic and reform-minded but the task of reforming educational finance proved more difficult than anticipated. After studying the advisability of a belated implementation of the MacKenzie Report he decided to appoint a new royal commission under the chairmanship of Edward G. Byrne Q. C. This chapter covers the period from 1960 - 1964 under the following headings: (1) the election of Louis J. Robichaud; (2) the appointment of the Byrne Royal Commission; (3) increases in federal assistance; and (4) the Byrne Report.

1. The Election of Louis J. Robichaud

Premier Hugh John Flemming had been in a confident mood when he called an election for June 27, 1960. His 1952 victory was often credited with having sparked a provincial and national trend which had left Newfoundland with Canada's only Liberal government.[1] He had secured a significant increase in federal aid for his province, had seen the Beechwood power project to completion and the economy was relatively buoyant. It seemed logical for him to run on his record.

His opponent was Louis J. Robichaud, who had so often castigated the government for alleged neglect of the municipalities and poor areas of the province. It was quite a study in contrasts. Flemming, the incumbent, a fatherly figure at 61, was the son of a former New Brunswick Premier,[2] a successful businessman, and a nationally recognized politician.

Robichaud was a thirty-four year old Acadian from Kent County, one of the poorest in the province. After his graduation from Sacred Heart University, Bathurst, he had studied economics and political science at Laval University, then, unable to afford law school, he had articled under another lawyer and had been admitted to the bar in 1952. Elected to the Legislative Assembly that same year, he had shown himself a skillful debater and politician. In October, 1958 he had been chosen Liberal leader over six other candidates including the incumbent, Mr. J. E. Connolly. [3] One of his promises at that time had been to reorganize the party at the grass-roots level. Characteristically he had done so by visiting every municipality in the province. [4] During the 1959 and 1960 sessions of the legislature he had been financial critic as well as Leader of the Opposition. With regard to education, his experiences as a struggling student, later as chairman of the school board in Richibucto and his familiarity with the poor areas of the province, had disposed him towards reforming educational finance.

Shortly after announcing the election date, Premier Flemming had revealed a platform which essentially promised more of the same. Robichaud decided that his main promise would be to abolish the premium which the government was collecting to pay the provincial share of the National Hospital Plan. [5] The Conservatives countered that by saying that it could not be done without raising the sales tax and suggested that even federal aid might decrease if a Liberal government were elected. Naturally the Liberals declared themselves scandalized by the suggestion that the federal government would be so unprincipled as to play party politics with the assistance so needed by the provinces. [6] Robichaud had thus succeeded in the same manoeuver as Flemming had executed on J. B. McNair in 1952, that

is, fighting the election on a different issue than that chosen by the Premier and promising some financial benefit to the citizens.

Again education was not a major issue in the campaign but it did figure in the Liberals' platform. They promised free loans to university students, a ministry of youth, and increased assistance to the municipalities. In addition they would make strong representation to the federal government urging continuance of family allowance payments to students until the age of eighteen and other forms of assistance to education. [7] Robichaud stressed that his party was committed to helping the youth of the province by providing better educational opportunities and by developing industries so that they could find employment once educated. [8] The Liberals received support from an unexpected source when the popular Conservative Member of Parliament for Restigouche, Charles Van Horne, remarked about the New Brunswick campaign:

> I am obliged to most heartedly endorse the Liberal Program. What little the Conservative Party has of a program is no more promising than its record. [9]

The Conservatives revealed a new program less than one week before the election. It promised, among other things, the building of a canal across the Isthmus of Chignecto and reemphasized Mr. Flemming's connections with the federal administration, but did not mention education. [10] This last moment effort notwithstanding, the election day results revealed a Liberal victory with thirty-one seats to the Conservatives' twenty-one. Louis J. Robichaud thus became the first Acadian to be elected Premier of his province. [11] This is remarkable because the Acadians, though traditionally Liberal, represented only some 38 per cent of the population [12] (including a larger proportion of children than the English population), they were in the majority in only four of New Brunswick's fifteen counties [13]

and these were under-represented in the legislature. [14] Thus a party with only Acadian support had no chance of winning in a two-party race and an Acadian leader had to gain the confidence of a significant number of anglophones to win an election.

2. The Appointment of the Byrne Royal Commission

One month after his election, Premier Robichaud attended the 1960 Dominion-Provincial Conference where he added a few new proposals to New Brunswick's usual presentation but unlike some Premiers did not single out education for special mention. [15]

Back in Fredericton the Premier strived to act according to his election slogan, "New Brunswick can't wait" by calling the House to the first fall sitting in its long history. [16] The Speech from the Throne contained many references to education. It promised legislation to establish the new ministry of youth and welfare which would design programs to assist the young to take advantage of educational and training opportunities. [17] It stressed the government's conviction that social and economic benefits would accrue to the province as a result of improved education and therefore:

> ...a thorough revision of the Schools Act and complementary legislation is now underway, as well as a study to determine a more equitable educational grant structure. [18]

This study, a joint venture by government officials and the Department of Education, centered around the belated implementation of the MacKenzie Report. It soon concluded that this would only be a palliative as the problem was not only in educational finance but, as Professor Whalen of the University of New Brunswick had suggested in 1957, the whole existing system of local government was proving inadequate to meet modern demands. [19] The Premier desiring lasting reforms decided upon a new royal commission

with wider terms of reference. [20] In the meantime the existing situation would have to remain for a few more years.

The government's intention to create another royal commission was revealed in the Speech from the Throne of the second consecutive fall session on November 14, 1961 and on March 8, 1962 an order-in-council named Edward G. Byrne, Q. C. chairman of the Royal Commission on Finance and Municipal Taxation in New Brunswick. Mr. Byrne was a veteran Bathurst lawyer, an ex-mayor of that town, known to Robichaud from the frequent occasions that the lawyer had appeared before House committees on behalf of municipalities, school boards, or companies. [21] There were four other commission members: Dr. Alexandre Boudreau, an Acadian with a master's degree in public administration from Harvard University who had served as consultant to various United Nations agencies [22] and one of the few among the elite of that race who considered economics as important as culture; Mr. Charles N. Wilson from one of New Brunswick's oldest families, and wealthy president or director of several major companies; [23] Mr. Arthur E. Andrews, a former insurance agent and teacher who was then general-manager of Fashion-Frocks Limited; [24] and Mr. Ulderic Nadeau, a graduate of Laval University who operated the family farming, lumbering, and merchandising business and had been a warden of Madawaska County since 1952. [25] These backgrounds are stressed because it will be important to remember that these men, representing both races and most socio-economic levels but with the English and well-to-do in the majority, were later to unanimously recommend a complete reorganization of municipal government in New Brunswick and virtual equalization of public education throughout the province.

The Commission's Terms of Reference: The government had agreed to

Mr. Byrne's stipulation that his royal commission be given carte blanche to examine all aspects of municipal finance and to recommend specific remedies [26] (see Appendix C). The commission's first act was to find competent staff and consultants. It sought some of the leading experts in Canada and was largely successful. Hired to lead the consulting staff was Professor A. Milton Moore, author of several texts on various fiscal questions and a member of the federal royal commission on taxation. [27] No expert on education per se was included but several among the staff had experience in educational finance. Also, one of the commission's first sources of information had been the provincial administration through a series of meetings with cabinet ministers and senior officials of most departments including education. [28] There followed nine public hearings throughout the province. Of the seventy-seven briefs presented, eighteen were from bodies directly involved in education. Most of their submissions stressed the rapidly increasing demands for educational services and the overburdened property tax. They usually urged greater provincial and federal participation in the financing of education and, significantly, many advocated that the province assume complete financial responsibility for public education,[29] showing an evolution in public opinion since 1955. The New Brunswick Teachers' Association (N. B. T. A.) in a joint submission with the New Brunswick School Trustees' Association (N. B. S. T. A.) called for a greater measure of equalization in education through a foundation program tentatively defined as the expenditure of $370.00 per pupil, and the addition of a complicated supplementary grant to provide very poor districts with some extra funds for special needs. [30] In a section entitled "Equality of Educational Opportunity" the brief stated that some provinces had implemented foundation programs in such a way that boards suffered a disadvantage if they hired superior teachers, a practice it hoped New Brunswick would avoid. The submission also emphasized that equality of edu-

cational opportunity, "in the sense of the availability of equal facilities" [31] could only be achieved by "the greatest consolidation of small school units that is compatible with the concept of local responsibility for schools and which does not impose severe transportation hardships on young children". [32] These consolidations, it was stressed, were necessary to modern education, they should be planned by the central authority and effected through legislation. The brief asserted that the reforms:

> ...must be founded on the principle of equalization of educational opportunity--all pupils in the province being entitled to an equitable education. [33]

It further agreed that the costs should be shared according to ability to pay with the large part borne by the province, albeit with local control retained.

At the same time as the Byrne Commission was receiving the submissions of the citizens of the province it was engaged in an earnest internal discussion of principles. A consensus was difficult to achieve because of the variety in the commissioners' backgrounds and interests. [34] Slowly it evolved, however, and it was decided to recommend a high minimum level of social services for all the citizens of the province as a matter of right and that the best appearing long-term solutions would be preconized even if it required a radical departure from the traditional structures. [35]

3. Increases in Federal Assistance

In the spring of 1963, while the Byrne Commission was in the midst of its deliberations, Premier Robichaud, having decided to clear the air about some of his industrializing efforts which had been criticized and satisfy his curiosity as to whether an Acadian could be re-elected, called a surprise election for April 22. [36] The main issues raised by the Conservative leader, Mr. C. B. Sherwood (Kings), were the state of the provincial

treasury and agreements which the government had concluded with an Italian concern with regards to the exploitation of crown forests along the Miramichi River. [37] The government emerged from the relatively unexciting campaign with an increased majority. [38]

Shortly before the New Brunswick provincial election the federal Liberals had also won an election, albeit short of a clear majority. Robichaud had taken an active part in that campaign as he had in the 1962 federal election. [39] He was particularly interested in promises in the federal Liberal platform to provide full equalization of revenues which the provinces received from tax fields, to extend family allowance payments to students beyond the age of sixteen and to expand federal aid to universities. [40] After the election the New Brunswick Premier lost little time in visiting Ottawa for discussions with Prime Minister Pearson and was told of a Federal-Provincial Conference slated for the near future. [41] This conference was called for the week beginning November 25th [42] and began amidst high expectations with respect to federal aid for education. These were not only the result of the Liberals' pre-election promises but also of a very strong representation made by Canadian Teachers' Federation to the cabinet earlier in the month in which it had offered evidence of inter-provincial inequalities in education and urged greater federal efforts to correct them. [43] The case was essentially the same which this body and others had made many times before, the difference was that the climate of opinion now seemed more favorable to the idea with many newspapers across the country giving the brief considerable attention. A few days after the teachers' presentation the government had announced that it would extend to 1967 the provisions of the Technical and Vocational Training Assistance Act whereby it reimbursed the provinces for 75 per cent of the costs of new

vocational and technical schools. [44]

At the Federal-Provincial Conference Premier Robichaud joined the leaders of the other poor provinces in requesting equalization based on fiscal need as promised by the Pearson Liberals before the election. On the third day of the conference the Prime Minister announced that starting in 1964 the equalization grants would be based on the revenue of the two richest provinces and that the provincial share of the estate taxes collected by the federal government would be raised to 75 per cent from 50. [45] This meant an increase of over five million dollars for New Brunswick [46] and its Premier was very pleased upon his return to Fredericton. In January, 1964 it was announced that the federal government, through the Atlantic Development Board, would provide twenty million dollars for a power project at Mactaquac on the Saint John River. [47] With the province's finances showing promise the Robichaud government was now ready to consider the Byrne Commission's blueprint for reform.

4. The Byrne Report

On February 4, 1964, a major press conference was held in Fredericton. The Premier and most of his Cabinet were in attendance but the focus of attention was Edward G. Byrne, Q. C. and the 300,000 word report which was the result of the Byrne Commission's deliberations. [48] Essentially, this document pointed out the serious shortcomings of the existing system and the unequal quality of life which it allowed. The Commission had decided that justice dictated, and modern communications permitted, the centralization of responsibility for public education, social welfare, public health,and the administration of justice at the provincial level and that the level of such services should be the same for all citizens. This was to be accomplished by an almost complete reorganization of

municipal government. The recommendations were based on two broad principles, the first was that responsibilities should be allocated purely on the basis of which level of government was best able to fulfill them and secondly that citizens of New Brunswick had certain rights by virtue of being citizens of the province; for example in education this meant that:

> No longer shall children be limited to the quality of education which their own neighborhoods can afford; henceforth they shall be entitled to that standard of education which the province as a whole can afford. [49]

Because this report was the basis of the subsequent legislative program and debate it will be reviewed in some detail under three headings: 1) the commission's findings; 2) the recommended solutions; and 3) the guiding principles.

The Commission's Findings. The Byrne Commission found the situation in New Brunswick in 1962 to be much the same as that described by the MacKenzie Commission whose 1955 report was termed excellent and often referred to. [50] The Byrne Report updated the statistics and, with more resources and wider terms of reference, added some details concerning education and completed the picture by outlining the situation in the other areas of municipal responsibility. The basic problems remained the wide differences in tax-paying ability and the discrimination of the matching grants system, [51] and the statistics were still eloquent:

> In 1960, total expenditure per pupil ranged from $136 in Gloucester County to $331 in Sunbury, the average for the counties being $200. The range among school districts (which includes the cities) is much wider. In 1961, about 12,000 children of the counties of Gloucester, Kent, Northumberland, Madawaska and Restigouche were taught by people with no professional training and insufficient academic knowledge. [52]

The commission was not surprised at the scarcity of competent teachers since it found that the median salary paid in New Brunswick was

only 64.4 per cent of that paid by the other nine provinces. [53] In spite of the fact that it had been stressed at Ottawa that the province was making the greatest effort to finance education, the Byrne Report clearly showed that this was due to high municipal spending, because in terms of percentage of the provincial budget spent on education New Brunswick was last with 14.2 per cent compared to the national average of 27. 4 per cent. [54] Further, it found that these municipal expenditures were borne very unequally by the citizens because the provincially equalized assessments urged by the Love and MacKenzie Commissions had not been realized in spite of the preparatory measures passed by the Flemming government in the mid-fifties. The Byrne Commission published tables showing that not only were there great differences in tax paying ability, tax rates, and methods of assessment between the municipalities, but that within them assessments ranged from 6 per cent to 250 per cent of market value. [55]

Many other aspects of New Brunswick's educational system were the object for rather severe criticisms. The voluntary system of school consolidations was found to have been unsuccessful as there were still 422 school districts of which 275 did not offer high school work, [56] and moreover, many consolidations had been made without proper planning resulting in duplication, overbuilding and inefficient use of resources. [57] The report stated that charges of extravagance in building and equipping some schools, while not investigated, seemed to have a basis in fact. [58] The commission also noted that several briefs had complained of the provincial curriculum's rigidity and its neglect of the three R's. [59] The teacher training institutions received some of the blame for poor instruction in schools because, the report said, they tended to offer pedestrian courses rather than a challenging and useful program. [60] Nor did the Department of

Education emerge unscathed:

> Practically everything of prime importance relating to public education, including both policy making and administration, is in the hands of the Department of Education and is exposed to multifarious political pressures...the results of this intermingling of political and administrative functions have been unsatisfactory. It could not be otherwise when...promotions are generally made on the basis of seniority rather than competence, and appointments are sometimes subject to political influence rather than being made solely on the basis of ability. [61]

The debunking was as severe when the Byrne Commission turned its attention to the question of local control. It reminded that the county schools finance boards were not elected at all and that the much vaunted local autonomy was severely circumscribed by the many regulatory powers of the Department of Education. Besides, it said: "The cry for local autonomy has a hollow ring when the localities lack the funds to provide an adequate programme." [62]

In summary, the Byrne Report told of an organizational structure having served adequately in the nineteenth century but now overcome by the demands made upon it, a grant structure favoring the wealthier areas, and a tax structure which reflected 1867 demands and the maxim of enforced self-sufficiency. Above all, it found that the province had abdicated its responsibility to provide the educational system with adequate financing and comprehensive planning.

The Recommended Solutions. The Byrne Commission took pains to explain that before arriving at its recommendations it had explored all the possibilities, especially the foundation program as suggested by the MacKenzie Report and in the N. B. T. A. - N. B. S. T. A. brief. But the commission had felt this not to be the best solution for New Brunswick because it merely provided a certain minimum of money to the existing

school boards without assuring that the money was spent in the best manner possible. [63] The five commission members had decided to recommend "uniformly high standards of education throughout the province". [64] They did not wish to make the situation somewhat less unequal but to obtain equality in the level of services by having the province assume full financial responsibility for education.[65] In support of this the commission stated that education was too important to be at the mercy of local circumstances. After all, it benefited the province as a whole, and the availability of full educational opportunities was now considered as a right and not a privilege. Moreover, education, which was constitutionally a provincial responsibility offered the best hope of raising the economic and cultural level of the province. [66] Education would, therefore, be reorganized in the following manner: A Public Schools Commission would be established, composed of the Minister of Education as chairman and twelve members of whom eight would be named by the province's universities [67] and four by the Minister. This body would be responsible for all policy making and planning, with an expert staff to perform the day to day administration. This commission's jurisdiction was to include teacher training, teacher salaries, school district boundaries, curriculum, school regulations, school construction and equipment, pupil transportation, and all related functions, but subject to budgetary control by the Treasury Board. [68]

It was recommended that the Public School Commission would immediately reduce the number of school districts to approximately sixty, each large enough to maintain at least one senior high school. [69] Each new district would have an elected school board which would hire teachers and advise the Public School Commission as to local needs and supplemen-

tary programs desired. [70] School boards could not, however, determine or supplement teachers' salaries. There would be one uniform salary scale for the province which, the Byrne Commission suggested, ought to be as high as that in effect in Saint John City, the highest in the province. [71] The Public Schools Commission would probably set the number of highly qualified teachers which a district might hire and if necessary pay a bonus to attract teachers to isolated areas. [72] Under the reorganized system, property assessment would be equalized by the province at market value and a fifteen mill property tax would be levied for education, although all expenditures would be paid from the province's general revenue. The latter would be increased by doubling the sales tax to six per cent. [73] The question of federal aid was not belabored in the report but neither was it omitted. The Byrne Commission felt that most of the arguments in favor of equality of educational opportunity in New Brunswick were also applicable to the nation. They repeated the case of inter-provincial disparities in ability to support education and suggested that once the equalization principle had been put into effect in New Brunswick it could be demanded of Ottawa. [74] It was hoped that eventually the federal government would accept the principle of equalization in the same way as the Byrne Commission accepted it, that is, an upward equalization in which those with high levels of services maintained them while the other areas were gradually raised.

The Guiding Principles. In spite of assurances that the high level of services in the 'have' areas would be maintained, the Byrne Commission expected some objections and resistance to its recommendations. The very style of its report demonstrated a willingness to consider other points

of view. Nearly every recommendation was preceded by documentation of the existing situation, an explanation of the alternatives explored and a summary of the reasons and principles which had brought the commission to its particular conclusion. It called its basic tenet "the principle of fiscal equity" [75] and claimed three major benefits to be derived from the principle; it made for the most productive use of the province's human and other resources, it treated all citizens the same way, and it might inspire Ottawa to offer the same generous treatment to the poor regions of Canada. Though anticipating that some would object to the reforms because of the loss of local autonomy and the commission form of administration, on the whole the Byrne Commission felt confident in advancing its centralization program:

> The response to this question [centralization] by practically all of the municipalities and others who appeared at our hearings was one of willingness to relinquish local responsibility for these services, and with it the modicum of local autonomy still attached to them, in return for relief from financial responsibility for them. The only proviso was that in the case of education a strong local voice should be retained through elected school boards. [76]

In a chapter entitled "Public Apathy and the Control of Provincial Government Spending" the commissioners acknowledged the difficulty of setting priorities and levels for public spending but they clearly felt that education had not received its share in New Brunswick, a situation which should now be rectified. The many benefits of a better educated populace were stressed once again. [77] Notwithstanding their conviction that their recommended reforms were necessary to rescue their province from the nineteenth century, the commissioners were realistic enough to realize that:

> The integrated reconstruction of provincial-municipal organization and finance which we have recommended will require courage on the part of the provincial government and unselfishness on the part of all those individuals who deem themselves to be aversely affected by the changes.[78]

Indeed, both courage and unselfishness were to be severely tested in the course of the next three years in New Brunswick.

1. Chronicle-Herald (Halifax), June 13, 1960.

2. Ibid., September 23, 1952.

3. Ibid., October 13, 1958.

4. Personal interview, Louis J. Robichaud. Ottawa, May 11, 1972.

5. Ibid. This premium amounted to fifty dollars for families and twenty-five dollars for single people.

6. Chronicle-Herald (Halifax), June 17, 1960.

7. Ibid., June 20, 1960.

8. Ibid., June 24, 1960.

9. Ibid., June 21, 1960.

10. Ibid., June 22, 1960.

11. The Honourable Peter J. Veniot, an Acadian, had been Premier from 1923 to 1925 but as a party nominee. Ibid., June 20, 1960.

12. Telegraph-Journal (Saint John), June 3, 1960, editorial.

13. Hugh J. Thorburn, Politics in New Brunswick (Toronto: University of Toronto Press, 1961), Table III, 190, (See Appendix B).

14. Ibid., 84.

15. Dominion-Provincial Conference, October 25, 26, 27, 1960 (Ottawa: Queen's Printer, 1960), 42-44.

16. It is interesting to note that the day before the House opened on November 17, 1960, the Honourable Hugh John Flemming was in Ottawa being sworn in as a Member of Parliament and Forestry Minister in the Diefenbaker Cabinet. He had won a by-election in Royal in October. Chronicle-Herald, (Halifax), November 17, 1960.

17. Synoptic Report, November 17, 1960, 4. Little more will be said about this ministry as its activities were peripheral to the subject of this study. It did have a positive effect on education, however. For example, the investigator, in college in 1961, benefited from two of its first programs; one was to train and employ a relatively large number of college students as recreational counsellors for communities and provincial campgrounds, the other was the interest-free loan program.

18. Ibid., 3.

19. Personal interview, Louis J. Robichaud, Ottawa, May 11, 1972.

20. Ibid.

21. Ibid.

22. Byrne Report, VI.

23. Ibid.

24. Ibid.

25. Ibid.

26. Ibid., V.

27. Ibid.

28. Ibid., XVI.

29. Ibid., 118.

30. Educational Review (Fredericton: N. B. T. A.), Vol. LXXVIII, November 1963, No. 1, 64-67.

31. Ibid. 17.

32. Ibid.

33. Ibid., 14, (investigator's italics).

34. Personal interview, Dr. Alexandre Boudreau, Vice-Chairman of the Byrne Commission, Saint Joseph, April 27 1971.

35. Byrne Report, 3.

36. Personal interview, Louis J. Robichaud, Ottawa, May 12, 1972.

37. The Daily Gleaner (Fredericton), April 16, 1963, editorial.

38. Ibid., April 23, 1963.

39. The results of the federal election in New Brunswick were six seats and 60 per cent of the votes for the Liberals and four seats and 40 per cent of the votes for the Conservatives. These results had remained constant in 1962 and 1963 but were greatly different from those of 1958 when the Conservatives had won seven of the ten seats. J. N. Beck, Pendulum of Power (Scarborough: Prentice Hall of Canada, 1968), 326, 348 370.

40. D. Owen Carrigan, Canadian Party Platforms, (Toronto, Copp-Clark Publishing, 1968), 296-298.

41. Chronicle-Herald (Halifax), May 18, 1963.

42. The conference began one day late due to Prime Minister Pearson's attendance of President J. F. Kennedy's funeral.

43. Toronto Daily Star, November 27, 1963.

44. Chronicle-Herald (Halifax), November 15, 1963.

45. Moore, Perry and Beach, 83.

46. Ibid., 84.

47. Chronicle-Herald (Halifax), January 11, 1964.

48. Telegraph-Journal (Saint John), February 5, 1964.

49. Byrne Report, 4.

50. Ibid., 77.

51. Ibid., 79.

52. Ibid., 20.

53. Ibid., 79.

54. Ibid., 78.

55. Ibid., 224, Table 13:3. This table was considered so explosive that codes were used instead of the names of the municipalities.

56. Ibid., 127.

57. Ibid., 77-78.

58. Ibid., 137. There was a considerable number of these general statements in the report and they were later to attract much criticism.

59. Ibid., 82, 135.

60. Ibid., 135.

61. Ibid.

62. Ibid., 130. This statement shows very well the perspective from which the Byrne Commission was viewing education. There were of course many areas where local control was being used effectively to provide a good program. This may have been poetic justice as the trend had long been to see the well-to-do districts and ignore the others; nevertheless it later became a ground for criticizing the report.

63. Ibid., 131.

64. Ibid., 77.

65. This was asserted without any attempt at hairsplitting, for example, children living in a city would have better access to libraries, museums, some high schools might not offer all the vocational courses. It was to be an approximate equality.

66. Byrne Report, 125.

67. An odd qualification was that the members of faculties of education or of teacher-training institutions would not be eligible as nominees because of the possibility of a conflict of interest. Ibid., 138.

68. Byrne Report, 140.

69. Ibid., 132.

70. Ibid.

71. The Commission was aware that the Oromocto scale was higher but dismissed it because it was mainly set by the federal government. Subsequently the N. B. T. A. revealed that other scales were also higher in certain categories.

72. The Byrne Report, 133.

73. Ibid., 132, 35.

74. Ibid., 36.

75. Ibid., 23.

76. Ibid. 118.

77. Ibid., 315.

78. Ibid. (investigator's italics).

CHAPTER VI

THE DISCUSSION OF THE BYRNE REPORT

It was obvious that the Byrne Report recommendations, if implemented, would revolutionize municipal government in New Brunswick and have significant effects on the province and its people. It was therefore necessary that the report be carefully studied and discussed. This chapter will review the discussion which took place from the day the Byrne Report was released in February, 1964 to November, 1965 when the government introduced its Program of Equal Opportunity based upon the report. This discussion will be largely in chronological order and will be outlined as follows: (1) the initial reaction to the Byrne Report; (2) educators' reaction to the Byrne Report; (3) the 1965 session of the legislature; and (4) the Robichaud government's White Paper.

1. The Initial Reaction to the Byrne Report

The press had apparently received copies of the Byrne Report some time in advance of the February 4th, 1964 press conference at which the report was released. [1] The reporters were therefore prepared to question the report's authors and the leader of the government. For the most part they requested explanations and clarifications, but one reporter asked Mr. Byrne whether the recommended program could be implemented without the commission form of administration. He replied affirmatively but warned that the resulting situation would be worse than the existing one. [2] Asked for his opinion of the Byrne Report, the Premier said that the government would study it carefully and he hoped that everyone would do the same.

Later, however, he reminded his audience that: "our record is indicative of action following receipt of royal commission reports". [3]

The next day, all the province's dailies headlined the Byrne Report and gave extensive coverage to the recommendations. The Telegraph-Journal (Saint John) editorialized that it was perhaps necessary that such a document be revolutionary because "the past has failed us," then, mindful of the Premier's emphasis on his record of action, the editorialist urged careful study and no "snap decisions". [4] The Moncton Transcript was enthusiastic:

> ...the whole appears as a well balanced, lucid and sound blueprint for the cure of many of the ills which are increasingly affecting the lives of the people of the province. [5]

L'Evangéline also gave extensive coverage to the report and its editorial expressed pleasure that real reforms had been recommended for the two areas of greatest need, education and property assessment, but, it observed, a great deal of courage would be required to implement the report. The only reservation expressed by the Acadian newspaper concerned the consolidation of school districts. Care would have to be taken, it warned, to safeguard the rights of minorities within the larger districts. [6]

On February 6th, newspapers carried a series of comments on the Byrne Report by various municipal officials. Many of the opinions expressed were cautious and there were many reservations about specific details but the reactions were generally favorable. At least one statement seemed to verify the report's claim about the sentiments of the municipalities:

> 'Exactly what we've been looking for' said Sunbury County Warden John E. Gaudy commenting on the commission's proposal to centralize education and take costs and administration out of the hands of the municipalities. [7]

The Telegraph-Journal reported "a strong groundswell of rural support" for

the Byrne Report [8] and that day's editorial amended its position somewhat concerning the length of time the report should be studied. It observed that the numerous bodies affected by the report could not engage in any long-range planning until they knew the government's intentions concerning the various recommendations. The report should then be studied carefully but without delay, the newspaper said. [9] The Financial Post explained the content of the Byrne Report in some detail. It emphasized the report's prediction of impending bankruptcy for some counties unless reforms were enacted and the recommendation for administration by commissions after the Swedish pattern. [10]

An important development which followed by two weeks the release of the Byrne Report and its severe criticism of the Department of Education was the resignation of Dr. F. E. MacDiarmid (Deputy Minister of Education). It appears that he was less than enthusiastic about the report, but that his resignation was due to ill health and not connected with the report's release. [11]

At the press conference at which the report had been unveiled, the Premier had called it the most important royal commission report ever presented in New Brunswick and had promised that the government would study it carefully. The Saint John Evening Times-Globe had observed that: "Few governments have faced the awesome task of evaluating a report with such sweeping proposals." [12] Premier Robichaud was perhaps better equipped than most to deal with such a radical report because he had known beforehand Mr. Byrne's views on municipal reforms and shared them to a significant extent. [13] Yet it would still be no mean task to translate the Byrne Report into a legislative program acceptable to most of the province's citizens.

The Speech from the Throne two weeks after the release of the Byrne

Report stated that the government was proceeding with the building of technical and trade schools, that the newly instituted two year training program at Teachers' College was being well received and a new building for that institution was in progress. The youth program of the new Department of Youth and Welfare was said to be successful and still expanding. With regards to the Byrne Report, the speech said:

> An intensive study is now being made of the effects and implications of the numerous and far reaching recommendations. My government will propose legislative measures upon the report when current studies have been completed. [14]

It is interesting to note that even at this point it was taken for granted by the press and the government that there would be legislation as a result of the Byrne Report. The government's study of the report was made in that spirit. [15] The first government committee was chaired by the Minister of Municipal Affairs, the Honourable J. E. LeBlanc (Westmorland). In the course of its deliberations, all deputy ministers and most branch directors appeared before the committee to discuss the sections of the Byrne Report which concerned them. The report of this committee of ministers and senior civil servants was submitted in September, 1964. In essence it agreed with all the major proposals of the Byrne Report save the commission form of administration. [16]

In the meantime, discussion on the Byrne Report had been slow to develop in the House during the 1964 session of the legislature. Generally, the government members spoke approvingly about the report's principles while members of the Opposition asked for interpretations of various recommendations, requested detailed cost estimates, and queried the government's intentions with respect to the proposed reforms. They also urged individual measures to solve some of the problems which the Byrne Report wished to solve globally. [17] In his speech the Premier outlined the measures which

had been taken to assist the municipalities, acknowledged their insufficiency, but stated that this was due to the government's search for long term solutions. After formally expressing appreciation for the work of the Byrne Commission he chided the Opposition for its impatience to know the government's intentions with respect to the Byrne Report. This was a strange attitude, he exclaimed, from a party which had had the MacKenzie Report in hand for five years without acting. Had they implemented it, he told them, most of the problems about which they were now complaining would have been alleviated.[18] Mr. Robichaud added that hundreds of copies of the Byrne Report had been distributed and more were being prepared because the government wanted everyone affected by the recommendations to be aware of the report and participate in its discussion. In this respect, he continued, the government would be pleased to receive a statement of the Opposition's assessment of the Byrne Report.[19] A few days later, replying to a question concerning the drafting of the reform legislation, the Premier said that Mr. Jim O'Sullivan, the Byrne Commission's secretary, had refused the assignment and that a law professor was being asked.[20]

The Opposition's numerous requests for a statement of government policy with respect to the various recommendations of the Byrne Report did not only reflect its desire to score political points, but also the uncertainty created by the report. As the Telegraph-Journal had predicted, all long range planning by school boards and municipalities had ceased pending a policy decision by the government. On March 26, 1964, the Minister of Education announced a temporary curtailment of school construction save in cases of serious overcrowding. He also indicated that initial planning had begun for a broadened school program to accommodate those pupils who were unsuited for the regular fare.[21]

The 1964 session of the Legislature ended without any in-depth discussion of the Byrne Report having taken place, but with the Premier's message that: "in all likelihood we will have to meet again this fall". [22] Until then the discussion would take place on other fronts. In fact it had already begun among many interested groups, such as educators.

2. Educators' Reaction to the Byrne Report

The Byrne Report was the subject of a great deal of attention from the province's educators but the discussion took some time to develop. It will be reviewed here in four parts: 1) Professor Love's address; 2) the New Brunswick Teachers' Association; 3) L'Association Acadienne d'Education; and 4) the discussion in the Educational Review.

Professor Love's Address. The first indication of the reaction of educators to the Byrne Report came when Professor R. J. Love, Dean of Education at the University of New Brunswick, was invited to speak on the topic to the New Brunswick High School Principals in April, 1964. In an address, later published in the Educational Review, Dean Love noted the report's introductory quotation which advised to look to the future not to the past, and stated:

> If there is a glaring weakness in the recommendations it is in ignoring the traditions of local government which are very strong in this province. [23]

There were many aspects of the report meeting educators' approval. One, of course, was the equalized assessment which his own commission had recommended over a decade earlier. But it was the shortcomings of the report which most attracted his attention. Here he articulated very well the position of those who were most familiar with the better organized school systems of the province, and who wished to retain those factors which had made

them progressive. This perspective was quite different from that of most of the reformers who tended to be more mindful of the disorganized and disfavored other half of the educational system and who wished to rectify the situation by equalizing. It was most difficult for these two sides to discuss together because they really saw two different school situations. [24] In any case, Professor Love felt that the Byrne Commission's "sweeping condemnation" of the existing educational system was unjustified and unfair. He charged that the report generalized on the basis of certain poor districts and had failed to document its allegations of extravagance or even define what it meant by the "basic programs' for which the government would pay and "frills" to be financed locally. [25] Professor Love could not believe that the Byrne Commission had rejected on principle the idea of a foundation program which would have raised the educational standards of the poor areas while leaving the wealthier districts free to strive for excellence. As he asserted: "...any community wishing and able to do so should be free to go above the minimum". [26] He speculated that the foundation program concept had been rejected because of the difficulties in equalizing assessments caused by existing tax concessions to companies and concentrations of tax exempt crown lands in certain areas, and expressed confidence that these problems could be overcome. The education professor went on to criticize the advocated centralization on the grounds that a large unwieldy bureaucracy would result and that it ignored the national trend of decentralizing control of curriculum. He disapproved of the Public Schools Commission because he felt that the public schools should not be dominated by the universities and further, that it was not democratic to surrender control of education to a group not responsible to the electorate. [27] The uniform salary scale for teachers was termed undesirable

because it would discriminate against those areas with a high cost of living. The impotent state in which the school boards were to be left was deplored because it would kill public interest in these bodies.

Finally Dean Love noted the Byrne Commission's failure to understand that those among the wealthier areas which were really interested in education rendered a service to the province by pioneering new methods and courses, thus serving as educational lighthouses for the other districts. [28] In concluding, the senior pedagogue recognized that criticism is easier than problem solving and that some issues were philosophical: "Who should pay in the final analysis, the owners of wealth or the users of services? The answer will depend on your political philosophy." [29] But having already endorsed the concepts of the foundation program and equalized assessment, the professor had accepted that the owners of wealth would pay more, therefore the real issue was the degree to which the government should effect this equalization (or inequalization if one considers taxes paid in relation to services received).

In June, a Financial Post, article entitled "First Misgivings Voiced Over Byrne Suggestions", named Professor Love as the most articulate of the critics [30] but only centralization and the elimination of county councils were mentioned as having come under attack. The underlying principles of the Byrne Report were not commented upon. The article noted, however, that among the supporters of the report, Mr. Byrne was not accepting any speaking engagements, but that the commission's vice-chairman, Dr. Boudreau, was making frequent and forceful speeches on its behalf.

The New Brunswick Teachers' Association: Soon after the release of the Byrne Report, the New Brunswick Teachers' Association had formed a committee to study the implications of the recommendations. The committee

was chaired by Lawrence F. Dow, with Robert Smith, Yvan Albert and Rheal Bérubé as members and Mr. A. H. Kingett, Secretary-Treasurer of the Association as secretary. Mr. Ken Gillis, Assistant Secretary-Treasurer, and Mr. Malcolm McLeod, President of the Association, also attended meetings. [31] The first output of this committee was "A Look at the Byrne Commission Report" published in the March 1964 News Letter of the Association. It explained that the Byrne Report's complexity and obscurity on certain points made it impossible to make recommendations to the Association's Annual General Meeting held in the spring. It was suggested that the executive be authorized to make representations to the government at a later date. [32] In the meantime the article asked for members' reactions to certain excerpts from the Byrne Report. These selections included most of the report's unsupported statements concerning the various inadequacies of the New Brunswick educational system and the points about which insufficient explanation had been given. For example, the article asked whether "uniform minimum standards", "uniformly high standard" and "basic standard" were synonymous. [33] Several of the report's affirmations were questioned, for example, that members of university faculties were most qualified to govern public education or that the Saint John salary scale for teachers was the highest in the province. [34]

After this initial study the N. B. T. A. committee felt a need for more information concerning certain recommendations. It sought a meeting with Mr. Byrne but since he was absent from the province Dr. Boudreau agreed to meet with the committee and officials of the Department of Education. The N. B. T. A. committee members left that meeting still uncertain about many points; for example, the way in which the quotas would be enforced in the case of those areas having a higher proportion of well

qualified teachers than the rest of the province. [35]

In June 1964 the N. B. T. A. committee drafted a brief to the government expressing the association's concerns and requesting a meeting to obtain certain clarifications and to explain the teachers' views. [36] This brief went unanswered and in January 1965 the N. B. T. A. wrote to the Minister of Education with copies to every member of the legislature. [37] It strongly protested the lack of government response to their June 1964 brief and the fact that legislation was being prepared without any consultation with the province's teachers:

> Our Association has very strong feelings on certain aspects of the education proposals and would strongly urge that careful consideration be given to deleting these before legislation is introduced in the House. We can see no useful purpose in introducing legislation which can become a political issue in which our Association would have no choice but become involved, but we can see serious and detrimental effects to such an action. [38]

The Association's request was finally granted on February 19, 1965 when its representatives met with the Premier and the Executive Council. In the N. B. T. A.'s submission on that occasion hope was expressed that the government's legislation would be based on researched facts "and not on rumour based on unsupported statements such as abound in the Byrne Report". [39] The brief went on to outline the difficulties encountered by the N. B. T. A. in obtaining interpretations of Byrne Report recommendations and in making the government aware of its views. Summarizing these views, the brief said that the Association agreed with the proposal to consolidate school districts but urged that school boards and their administrators be left with real powers to satisfy local needs and to innovate. [40] Having just learned from the throne speech that there would be no commission form of administration, the N. B. T. A. asked that the proposed powers of the Public Schools Commission not be given the Minister of Education in order to avoid his having, for

example, discretionary powers to set quotas on teachers for each district or the right to approve each teacher's contract with a board. The Association also opposed uniformity especially in the teachers' salary scale, which it feared would be initially high but would remain frozen for years unless teachers could negotiate with school boards. If the proposed centralization and uniformity were implemented, it warned, there would be an exodus of well qualified teachers from New Brunswick. [41]

L'Association Acadienne d'Education: The Acadian teachers were automatically members of the N. B. T. A. and had been represented by two members on its Byrne Report committee. It was only to become manifest later that the francophones did not share the N. B. T. A.'s mistrust of the report, but there were early indications. For example, the Association Acadienne d'Education (A. A. E.), a grouping of Acadians interested in education, held its eleventh congress in Moncton in mid-October 1964; in attendance were A. A. E. founder Dr. Georges Dumont, Minister of Health (Restigouche), representing the Premier; Dr. J. Gerard De Grace one of New Brunswick's two newly appointed deputy ministers of education; [42] and Dr. Alexandre Boudreau. The Byrne Report was discussed in some detail. Dr. Boudreau answered questions and repeated what he had said across the province:

> La situation au Nouveau-Brunswick en est rendue au point ou il faut des changements radicaux. Si ceux proposés par la Commission Byrne ne sont pas acceptables, les personnes qui les condamnent doivent en trouver d'autres. [43]

The congress then passed a resolution expressing approval in principle of those parts of the Byrne Report dealing with education. [44] Thus, slowly, factions of supporters and detractors of the Byrne Report were forming and all were hoping to influence the government's course of action.

The Discussion in the Educational Review. At about the same time as the White Paper was released the N. B. T. A.'s Educational Review published four articles on the Byrne Report which revealed that the Association was going to have problems in maintaining a united front with respect to reforms. Three of the articles maintained the official N. B. T. A. viewpoint but the fourth, by an Acadian teacher, argued in favor of the Byrne Report. A review of the main arguments advanced in these articles provides a good summary of the respective positions of the two teachers groups.

One of the articles was written by a Mr. Vincent Comeau and made most of the points which Professor Love had made some time previously.[45] A second piece had been written by Mr. J. Lorne McGuigan, a Saint John teacher whose involvement in the Conservative Party would later earn him the education portfolio. He also repeated many of Professor Love's arguments but in somewhat stronger language.[46] The pride which teachers from certain areas felt in their school systems and the fear they felt of losing their independence was almost tangible. As Mr. McGuigan wrote:

> Never before has it been suggested that ambitious and interested areas should not be allowed to increase their educational standards when desired and to ensure their children the best opportunity possible.[47]

Lawrence F. Dow, Chairman of the N. B. T. A. Byrne Report Committee, also contributed an article. He summarized the committee's deliberations, findings, and actions, adding his personal views. He reminded teachers that:

> Some of the recommendations have not found favor with affluent school boards who have a vested interest only in the education of children in their own area. Let us remember here that the Byrne Commission arrived at its conclusions on education after surveying the entire educational scene.[48]

He deplored the fact that neither the Byrne Commission nor the government had made use of all the assistance which the N. B. T. A. was willing to

provide. He also offered as an observation a unique argument against educational reform. He noted that in regional high school situations many graduates went on to further training and seldom returned to live and work in their rural district, while most of the drop-outs stayed in the area. Thus, it appeared, Mr. Dow said, that better educational opportunities tended to drain the best brains from some communities. He ended the article by urging that teachers support the good parts of the Byrne Report but remain vigilant to prevent legislation which might jeopardize their rights and privileges. [49]

A fourth article, in French, had been authored by Frère Médéric, S. C. and was entitled "Aux Grands Maux, les Grands Remèdes". [50] He observed that discussion of the Byrne Report had started slowly, possibly because people were shocked by the degree to which it carried the principle of equalization which had hitherto inspired great speeches but little action. After the initial surprise, he said, everyone had turned to the report to see where they might gain or lose and the subsequent positions which were adopted reflected the inherent conflict of interest. But what was to be done about the disparities documented by the Byrne Report? It seemed to the author that the well-to-do areas were willing to accept some reforms providing their privileged position was left undisturbed. The article then reviewed the main recommendations of the Byrne Report. Under the new system social services would be financed by a property tax on equalized assessment, an increase in the sales tax which was the same for everyone, and a larger share of federal equalization grants. In what way was that unfair, the article asked. Provincial control, so feared by many, already existed to a fair extent, Frère Médéric stated, and the proposed uniform salary scale would allow the N. B. T. A. to negotiate for all

the teachers of the province instead of the current situation which allowed certain teachers to negotiate personal bonuses exceeding the N. B. T. A. negotiated scale in their district. Besides, a measure which would give significant salary increases to 75 per cent of the teachers in the province could not be all bad, and the argument of competition raising salaries could be transferred to the inter-provincial level. [51] The article summarized the opposition to "uniformly high standards of education" as a reaction by presently well endowed areas to limit the poor areas to some sort of minimum (a foundation program) instead of the high level of services they themselves enjoyed. Concerning the administrative details, he felt that it was too early to worry about that since the government had not yet revealed its intentions. Frère Médéric concluded by saying that he did not of course agree with everything in the Byrne Report, but that the problems which it attempted to solve were very serious and the N. B. T. A. should avoid taking a position which would alienate a few thousand teachers. [52]

3. The 1965 Session of the Legislature

There was considerable interest and curiosity about the legislation supposedly being drafted. Those expecting to gain from the reforms were anxious for their implementation while those fearing loss or disruption were often impatient to know the worst. When the Premier did not call a fall session impatience grew. The legislature finally opened on February 16, 1965, but the Speech from the Throne revealed little and made it appear as if the government had opted for a piecemeal approach. The document said that the Department of Education would consolidate school districts and reorganize the program of instruction to provide different levels of instruction. [53] It was also revealed that the government was

continuing its study of the Byrne Report and the public reaction to it, but had rejected the commission form of administration. Finally, the throne speech stated that a White Paper outlining the government's policy on reforms would be presented in the course of the session. [54]

The Opposition was not to be mollified with the promise of a White Paper. As Mr. C. D. Taylor (Conservative-Albert) stated: "...in the minds of the press and the people this is the session of the Byrne Report." [55] The Leader of the Opposition, Mr. C. B. Sherwood (Kings), devoted most of his throne speech reply to the royal commission report which he termed "defective". [56] He explained that the Byrne Commission had criticized the members of the Cabinet for being susceptible to political pressures, the civil service for incompetence, some school districts for extravagance, the municipal governments for inefficiency and the citizens for being ill-informed and apathetic, but that the report had not substantiated these allegations. Mr. Sherwood, therefore, felt that these groups, except the Cabinet, had been unjustly maligned. But the government's dilemma, according to the Leader of the Opposition, was that if it implemented the Byrne Report recommendations including the public commissions, it would be surrendering democratic control to so-called experts; if the government implemented the reforms without the public commissions it would be centralizing four social services in the hands of Ministers and civil servants condemned by the royal commission. [57] He then suggested that the reasonable alternatives would be a foundation program and an increase in provincial grants to the municipalities. Mr. Richard B. Hatfield, the wealthy Conservative member from Carleton who would be Premier in less than six years, declared himself to be in fundamental disagreement with the Byrne Report:

> First I am concerned with the uniformity and equality... To be obsessed with uniform programs of education and other services is bound to provoke bitterness, disorder, and, more important, create new inequalities of a different and more disturbing kind.
>
> Rather we must concern ourselves with taking steps to eliminate the extremes in inequality in New Brunswick and provide equal opportunity in all sections. [58]

Mr. Hatfield declared that efficiency should not be the only factor in a reorganization because democratic action was also important. He predicted that tomorrow's better educated youth would not be satisfied with being governed by experts but would want to participate in the decision making at the local and provincial levels. [59] His colleague, Mr. Fred A. McCain (Conservative, Carleton), an ex-teacher, criticized the government for having ignored the N. B. T. A. in the planning and drafting of legislation which concerned education. He condemned the Robichaud administration for what he termed its "veil of secrecy". [60]

For its part during the debates, the government defended the Byrne Report in general terms. For example, the Honourable Donald Harper (Westmorland) quoted a brief submitted to the government by the Canadian Manufacturers' Association to the effect that the Byrne Report was one of the best from a royal commission in the past decade. [61] He also referred to an editorial in the Moncton Daily Times which applauded the government's plan to consolidate the existing school districts and reorganize the curriculum as a bold move to use education to break the vicious circle of poverty. [62] Other members of the government expressed similar views but they were marking time until the promised White Paper was presented.

4. The Robichaud Government's White Paper

Premier Robichaud unveiled his White Paper on the Responsibilities of Government on March 4th, 1965, in mid-session. It was a surprising

document in that it contained a discussion of principles rather than specific details of any proposed measures. In a lengthy preamble the White Paper compared the province's disparities with those at the national and international levels. The Marshall Plan, the work of the various United Nations agencies, and so on, were cited as efforts to eliminate disparities among nations. It was also noted that in 1962 the federal government had spent $137,983,000 more in New Brunswick than it had collected in taxes.[63] Thus, while great efforts were being made nationally and internationally to reduce disparities and provide a decent life to all, what was New Brunswick to do about its disparities, the White Paper asked. The answer, it said, was that the government was prepared to accept the principle that all of the province's citizens were entitled to a minimum standard of services in education, health, welfare,and justice, regardless of where they lived. Premier Robichaud urged the Members of the Legislative Assembly to forget specific details and reflect upon the principles and the future of the province. Shortly, he said, the session would adjourn until the fall, at which time the legislation for the outlined reforms would be introduced and ample opportunity would be afforded for its study and debate.[64] The government, he reminded the House, had chosen the more difficult course as it would have been easier to give a few extra million dollars to the municipalities. It would even have been simpler, the Premier claimed, to have rushed legislation through the House, but his government wished to implement lasting reforms, thoroughly discussed and understood by all concerned.

Whether the government had, as Mr. Robichaud said, chosen the more difficult course, it had certainly chosen one which involved considerable work. The cabinet committee of May 1964 had recommended that another

committee be established with a supporting secretariat to assist it in developing policy and legislation on the Byrne Report. [65] Early in 1965 the government formed a Cabinet Committee on Development Policy, chaired by the Premier, and the Office on Government Organization (O. G. O.), a secretariat to assist the Cabinet Committee. [66] This committee met weekly for over a year and a half and was the pool into which the distilled information and opinions flowed and from which emanated the policy decisions. [67] Robichaud relates that translating this policy into legislation involved an extreme amount of work for the relatively small staff and maintaining the necessary discretion was only accomplished through an intense team spirit. [68]

Conclusion. No evidence has been uncovered that significant new discussion of principles took place after the White Paper was released. Editorialists were generally pleased that the government had not enacted some rapidly drafted legislation and few wanted to deny the principles which the government had publicly accepted. Everyone continued to voice his particular objections to the Byrne recommendations in the hope that the government would heed them. In the House the Opposition repeated its contention that the government could not logically act on the recommendations and that the cost estimates were no longer valid. The financial critic, Mr. D. D. Patterson (Saint John City), made a major speech in which he offered the Opposition's alternative, "massive aid" from the federal government. [69] He said that the Conservatives had worked for a decade for an increase in federal grants and had been successful, especially from 1958 to 1960, but that Robichaud had been "pussyfooting" with Ottawa. [70]

After the release of the White Paper the government accelerated its

gigantic task of drafting the legislation while others could only wait, speculate, and hope. In the interlude Mr. Robichaud also attended the Federal-Provincial Conference held in July, 1965. On that occasion he included education in his speech calling it his government's first concern and quoting from the White Paper. [71] He did not request direct assistance for public education, however, but urged that moneys now being provided for technical and university education be stabilized to enable provincial governments to engage in long-range planning. [72] He relied on personal discussions with the Prime Minister and government officials to request additional funds to develop his province. [73]

In summary then, the period between the release of the Byrne Report in February 1964 and November 1965 when legislation was introduced saw much discussion, mostly of a partisan nature. A case could be made that those least motivated by interest were the members of the Byrne Royal Commission and the government. The former certainly were not in positions to gain personally from their recommendations and in fact suffered inconvenience and unpleasantness. [74] The government risked severe political repercussions for disturbing the status quo in a conservative province. To this point there had been few unpleasant incidents because principles seldom disturb anyone unless acted upon. But legislation was being prepared and the unpleasantness would not be far behind.

1. L'Evangéline (Moncton), le 10 février, 1964.

2. Ibid., le 5 février, 1964.

3. Telegraph-Journal (Saint John), February 5, 1964. The Premier was referring to a royal commission report on liquor control which had been implemented and a royal commission on higher education whose recommendations were being implemented. (See Synoptic Report, March 17, 1964, 303).

4. Ibid., editorial.

5. Transcript (Moncton), February 5, 1964, editorial.

6. L'Evangéline (Moncton), le 5 février, 1964, éditorial.

7. Telegraph-Journal (Saint John), February 6, 1964.

8. Ibid.

9. Ibid., editorial.

10. Financial Post, February 8, 1964.

11. A personal letter from Dr. MacDiarmid (Fredericton, June 13, 1972) states that he suffered a serious heart attack in October 1963 and decided to retire early in 1964, a few months before he would have reached the age of sixty-five.
During a personal interview with the Honourable Louis J. Robichaud (Ottawa, May 11, 1972) he preferred not to comment on Dr. MacDiarmid's views or retirement.

12. Evening Times-Globe (Saint John), February 5, 1964, editorial.

13. Personal interview, the Honourable Louis J. Robichaud, Ottawa, May 11, 1972.

14. Synoptic Report, February 18, 1964, 3.

15. The Honourable Louis J. Robichaud states that senior levels of government were made aware at an early date that he favored the Byrne Report and that the study should be positive. Personal interview, Ottawa, May 12, 1972.

16. R. R. Krueger, 71.

17. Synoptic Report, 1964 session, passim.

18. Ibid., March 17, 1964, 302 This strategy of reminding the Conservatives of their inaction with respect to the MacKenzie Report was used repeatedly by government members during the following two years.

19. Synoptic Report, March 17, 1964, 304.

20. Ibid., March 23, 1964, 515. University of New Brunswick law professor, Allan St. Clair was subsequently hired (Robichaud interview, Ottawa, May 12, 1972).

21. Ibid., March 24, 1964, 745.

22. Ibid., March 26, 1964, 785.

23. R. J. Love, "Education and the Byrne Commission", Educational Review, (Fredericton, New Brunswick Teachers' Association) Vol. LXXVIII, No. 4, May 1964, 7.

24. No censure is implied to either side in this digression. It is simply felt that Professor Love articulated very well the position of those who were mostly familiar with the good schools of certain districts and were aware that their quality was due to three factors; relative wealth, interested and competent citizens serving on the school boards, and competent teaching and administrators attracted by adequate salaries. These areas had had no need for a royal commission in the first place and while many were willing that poor areas be helped, they were most reluctant to accept any changes in their own systems.

25. Educational Review, Vol. LXXVIII, No. 4, May, 1964, 10.

26. Ibid., 14. (Investigator's italics).

27. Ibid., 11.

28. Ibid., 20.

29. Ibid., 48.

30. Financial Post, June 27, 1964.

31. Educational Review, Vol. LXXXIX, No. 3, March, 1965, 30.

32. News Letter (Fredericton: N. B. T. A.), Vol. VI, No 6, March, 1964, 2.

33. Ibid., 3.

34. Ibid., Table 1.

35. Educational Review, March 1965, 31.

36. Ibid.

37. News Letter (Fredericton: N. B. T. A.), Vol. VII, Special Edition, February, 1965, 1.

38. Ibid.

39. "Submission of the New Brunswick Teachers' Association to the Honourable Louis J. Robichaud, Premier of New Brunswick and the Members of the Executive Council, Friday, February 19, 1965." (Document kindly provided the investigator by the N. B. T. A.), 1.

40. Ibid., 2.

41. Ibid., 3.

42. Upon the resignation of Dr. MacDiarmid, the Robichaud government had appointed two deputy ministers, Mr. F. T. Atkinson and Dr. DeGrace, but their function was not to each administer the education of their linguistic group but divide the administrative and educational concerns. Personal interview, Mr. W. W. Meldum, Q. C., former Minister of Education, Sackville, June 10, 1971.

43. Profile (Fredericton: Department of Education), Vol. III, October, 1964, 11.

44. Ibid.

45. Vincent Comeau, "The Byrne Report", The Educational Review, Vol. LXXXIX, No. 3, March 1965, 5-9.

46. J. Lorne McGuigan, "Report on Byrne Royal Commission", ibid., 18-26.

47. Ibid., 23.

48. Lawrence F. Dow, "Teachers and the Byrne Report: Case History and Comment". Ibid., 28.

49. Ibid., 35.

50. Frère Médéric, S. C. "Aux Grands Maux, Les Grands Remèdes". Ibid., 10. Frère Médéric was a member of the Holy Cross Order and very active in the Association des Instituteurs Acadiens.

51. Ibid., 13.

52. Ibid., 16.

53. Synoptic Report, February 16, 1965, 3.

54. Ibid., 7.

55. Ibid., February 25, 1965, 133.

56. Ibid., February 18, 1965, 32.

57. Ibid., 39.

58. Ibid., February 26, 1965, 153, 154.

59. Ibid., 155.

60. Ibid., March 3, 1965, 192.

61. Ibid., February 23, 1965, 62.

62. Ibid., 63.

63. Ibid., 212.

64. Ibid., 215-219.

65. Ralph R. Krueger, 72.

66. Ibid., 73.

67. Personal interview, the Honourable Louis J. Robichaud, Ottawa, May 12, 1972.

68. Ibid.

69. Synoptic Report, March 10, 1965, 282.

70. Ibid., 283.

71. Federal Provincial Conference, July 19-22, 1965 (Ottawa: Queen's Printer, 1968), 61.

72. Ibid., 62.

73. Personal interview, the Honourable Louis J. Robichaud, Ottawa, May 12, 1972.

74. Byrne Report, VII.

CHAPTER VII

THE PROGRAM OF EQUAL OPPORTUNITY: LEGISLATION AND RESISTANCE

The long awaited legislation inspired by the Byrne Report was introduced by the Robichaud government in the fall of 1965 and came to be known as The Program of Equal Opportunity. [1] Nothing in the Byrne Report debate had foreshadowed the furious resistance which the program aroused. In Canadian politics, however, a provincial government has near-absolute power in the areas of responsibility alloted to it by the British North America Act. Thus, Premier Robichaud was free to act as long as he could maintain the support of a majority of the members in the House. He managed to do so and the legislation was passed in time to take effect on January 1, 1967.

This chapter will review those hectic fourteen months by discussing the following topics: (1) the Program of Equal Opportunity legislation; (2) the N. B. T. A.: dissension in the ranks; (3) the campaign against the "Robichaud Plan"; (4) the debate on the Schools Act; and (5) the reorganization of instruction.

1. The Program of Equal Opportunity Legislation

The New Brunswick legislature reconvened on November 9, 1965, the day after the federal election. [2] Premier Robichaud had taken some time to campaign for his friend Prime Minister Pearson, but mostly he had been working on his reform legislation. On September 13, he had told reporters that there were three levels of government finalizing the details of the legislation; a cabinet committee, the office on government organization

(O. G. O.), and a committee of deputy ministers. The Premier had stressed that all views expressed by citizens and groups were being fully considered. [3] On the first day of the fall sitting Robichaud announced the creation of a Select Committee on Law Amendments to receive submissions on the forthcoming legislation. [4] He also made a major policy speech in which he urged the province to begin acting as a unit rather than segregated regions and to support his plans to provide decent levels of education, health, welfare,and justice to all the citizens. He promised continued local involvement in the administration of these services. For example, in education the number of school districts would be reduced to thirty-four but the new school board, with a majority of members elected, would hire teachers, administer the budget, and recommend the supplementary budget. The reorganization, the Premier said, would require a capital building program which would take a decade to complete. County governments would disappear but new villages would be created so that city, town, and village councils, relieved of the burden of the four social services, could concentrate on other aspects of community development. With respect to taxation, assessment would be equalized by the province on the basis of market value and the province would levy fifteen mills for education. The local councils would collect an extra levy for the services which they would provide but there would also be provincial grants based on an equalizing formula. [5] Many existing taxes such as poll tax and personal property taxes would be abolished. [6] Mindful of the criticisms by the Byrne Commission and the Opposition, the Premier affirmed that the organizational structure of all government departments had been examined and revised and the Civil Service Act would be extended to eliminate the possibility of political appointments. He declared that the extreme

centralization recommended by the Byrne Report had been rejected in order to maintain democratic control: "We are presenting to this House a program of evolution, not revolution, a program for efficiency with democracy, a program of equality." [7] Mr. Robichaud added that the legislation would not be rushed through the House, and the people could still recommend changes to the Law Amendments Committee, but the program should pass in 1966 if it were to take effect in 1967. [8] After his speech in the House, the Premier turned to radio and television and delivered his speech on all the stations in the province. [9]

The Robichaud government's legislative program was noted in the press across Canada with generally favorable reactions. The Toronto Globe and Mail, for example, entitled an editorial, "Towards Educational Opportunity" which said in part:

> New Brunswick is leading the way. Recognizing the inability of municipal governments to provide equality of educational opportunity in the province, Premier Robichaud has not been content to use the Carter Royal Commission on Taxation as an excuse for delay. He made no effort this week to conceal his wish that the new legislation be in effect in 1967. No province has yet conceived of a more fitting testimonial to Canada's 100th year. [10]

But the Globe and Mail's reporter had sensed that not everyone in New Brunswick saw the Program of Equal Opportunity as cause for celebration and observed in a news story:

> ...already there are indications of suspicion in the prosperous areas of the province. Since these tend to be the English-speaking areas, the danger of a hardening of distrust along racial lines is clear and the Government is well aware of it. [11]

Bill 137: A key element of the program, the new Schools Act (Bill 137), was introduced in the House by the Minister of Education on November 26th. Amplifying what had been revealed by the Premier, the Honourable Mr. Irwin stated that the Bill provided for thirty-four districts in which the

school boards would hire its personnel and submit each year a report of education requirements, a proposed budget, and a recommendation for a supplementary budget if one was desired. The district's budget would be studied by the superintendent, Department of Education personnel,and finally Treasury Board which would approve it, possibly with amendments, and return it to the board. [12] The school boards would not be permitted to supplement teachers' salaries as they would be paid according to a provincial salary scale which would recognize qualifications and experience.[13] It was anticipated, the Minister said, that some twenty-one superintendents would be hired by the province and would function as the representatives of the Department of Education in the field. They would attend school board meetings, examine the district budgets and be responsible for the admission, promotion and expulsion of pupils. [14] Mr. Irwin concluded his address by stressing the importance of education, calling it the cornerstone of the government's Program of Equal Opportunity. To illustrate the great need for reform, he quoted figures which showed that even in King's County, represented by the Leader of the Opposition and his colleagues, there were fifty one and two room schools. [15]

Mr. C. B. Sherwood, the Leader of the Opposition, the next speaker, lost no time in outlining his party's position. The Conservatives, he said, were in favor of equal opportunity but against the government's methods of bringing it about. He asserted that Bill 137 would put "terrifying power" in the hands of the Minister of Education and leave the school boards powerless. [16] Mr. Patterson, the financial critic, followed and recalled Mr. Byrne's statement that implementing the Byrne Report proposals except the public commissions would lead to disaster. He also attacked the government's contention that it was only following British

parliamentary tradition by vesting the powers contained in legislation in the person of the minister. Even if "Lieutenant-Governor in Council" were substituted for "Minister" the Opposition would not favor the legislation any more, Mr. Patterson said, because the real solutions were a foundation program and massive federal assistance. [17]

Since the Schools Act had been introduced at the 1965 session for the sole purpose of making it public, Mr. Irwin then moved Bill 137 to the Law Amendments Committee. [18]

2. The N. B. T. A.: Dissension in the Ranks

The New Brunswick Teachers' Association was naturally interested in Bill 137 (the Schools Act). On the day it was introduced in the House, twenty-five N. B. T. A. directors were in attendance. [19] When the bill was referred to the Law Amendments Committee, the Association began preparing its brief to that body, as did school boards and other interested groups. The N. B. T. A. presented its submission in December 1965, a ten page document skillfully making the point that the Association favored an acceptable minimum standard of education but with freedom to surpass it when possible. The brief quoted the Premier's White Paper speech which had said:

> The actions and policies of government must aim towards the objective of quaranteeing acceptable minimum standards of social, economic, and cultural opportunity without in any way restricting maximum opportunities for the individual, the community, or any sector of our society. [20]

The N. B. T. A. saw a discrepancy between that statement and Bill 137, which stipulated that the province would provide "uniform levels of primary and secondary education". More specifically, the association dealt with the following items: it was prepared to accept a provincial salary scale provided the boards could supplement it by 5 per cent, it protested the wide powers allotted by Bill 137 to superintendents and suggested that

they should be required to consult with school boards, it asked that the discretionary powers assigned to the Minister over curriculum, texts, school sites, teacher contracts, and so on, be made subject to other controls. The brief also urged that the school boards be given more control over their own district's educational affairs, including supplementary programs and teachers. It pointed out the apparent contradiction between the government's claim of providing equal educational opportunity and Bill 137's provision for supplementary programs. Finally, it asked for interpretations of several clauses. [21]

Other briefs presented at this time made many of the same points. Some decried, for example, the size of the new districts which would necessitate long bus rides for children, government interference and restrictions at the local level, and the fact that superintendents were to be responsible to the province instead of the local boards. [22]

Like most other submissions, the N. B. T. A. brief had emphasized that it only opposed certain parts of the legislation, but its tone had been critical. At the branch level, the brief became a contentious issue and many locals voted on whether they approved what the officers of the Association had presented as their views. By and large it happened that the anglophone teachers favored the brief while the francophones did not. These differences became official when the Association des Instituteurs Acadiens (A. I. A.) [23] wrote the N. B. T. A. that though some of its officers had participated in a meeting with the N. B. T. A. at which the brief had been discussed in draft form, they had either misunderstood N. B. T. A. intentions or been misled. Further, these A. I. A. members had apparently exceeded their authority be agreeing to a compromise position with respect to the uniform salary scale which the remainder of their

executive and the membership rejected. Therefore, the letter read, the A. I. A. was dissociating itself from the N. B. T. A. brief. [24] Though Mr. Yvan Albert, a francophone and past member of the A. I. A. executive was then president of the N. B. T. A., the differences were not resolved.

On January 21st the N. B. T. A. announced that it was amending its December submission to the Law Amendment Committee. It explained that its acceptance of a uniform salary scale subject to a 5 per cent supplement had been a compromise position subsequently repudiated by the A. I. A. and therefore the N. B. T. A. was reverting to its former policy of complete opposition to a provincial salary scale except as a minimum. [25] A few weeks later the A. I. A. issued its own submission wherein it made clear that its membership accepted the idea of a uniform salary scale (with the N. B. T. A. as bargaining agent), rejected some of the arguments and predictions of the N. B. T. A. brief, and expressed faith that the powers which were to be centralized in Fredericton would be used fairly and with common sense. [26] During this time there was also an exchange of letters between the A. I. A. and the N. B. T. A. in which each came very close to accusing the other of bad faith. Though these letters were not published, the press duly reported the differences in the official positions of the two teacher groups. This had the unfortunate effect of focussing attention on racial differences and largely nullifying the effectiveness of either representation. At the Annual General Meeting of the N. B. T. A. held in April, no resolution expressing any opinion of the legislation was passed. But much as the N. B. T. A. would have liked to present a united front, relations between the A. I. A. and the N. B. T. A. remained strained until a few years later when they separated and rejoined in a federation, the New Brunswick Teachers' Federation. [27]

3. The Campaign Against the "Robichaud Plan"

While the internal struggle had been taking place among the teachers, the province-wide situation had become explosive. While many of the factors did not involve education specifically, they must be mentioned in order to explain the intensity of the reaction and the point to which passions became aroused. [28]

After the Schools Act had been referred to the Law Amendments Committee, discussion in the House had turned to fiscal matters. The sales tax was to be doubled to 6 per cent, property assessments would be equalized by the province, and all tax exemptions were to be reviewed. [29] These were measures which affected some people significantly and resistance to the Program of Equal Opportunity intensified. This was most evident in the English daily press where criticisms began to multiply in editorials, news articles, and letters to the editor. Superficially at least, the opposition by the press seems easily explained. All four English dailies in Saint John and Moncton were owned by industrialist K. C. Irving, whose enterprises had obtained numerous tax concessions from the various municipalities and who had had a serious disagreemnt with Premier Robichaud after having been a supporter. [30] The other daily newspaper in the province, the Daily Gleaner (Fredericton), was owned by Brigadier Michael Wardell, an ardent Progressive-Conservative. [31] Outside New Brunswick the press continued to be very favorable to Robichaud's legislative reforms, a fact which annoyed the opponents of the program in the province. For example, one C. B. C. radio reporting of the Program of Equal Opportunity, broadcast from Halifax on December 17, 1965, so incensed the Union of New Brunswick Municipalities that it protested to the C. B. C. and to Prime Minister Pearson. [32]

Early in 1966, the resistance to the Program of Equal Opportunity increased significantly. This began with the formation of a 'non-political group' called The Independent Committee on Legislation whose stated aim was to oppose the Robichaud government's legislative program. [33] Mr. J. A. Rioux, an Acadian businessman from Fredericton, was elected chairman and the group decided to fight the Program of Equal Opportunity by means of a province-wide petition and a bilingual advertising campaign "so that no charge of discrimination can be made". [34] The Independent Committee's first advertisement filled a whole page in support of its program. It was in favor of maintaining all existing local governments, though some should benefit from unnamed reforms, and higher provincial and federal grants to the municipalities. The hiring of more provincial experts and administrators to assist the municipalities would be acceptable provided the latter retained control. This applied to education as well. [35] At about the same time the Union of New Brunswick Municipalities had chosen a "Watchdog Committee" to observe developments in the legislature. The chairman was Fredericton Mayor W. T. Walker, also on the executive of the Independent Committee. [36] This organization was another among the many which claimed to agree with the principles accepted by the government in its White Paper while objecting to the means. As its secretary wrote:

> No reasonable person could object to a program to equalize the educational opportunities in our province... What we do object to are the methods being used to achieve these ends. [37]

Again, its preferred solution was increased grants to the existing municipal bodies. [38]

The English press of the province, led by the Daily Gleaner (Fredericton), had become critical, not only of the legislation but also

the critics, accusing "a small group in the capital city of Fredericton" of waging a campaign against the program by means of "personal abuse, scandal mongering, vilification and character assassination" against him. [44] That had no effect on the Daily Gleaner which called his promise of amendments "appeasement" and "retreat". [45] It also published, paraphrased, and applauded editorially the speeches of Mr. Rioux who went on a speaking tour in the Acadian areas [46] but omitted mention of the poor reception he was accorded. The Fredericton daily also published several 'guides' to the legislation. Some were signed (by little-known Conservatives) but most were anonymous. All, however, like "The 41 Steps to Dictatorship" showed the program in a bad light. [47]

In spite of the fact that the government's mandate extended to 1968 and that it was invulnerable as long as its members remained faithful, Premier Robichaud had chosen to wage the battle for public opinion. In the fall of 1965 the government had begun a public information effort. Several information booklets were distributed, a travelling exhibit containing modern teaching aids toured the province showing people the type of equipment which could be used in large modern high schools and citizens were invited to write to Fredericton for information. [48] On January 23rd, 1966, Mr. Robichaud issued another policy statement and answered some criticisms. He pointed out that under the existing situation there were over 400 school boards but that the twelve county finance boards acted as the taxing agency for most of them, so, he claimed, it was not so revolutionary for the province to assume this function. He promised that even after centralization much of the administration would remain at the local level and repeated that it would take a decade for the program to be completely effected. He explained that the number of school districts would

of Premier Robichaud personally. The Moncton English dailies were more reserved, perhaps because of their high number of Acadian readers. They seldom editorialized on the topic but carried a complete coverage of utterances of the opposition. The Saint John newspapers did the same but added several editorials, some favorable, but mostly critical ones. The Daily Gleaner carried a constant stream of anti-Robichaud, or anti-Program of Equal Opportunity editorials and gave complete coverage to every person who opposed the plan in any aspect. [39] All five newspapers scrupulously reported all the major statements by the Premier, Cabinet Ministers and some supporters, occasionally verbatim, but, in the case of the Daily Gleaner especially, the reports were accompanied by one or more rebuttals. Similarly, if there was a panel discussion, the participant who had most criticized the program was quoted at length and often praised in an editorial. [40]

L'Evangéline also abandoned its usual neutrality but to support the Program of Equal Opportunity. When the Independent Committee announced its petition, the Acadian daily published an editorial warning its readers to think carefully before signing such a paper. [41] The newspaper then began a survey to discover readers' opinions concerning the Program of Equal Opportunity. The result revealed that of 1452 persons who replied, 1427 were in favor of the legislation. [42]

The newspapers' partisanship notwithstanding, they could hardly have avoided printing many items about the government program. It was a period of intense activity for both proponents and opponents. On January 19, it was reported that 17,000 petitions against the legislation were being circulated. [43] The next day the Premier announced that there would be amendments to the reform legislation. He also counterattacked

be reduced to thirty-four so that these would be sufficiently large to qualify for the generous assistance which the federal government dispensed through the technical and vocational training agreements, and that many of the "dictatorial powers" supposedly being assumed by his ministers had existed for over fifty years. [49] The Premier went on the quote an editorial in the Sackville Tribune-Post to the effect that:

> Those opposing the legislation, almost without exception have a privileged or political interest in maintaining the status quo. They oppose because they are against change. [50]

Mr. Robichaud followed this speech with a tour of selected centres in the province where he and five or six of his Ministers would hold a public meeting, explain the program and answer questions. They generally went well for the Liberals but were often marked by some unpleasant incident, as will be seen later.

On January 25th, the Attorney-General, the Honourable W. W. Meldrum, informed the House that there had been threats on the life of the Premier and his family, most coming from Fredericton. [51] The next day, further illustrating the strain on members of the government, the Honourable Daniel A. Riley, Minister of Lands and Mines and member for Saint John City, announced that he had resigned from the Cabinet and the House. There was no difference of opinion with Mr. Robichaud, he said:

> I don't like getting out of it at this point, but if I stayed in this hurley burley any longer, I would not be in shape to return to law practice or private life. [52]

The Telegraph-Journal (Saint John), editorialized that at least Mr. Riley would not be involved when Robichaud made the final power grab, referring to the Assessment Act then before the House. [53] A few days later, the much publicized petition appropriated the headlines. It proved to be not against the Program of Equal Opportunity as such, but against the Assessment Act.

It contained 31,579 names [54] and both sides claimed a victory.

In early February, the Liberal Member from Saint John City, John D. MacCallum, reacting to an editorial in the Telegraph-Journal which severely criticized the government, made a speech in the House blaming the newspapers' attitude on their owner, Mr. K. C. Irving. [55] Later, the Premier asserted that his government was not at war against Mr. Irving, only against poverty, but in another speech he is reported to have said that if the industrialist wanted to rule the province, he should run for office.[56] On February 6th, Robichaud was in Moncton for a public meeting. The program took place in spite of two bomb threats and the Premier told the audience of 1,200 that his government would revise details in the Program of Equal Opportunity but stand fast on the principles. He also ruled out the possibility of an early election because, he said, some people were hoping to reap the harvest of suspicion and fear which they had been sowing. [57]

At this point, Mr. Edward G. Byrne, Q. C. chose to break his self-imposed silence by giving a three and one half hour radio speech from Bathurst. He asserted that the government had essentially accepted the Byrne Report recommendations as a package and that there were four reasons for the public's lack of understanding of the situation. The first, he said, was his own silence for which he would now compensate. The second was that most citizens had neglected to read the Byrne Report. Then, there were those who distorted the facts through ignorance or self-interest. Finally there was the press which had been fair to him but misleading concerning the government's program. He urged the citizens to think objectively and praised Premier Robichaud as a man of courage. [58]

Mr. Byrne's speech did not inspire the Robichaud Plan's foes to raise the level of their criticism and by the middle of February, Dr.

George Larimer, Assistant Professor of Psychology at the University of New Brunswick was moved to warn that Fredericton was: "'becoming another Dallas' with seething hate-mongering parallels to conditions in the Texas City just before President Kennedy was assassinated". [59] Personal attacks, however, were not the sole prerogative of the opposition. In Toronto for speeches, Premier Robichaud told reporters that the threats on his life were the result of the bad press in Fredericton and added that he did not wish to see New Brunswick's record of racial harmony broken by a "foreigner" (meaning the British born publisher of the Daily Gleaner and the Atlantic Advocate, Brigadier Michael Wardell). [60] On February 22nd, the Assessment Act was passed on party lines and the longest session in New Brunswick's history came to an end, [61] but the opposition's efforts did not cease. The Watchdog Committee visited the Lieutenant-Governor to request that he reserve consideration of the Assessment Act but were refused on the grounds that no constitutional issue was involved. [62] From that point on, the intensity of press criticisms lessened but Mr. Robichaud's ordeal was not ended.

On April 5th, the Premier announced that he had relieved the Minister of Education, Mr. Irwin, of his portfolio and revoked his membership in the Executive Council. [63] This may have been one of the factors which provoked attacks from an unexpected source, the pulpit. It started on April 16th, when the Daily Gleaner published a report of a sermon by Rev. A. Reynolds, a United Church Minister, in which he had allegedly said that there were so many rumours of corruption, for example, that Robichaud had been penniless when he became Premier and was now worth from $600,000 to $2,000,000, and so on, that if only half were true, the government would still be the most dishonest in the history of the province. If

the rumours were not true, the Reverend had said, then the campaign of slander must be terrible. [64] The following Sunday, Rev. W. C. Bickford of the Carleton United Church called for a royal commission to investigate the rumours of corruption in the province. [65] The Premier responded with a statement declaring that all the papers concerning government contracts were tabled, that his financial position fell "woefully short" of the amounts quoted by Rev. Reynolds, denied all allegations of corruption, refused a royal commission or an election, and decried the McCarthy type tactics being used. [66]

These episodes marked the end of the concerted and frenzied campaign against Premier Robichaud. There continued to be strong criticisms and the opponents of the Program of Equal Opportunity remained in a state of profound consternation as the Schools Act and the remainder of the 130 bills were passed, but the atmosphere was more that of a hard fought political battle than the virtual reign of terror which the province had just witnessed.

4. The Debate on the Schools Act

The foregoing section may have suggested that the Program of Equal Opportunity was passed without any debate save the exchange of invective. Certainly much energy was wasted in this fashion, nevertheless there was considerable debate, so much so that most pertinent arguments were voiced many times. This section will attempt to present all the main arguments advanced for and against the proposed reforms in education, first as Bill 137 (the Schools Act) was presented, then as it reappeared as Bill 22 until it was finally passed on June 17th, 1966. The general arguments concerning the original proposals in the Byrne Report will not be repeated here though they were part of the debate.

Bill 137. It will be recalled that the Robichaud government had introduced Bill 137, the Schools Act, on November 26, 1965 for a brief debate after which it had been referred to the Law Amendments Committee. From the time of its introduction to the end of the session in February 1965 when the bill had been allowed to lapse [67] it had attracted considerable criticism.

From the very beginning, one of the major objections to the Program was that of cost. The out-of-province press expressed admiration for the plan to modernize education in one bold move, but wondered how it would be financed. [68] Within the province the opposition was less subtle, predicting that the Acadian Premier would rob Peter to pay Pierre and that the well organized educational systems would be brought down to a low uniform standard. The government replied that no district's level of services would be lowered, that the poor districts would be raised as money was available. The overall cost would be higher but the benefits would also be high and the cost would be shared equitably by everyone. Further, government spokesmen said, the larger districts would be eligible for large federal grants through the Technical and Vocational Training Assistance Act. Efficient administration and province-wide planning would also result in considerable savings. They also contended that the only reasonable way to obtain higher equalization grants from Ottawa was to first equalize within the province. The opposition remained unconvinced, even after April 12th, 1966, when Finance Minister D. DesBrisay (Moncton City), presented a budget which said that the first year of the program would only increase the net debt by some $900,000 [69] his figures were disputed and his projections rejected. No agreement was ever reached about the long range financial implications of the reforms.

Another aspect of this situation which frustrated the opposition was that the changes wrought by the government legislation were so numerous and far reaching that often no one could accurately predict a particular outcome or a specific policy. It often happened that government Ministers gave conflicting answers to queries or that the Premier, who made the final decisions, would alter some minor policy without warning. [70]

Another issue which was argued bitterly was the topic of New Brunswick's tradition of local control. Those urging the retention of all local governments and their prerogatives undoubtedly did so for a variety of reasons among which were sentiment, interest, philosphical commitment to the rights of the individual versus the rights of the collectivity, and personal experiences with local government. Those who advocated change probably did so for the opposite reasons, but mostly, it seems, because they had seen the poor results of local government in many areas. [71]

The debate concerning the rights of wealthier areas to maintain their high levels of services versus their obligation, if any, to assist the poorer areas often taxed philosophical positions and revealed inconsistencies. There were many, for example, who bitterly resisted equalization in New Brunswick but declared at every turn that the solution was federal aid which, as a poor province, New Brunswick had a 'right' to expect. They would have been at a loss to explain where this federal money was to come from if not from the wealthier areas of Canada, which would thus be deprived of some of their wealth. Similarly, those who declared themselves in favor of equality of educational opportunity but resisted the government's plan to provide one high standard of education to every area of the province were inconsistent if they advocated a foundation program. The very concept implies the guarantee of a minimum standard of

education which may be exceeded by the districts with the means to do so. These people would have been more logical had they said that equality of educational opportunity implied a loss of freedom which they were unprepared to accept and therefore favored the foundation concept as a compromise. Another logical dilemma was inherent in the government's claim that it could raise educational services to the high level hitherto enjoyed by the privileged few without raising some taxes significantly. Some of the opposition to the program was likely the result of the absence of fiscal details at an early date.

The debate, however, was not in the form of discussions but, as the word implies, of individuals or groups who reached their conclusions and shouted their position at the other side. When a group's opponents made what seemed to be a valid point, casuistry was called upon to refute it. Outside the House, the nearest thing to discussion was the panel. Several major and countless minor panels were held across the province. One of these major panels was held under the auspices of the Atlantic Region Federation of Labour. Professor R. J. Love, one of the participants, stated that much of the legislation (Bill 137) was excellent but felt that one hour on a school bus was excessive for a child under twelve years old. [72] He also expressed reservations about the uniform salary scale for teachers and the centralization of curriculum control. He repeated his preference for the foundation program because of the freedom it afforded the local areas and his fear of bureaucracy. [73] Another participant, Dr. Mario Hiki, the legislative director of the Canadian Union of Public Employees, was very much in favor of the municipal reform bills but urged that all who would become employees of the province be given full bargaining rights. [74] Paul C. Legere, an Assistant Professor of Economics at the

University of New Brunswick, stated that the Byrne Report had shown that the existing system had failed and thus the reforms aimed at meeting present and future needs were logical. [75] He stressed that constitutionally, all powers and responsibilities in these areas were assigned to the provinces, therefore no new powers were being assumed by the government. [76]

A second major panel was sponsored by the New Brunswick branch of the Canadian Bar Association. The panelists were Education Minister Irwin, Dr. Alexandre Boudreau, Mr. Edward G. Byrne, and Professor George McAllister of the University of New Brunswick Law School. [77] Mr. Byrne stated that the best way to see the Program of Equal Opportunity was to consider the existing situation which was leading directly to the bankruptcy of several counties with consequent loss of democracy and economic repercussions to the whole province and then to consider the alternatives to radical reforms. [78] Professor McAllister was very critical of the legislative program, scoffing that: "It was sanctified by the Ontario Press with accolades 'bold' and 'imaginative'; less polite terms have been applied in New Brunswick." [79] He was particularly fearful that insufficient financial resources would result in a leveling down of standards. What money there would be, said Professor McAllister, would be controlled by Treasury Board, giving it absolute power in the province. [80]

Letters to the editor also provided a means of making one's views known and it was used extensively, even by members of the legislature. One letter is of considerable interest to this study. It was signed by a committee of school administrators from Saint John City, among them Dr. W. H. MacKenzie, the former chairman of the MacKenzie Commission. Stating that too much of the discussion on Bill 137 had been from extreme positions the committee explained that it favored the intent and most of the major

changes contained in bill 137:

> We believe that justice and the best interest of New Brunswick require the application of a uniform tax, the establishment of a minimum standard of education at a high level and the reorganization of the school districts into 33 strong areas. [81]

The Saint John educators felt, however, that the proposed high degree of centralization was unnecessary and of a nature to stifle all local initiative and control, the former not only being dependent on wealth but on interest. The letter suggested that the Minister of Education was being given excessive discretionary power and supported the N. B. T. A.'s demands for the retention of strong local school boards with the means to suit the educational program to local needs. [82]

In relation with the concept of local needs, one of the most persistent arguments which plagued the Program of Equal Opportunity was to the effect that it was simply a plot to help Acadian areas at the expense of the anglophones. A reporter from Montreal's Le Devoir, reflecting on the problem, wrote:

> Dans l'esprit de nombreux anglophones, "French" est synonyme de pauvreté. Cette association n'est pas dépourvue de sens, mais elle traduit une réalité bien partielle. Même dans les comtés anglophones, on compte aujourd'hui plus de 50 écoles ne possédant qu'une classe chacune, et il existe dans certaine régions du "Bible belt" des conditions de pauvreté aussi criantes que dans Gloucester au nord. [83]

All the reformers were mindful of this problem and deemphasized the French-English differences to the point that when they gave examples of areas needing reform they often cited an English municipality even when there was a better example in an Acadian area. No evidence was found of any discussion of the reasons for the greater incidence of poverty among the Acadians during this period. It has been said that this was because the reformers were looking to the future and not the past, while the opponents of reform

either had simplistic notions about the reasons for Acadian poverty and/or were not interested in exploring the reasons for fear of what they might discover. [84]

The Daily Gleaner contributed one argument which was to be heard often once the reorganization began. It wondered what would hold small communities together and give them a sense of identity once they lost their school. [85] The government's reply that the new village councils would foster this cohesiveness was not very satisfactory to many but it was now realized that Bill 137 would be allowed to lapse and everyone hoped that his suggestions would be incorporated in the forthcoming new bill.

Bill 22: In the spring of 1966, after the Law Amendments Committee had received two series of briefs, Bill 137 reappeared in the new session as Bill 22. Significant alterations had been made but the essence was unchanged. In the new bill, most powers were vested in the Lieutenant-Governor in Council instead of the Minister. The school boards had been given increased powers including that of naming their superintendent, full control of their operating budgets once approved, and more discretion with respect to their supplementary budgets. The penalties to which school board members were to have been subject were mostly omitted. All sections of Bill 137 dealing with superintendents had been deleted as had certain powers with regards to regulations. [86]

The introduction of Bill 22 was followed by another series of submissions to the Law Amendments Committee. In its submission the N. B. T. A. continued to oppose the provincial salary scale for teachers and any powers which could be used to set quotas of teachers according to qualifications. It also protested any measure which would prevent teachers from negotiating proper salary increases for the next year. [87] The Association des

Instituteurs Acadiens presented a brief supporting the new bill.[88] The Union of New Brunswick Municipalities stated that the new districts were acceptable for senior high schools but that elementary schools should remain close to home. It also urged bonuses for rural teachers and asked that legislation protect the rights of any French or English minority within any district.[89]

The results of these interventions were revealed on June 14, when the new Minister of Education, the Honourable W. W. Meldrum, who had chaired the Law Amendments Committee introduced only eight minor amendments to Bill 22.[90] The final debate on the Schools Act began but there was little new to be said. To opposition charges that the centralization invited wholesale patronage the government replied that it had instituted competitive bidding and the public opening of tenders.[91] Mr. Meldrum explained that a reorganized program of instruction would complement the building program so that there would be equality, not only of school facilities but also of chances of success in differentiated programs.[92] Replying to Opposition criticism that the very large districts were the result of slavish obedience to federal agencies, the Minister said that the federal grants were one reason but they had also been influenced by the case made for large districts by Harvard University's Dr. James Conant.[93] He added that the Law Amendments Committee had heard many arguments against a uniform salary scale but had retained it because it felt that if the districts were allowed to bid against one another for the services of the best teachers, the wealthy districts would always win, thus frustrating the aims of the Program of Equal Opportunity.[94] One suggestion with which the Minister agreed was that of merit pay for exceptional teachers and he promised to study its feasibility. In another part of his speech,

Mr. Meldrum stressed that many of the so-called dictatorial powers feared by some had existed in the old Schools Act and several had been passed by the Conservative administration of Mr. Flemming. [95] The Opposition repeated many of its previous arguments and scored a few points with queries such as whether raising the salaries of three-quarters of the teachers of the province would make them better teachers, or telling the government that if the Saint John City school system was as good as the government claimed, it should be left undisturbed. The Opposition also continued to protest the uniformity which the legislation would impose. As Mr. Harry Ames (Conservative, York) stressed:

> Uniformity which must necessarily result from the new system is to be avoided. We must undoubtedly require minimum standards but we must never accept uniformity...It is the very nature of man to push forward, to strive for excellence, to compete and improve. It is no legitimate aim or objective of government in this or any other generation to prevent or in any way impede these natural tendencies. [96]

Mr. Meldrum replied by quoting from several submissions to the Byrne Commission in which municipalities had asked the provincial government to assume responsibility for education. [97] So it went until June 17th when the Schools Act, Bill 22, was passed on party lines. Education became almost exclusively a provincial responsibility in New Brunswick and the cornerstone of the Program of Equal Opportunity had been laid.

5. The Reorganization of Instruction

From the time the Schools Act was passed in the House to the fall there was feverish activity in the Department of Education as it prepared for implementation on January 1st, 1967. The administrative staff was augmented and interim district school boards were chosen. In August, a two year memorandum of agreement was signed by the Minister of Education and

the New Brunswick Teachers' Association. This agreement contained a salary scale which would move the average salary of the province's teachers from $4,575.00 to $5,240.00 and provide an increase to 5,225 teachers, while 1,102 of their confreres would remain at their present salary until the scale came to exceed it. [98]

On October 21, the Minister of Education, the Honourable W. W. Meldrum, called a press conference to announce that his department had finalized its plans to reorganize instruction in the public schools of the province. [99] It was the result of years of planning by several committees of senior department officials, superintendents, leading academics and other educators. [100] As the Minister explained:

> The objective of this program is to present as wide as possible curriculum choice, and the widest possible educational opportunity to the greatest number of students. [101]

Essentially, the new program, to be implemented as soon as each school and its staff were ready, would comprise of an elementary course which would operate on the non-graded system, that is, it would attempt to allow each child to progress at his own rate. For pupils not suited to the normal fare there was provision for "opportunity classes" to be operated in such a way that movement from one area to the other was always open. Junior high school would be graded but there would be a choice of three levels of difficulty, regular, modified or opportunity. Every pupil would be offered industrial or home economics courses. Senior high school students would have a choice between the college preparatory and technical program, the general educational and occupational program, and the practical program. It was also expected, the Minister explained, that many high schools would employ individual timetabling and subject promotion to make the program even more adaptable to the needs of individual students.

When the House reconvened in November, Mr. Meldrum explained the reorganization and how it was the result of a great cooperative effort involving many educators at all levels. He reported that reaction from all quarters had been highly favorable. [102]

Education in New Brunswick had now been competely reorganized. It only remained to be seen whether the new structure would last and if it would yield the equality of educational opportunity sought by the authors of the reforms. The first question was at least partly answered by two subsequent events. One was a leadership convention held by the Progressive Conservative Party of New Brunswick on November 26, 1966. The three candidates, Mr. Charley Van Horne, Mr. Richard Hatfield and Mr. Roger Pichette, all stated as their policy regarding the Program of Equal Opportunity that they would keep what was "good" and reject what was "bad". They gave few details except that they would increase the powers of the school boards. [103] It appears that all three were prepared to maintain the basic reorganization of education. The second event which affected the future of the Program of Equal Opportunity was the provincial election of 1967 which opposed Mr. Van Horne, winner of the above contest, and Premier Robichaud. It was a bitterly fought contest but Mr. Robichaud emerged the victor. He had won another term to implement his program after which it would be nearly impossible to revert to the pre-Equal Opportunity system. The Program of Equal Opportunity was to have a full chance to prove itself.

1. The legislative program was not formally named Program of Equal Opportunity in the beginning. The newspapers also referred to it as "The Program of Evolution", "The Robichaud Plan" and other designations, but eventually the government accepted the first appellation.

2. New Brunswick had voted exactly as it had on the two previous occasions electing six Liberals and four Conservatives.

3. Chronicle Herald (Halifax), September 14, 1965.

4. Synoptic Report, November 9, 1965, 1027. The Select Committee on Law Amendments will hereinafter be called the Law Amendments Committee.

5. Ibid., 1046.

6. Ibid., 1048.

7. Ibid., 1051.

8. Ibid.

9. Globe and Mail (Toronto), November 20, 1965.

10. Ibid., editorial.

11. Ibid., 8.

12. Synoptic Report, November 26, 1965, 1098.

13. Ibid., 1096.

14. Ibid., 1098.

15. Ibid., 1100.

16. Ibid., November 20, 1965, 1102.

17. Ibid., 1171.

18. Ibid., 1112. It had been the Liberal strategy to introduce the bills of the Program of Equal Opportunity in draft form, to obtain reactions to them and allow them to lapse at prorogation in order to reintroduce them in amended form at the 1966 session. Thus the Schools Act which was Bill 137 in November, 1965 would reappear in the spring of 1966 as Bill 22. (Ibid., March 22, 1966, 3).

19. L'Evangéline, le 27 novembre, 1965.

20. As quoted in "The New Brunswick Teachers' Association submission to the Law Amendments Committee, December, 1965". Document kindly supplied the investigator by the N. B. T. A. Central Office, 1.

21. Ibid.

22. Personal interview with W. W. Meldrum, Q. C., then Attorney-General and Chairman of the Law Amendments Committee and from 1966 to 1970 Minister of Education Sackville, June 10, 1971.

23. As has been stated, every teacher in New Brunswick was automatically a member of the N. B. T. A. The francophone teachers had formed the Association des Instituteurs Acadiens to pursue their particular interests. The dues which it levied were above and beyond those of the N. B. T. A. and therefore the A. I. A. did not have permanent offices or full time staff.

24. News Letter (Fredericton: N. B. T. A.), Vol. VIII, March, 1966, special edition, passim.

25. "Amendment to the New Brunswick Teachers' Association submission to the Law Amendments Committee." Document kindly supplied by N. B. T. A. Central Office.

26. Daily Gleaner (Fredericton), May 9, 1966.

27. The N. B. T. A. - A. I. A. issue was much more complicated than can be explained here. The immediate cause of the problem was the N. B. T. A. brief. It had been approved at a meeting at which an incomplete A. I. A. executive claimed that they expected a general discussion of the brief while the N. B. T. A. had arrived with a working draft. The N. B. T. A. members received the impression that the only difference of opinion between the two groups was with respect to a uniform salary scale which it opposed while the A. I. A. was in favor. Accordingly, the compromise that it would be accepted if it could be supplemented by 5 per cent was arrived at. The A. I. A., on the other hand, did not remember that meeting as having finalized positions. News Letter, (N. B. T. A., March, 1966 - special edition). There were of course many other differences, as there are bound to be when an association contains a majority and a minority. One issue was the public utterances of Mr. A. H. Kingett, the Executive Secretary of the N. B. T. A., who was felt by the A. I. A. to have been overly critical of the Byrne Report and the Robichaud legislation. Mr. Kingett denied this with respect to a series of speeches across the province. He said that he had used the same text as Mr. Berubé who had made speeches in the French areas. Ibid. Yet there is little doubt that Mr. Kingett was apprehensive about certain aspects of the legislation and said so often. For example, a speech which he made in Ottawa was reported with the title "N. B. Schools Act Scored by Kingett", Daily Gleaner, May 12, 1966. Much of what he said reflected the position of the N. B. T. A. executive and board of directors. This position in turn reflected many factors including Mr. Kingett's influence in the association, the significant proportion of teachers from cities and towns who took an active interest in the N. B. T. A.,

the fact that the Byrne Commission had rejected the N. B. T. A.'s suggestion of a foundation program and its willingness to help with research, and the Robichaud government's failure to consult the Association before and during the drafting of the legislation. In addition, it is certain that he felt many aspects of the legislation to be contrary to the best interest of teachers and education in New Brunswick. Mr. Kingett was never reprimanded in any way for his stand on this occasion though he has often been the subject of controversy.

28. Unfortunately, only an incomplete summary of events and factors can be provided here. It appears that at least one book and one thesis are being written on the politics of this period and will undoubtedly shed more light on the global picture. Robichaud interview, Ottawa: May 11, 1972.

29. Chronicle-Herald (Halifax), December 8, 1965.

30. J. E. Belliveau, "Good-Bye, K. C. Irving, Good-Bye!" Part II, MacLean's Vol. 85, No. 6, 27-28, 50-57 passim.

31. D. Camp, 197, 217, 269, 337. Asked to explain why the Daily Gleaner had not been anti-Liberal before 1965, Hon. Louis J. Robichaud explained that Wardell's former employer, Lord Beaverbrook, had been a supporter (of Robichaud) until he died in 1964. Robichaud interview, Ottawa, May 12, 1972.

32. Chronicle-Herald (Halifax), January 20, 1966.

33. Daily Gleaner (Fredericton), January 3, 1966.

34. Ibid., January 4, 1966.

35. Ibid., January 3, 1966.

36. Ibid., January 6, 1966.

37. Mark Yeoman, Q. C., Honorary-Secretary of the Union of New Brunswick Municipalities. Letter to the Editor, the Daily Gleaner, January 7, 1966. It is interesting to note that the Byrne Commission had expressed regret that this body had not presented a brief.

38. It was not only those directly involved in municipal governments who resisted the reforms. Hon. J. B. McNair, Liberal Premier of New Brunswick for twelve years, in a conversation with Premier Robichaud urged him not to abolish county councils because they were training grounds for the democratic process. Robichaud interview, Ottawa, May 12, 1972.

39. For example, between January 1 and February 26, 1966, the Daily Gleaner published sixty-five consecutive editorials against Robichaud and/or his program, sixty-three letters against, seven for, and hundreds of news items on the topic, most of them unfavorable to the government.

40. For example see the Daily Gleaner (Fredericton), February 12, 1966.

41. L'Evangéline (Moncton), le 10 janvier, 1966, editorial.

42. Ibid., le 18 janvier, 1966.

43. Daily Gleaner, January 15, 1966.

44. Ibid., January 17, 1966.

45. Ibid., January 19, 1966.

46. Ibid., January 22, 1966.

47. "The 41 Steps to Dictatorship" was published by the Daily Gleaner on January 24, 1966. While all the points were accurate, they were out of context and many were in effect in existing legislation and had been for years. Many, of course, were points of which the public needed to be aware, but the tone was sensational.

48. R. R. Krueger, 74.

49. Daily Gleaner, January 24, 1966.

50. Ibid.

51. Ibid., January 26, 1966.

52. As quoted in the Telegraph-Journal (Saint John), January 27, 1966. Mr. Riley was apparently in very poor health at that time.

53. Ibid., editorial.

54. Daily Gleaner, January 29, 1966.

55. Le Devoir (Montreal), le 5 fevrier, 1966.

56. J. E. Belliveau, 57.

57. Chronicle-Herald (Halifax), February 7, 1966.

58. Daily Gleaner, February 10, 1966.

59. J. E. Belliveau, 54.

60. Daily Gleaner, February 25, 1966.

61. Ibid., February 23, 1966.

62. Ibid., March 14, 1966.

63. Ibid., April 6, 1966. No reason for Mr. Irwin's dismissal was ever made public but one rumour persisted to the effect that it had to do with marital difficulties and not disagreement over policy.

64. Ibid., April 16, 1966, 1 and editorial.

65. Ibid., April 26, 1966.

66. Ibid., April 27, 1966.

67. Synoptic Report, March 22, 1966.

68. For example, see Globe and Mail (Toronto), November 20, 1965.

69. Synoptic Report, April 12, 1966, 137.

70. Telegraph-Journal (Saint John), January 22, 1966.

71. This was the case of many of the reformers, especially E. G. Byrne, A. J. Boudreau and L. J. Robichaud. The latter still gets emotional when speaking of the bi-annual sales at which the county sheriffs used to sell hundreds of properties because their owners were unable to pay the property taxes. To some (the investigator included) this was witnessed abstractly through lists in the newspapers, to others it was the opportunity to purchase these properties at a low price, but for a young idealistic lawyer like Mr. Robichaud to whom these indigents would come to beg him to save their property, it was a scandal. Robichaud interview, Ottawa, May 11, 1972.

72. Daily Gleaner (Fredericton), January 19, 1966.

73. Ibid.

74. Ibid.

75. Ibid.

76. Ibid.

77. Chronicle-Herald (Halifax), February 12, 1966.

78. Ibid.

79. As quoted by the Daily Gleaner, February 12, 1966.

80. Ibid.

81. Telegraph-Journal, January 19, 1966.

82. Ibid.

83. Le Devoir (Montreal), le 4 fevrier, 1966.

84. This was a common saying which cannot be attributed to one person. The question of Acadian poverty surfaced at various times, often with racial overtones. For example there was this report of the question period after Premier Robichaud's speech in Moncton:

"The audience jeered when a middle-aged woman took the microphone and asked if the government planned to launch a study into the cause of poverty in French-speaking Roman-Catholic districts. She asked why French-speaking persons were unable to handle 'top-notch' occupations." Daily Gleaner (Fredericton), February 7, 1966.

85. Daily Gleaner, February 18, 1966.

86. Ibid., April 20, 1966.

87. "Submission of the New Brunswick Teachers' Association to the Law Amendments Committee on Bill 22, May 1966", document provided by the N. B. T. A. Central Office. The last point referred to the government's desire to prevent certain school boards from granting very high salary increases to teachers in order to force the province to maintain this salary after January 1, 1967. The N. B. T. A. was concerned that reasonable increases should be honoured.

88. Daily Gleaner, May 6, 1966.

89. Ibid.

90. Synoptic Report, June 14, 1966, 1103.

91. Ibid., 1104.

92. Ibid., 1105.

93. Ibid., 1106.

94. Ibid., 1107.

95. Ibid., 1127.

96. Ibid., 1120.

97. Ibid. 1146.

98. News Letter (Fredericton: N. B. T. A.), Vol. IX, November 1966, No. 2, 23.

99. Synoptic Report, November 1, 1966, 1431.

100. Ibid.

101. For a complete explanation of the reorganization plan, see The Organization of Instruction for New Brunswick Public Schools (Fredericton: New Brunswick Department of Education, 1968).

102. Synoptic Report, November 1, 1966, 1432.

103. Daily Gleaner, November 16, 1966.

CHAPTER VIII

SUMMARY AND CONCLUSION

The rapid expansion of the demand for educational services after World War Two was a widespread phenomenon. In New Brunswick the Liberal government of John B. McNair found itself obliged to levy a 4 per cent social services and education sales tax to meet increased costs. In 1952, Progressive Conservative Hugh John Flemming defeated Mr. McNair's government partly as a result of his promise to do everything possible to eliminate the sales tax. Yet, Department of Education and municipal officials were reporting that the province as a whole was falling behind in providing adequate school facilities and personnel. Premier Flemming responded by creating the MacKenzie Commission on school finance. The commission reported in 1955 and stated that the existing system of educational grants discriminated against the poor areas. It recommended a foundation program to be achieved in two steps and federal assistance.

Debate on the MacKenzie Report was limited because the government ignored the recommendations except that for federal aid. Those who favored the report, mostly Acadians, rose year after year in the legislature to urge implementation but they too were ignored as the government was preoccupied with other matters. This tactic was successful with the MacKenzie Report, which was all but forgotten by the end of the decade, but significantly less so with the problems the commission had attempted to solve.

Liberal Louis J. Robichaud, Flemming's successor, was not only aware of the problems in educational finance but had experienced them. His first

efforts at the belated implementation of the MacKenzie Report revealed that the whole municipal structure was in need of reforms. The choice of Edward G. Byrne Q. C. to head a new royal commission with wide terms of reference was not fortuitous. Mr. Byrne was known to the Premier and was a long-time friend of Municipal Affairs Minister J. E. LeBlanc. They knew and shared the lawyer's views as to the general direction reforms should be undertaken.

After two years of research, hearings, and internal discussions the Byrne Commission submitted a unanimous report recommending that the province assume complete responsibility for public education, health, welfare, and justice. This involved a far greater measure of equalization than proposed by the MacKenzie Commission. The Byrne Report was discussed quite extensively and finally, twenty months after the report's release, the Robichaud government introduced its Program of Equal Opportunity based on the Byrne recommendations. Premier Robichaud's decision was made easier by the strength of his mandate, the apparent like-mindedness of the members of his government, and by the significant increases in federal grants and shared costs programs instituted by the Diefenbaker government and further augmented by the Pearson government. These funds meant that New Brunswick could equalize educational services with little leveling down of standards in the wealthier areas and relatively small increases in taxation. Nevertheless there would be some tax increases, and inevitably, centralization and uniformity, three things certain to arouse opposition. While the debate on the Byrne Report had been academic, this was not the case with the Program of Equal Opportunity. The resistance was particularly fierce and bitter, but the Robichaud government prevailed and the financing and administration of public education became a provincial responsibility effective

January 1st, 1967.

In conjunction with the legislative reforms, the Department of Education reorganized the program of instruction for public schools in an effort to ensure that all New Brunswick pupils had access to courses suited to their ability and needs as well as approximately equal educational facilities and teachers. Thus from 1955 to 1967 the province went from the MacKenzie Report's findings of severe disparities in educational services and its recommendations for the limited equalization of a modest foundation program to the near-complete equalization of the Program of Equal Opportunity.

Conclusion. In concluding this study of the equalization of educational opportunities in New Brunswick from 1955 to 1967, several generalizations appear relevant. Firstly, it seems that the main equalizing thrusts came from four strong individuals who had seen first-hand the disparities they wished to reduce or eliminate. They were Dr. W. H. MacKenzie, Hon. Louis J. Robichaud, Edward G. Byrne, Q. C., and Dr. Alexandre Boudreau. In addition, the equalizing efforts of Hon. John Diefenbaker at the federal level made the task easier in New Brunswick. It further appears that the closer one saw the disparities the more reform minded one became while the converse also held true. Secondly, the Acadian factor appears not to have been of primary importance in the equalizing efforts. At best the Acadians formed a power base for Robichaud and provided an organizational framework enabling a segment of the poor population to be heard. For example, in a heterogeneous province the poor might not have controlled a daily newspaper while the Acadians had the Evangéline. Similarly the minority of teachers would not have had an organization while in New Brunswick there was the Association des Instituteurs Acadiens. Thirdly,

there was an evolution in New Brunswick public opinion concerning equalization. In 1955 there was opposition or indifference to the MacKenzie Report's recommendation for a foundation program. By 1965 there was considerable support for the extensive equalization proposed by the Byrne Commission and even the opposition urged a foundation program as the alternative. Fourthly, it is interesting to note that while everyone claimed to be discussing the principle of equalization, the actual positions taken were often very closely linked with personal interest. Further, almost everyone claimed acceptance of the principle but some were striving for equality while others wished to reduce the inequalities to varying degrees. Fifthly, it can safely be said that the debate on the Program of Equal Opportunity was not enhanced by certain newspapers' questionable personal attacks on public figures. Some among those opposing the program apparently concluded that the only way to prevent it was to intimidate the Robichaud government into retreating or calling an election. That they were at times able to use the media to arouse passions rather than inform is to be regretted. Finally, the Schools Act was discussed extensively and somewhat more objectively than other measures. This discussion was fruitful in that many amendments were made to the original legislation. The reorganization of instruction, on the other hand, was implemented with little public discussion though it had been thoroughly studied by several committees. Both equalizing measures have now been in operation for several years and undoubtedly there will soon be a major reporting on their effectiveness. Yet we should not overestimate what such a study can reveal. In order to evaluate the Program of Equal Opportunity it is necessary to compare it to the old system and the nebulous 'what might have been' under the proposed foundation programs. Perhaps the only valid evaluation of the New Brunswick

program will be made by other provinces and states as they accept or reject the equalizing principle on which it is based.

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APPENDIX A *

Terms of Reference: MacKenzie Commission

THE ORDER IN COUNCIL

September 11th, 1953.

53-681

1. Under section 2 of the Inquiries Act, the Lieutenant-Governor in Council directs a Commission to issue under the Great Seal to

   (a) Dr. W. H. MacKenzie, superintendent of schools, Saint John;

   (b) Julie-Anne Levesque, teacher, Edmundston; and

   (c) R. Donald Stewart, insurance broker, Harland

   to hold an inquiry into and concerning the following matters:

   (d) all matters proper to be considered for the disposition of government grants made available to and administered through the several school administrative units of the Province; and

   (e) the relative tax paying ability of the Province in comparison with that of the other provinces of Canada.

2. The Lieutenant-Governor in Council designates Dr. W. H. MacKenzie to be Chairman of the Commission.

Sgd. D. L. MacLaren
Lieutenant-Governor.

This is to certify that the foregoing is a true copy of an Order of the Lieutenant-Governor in Council of the Province of New Brunswick, made on the 11th day of September, 1953.

(Sgd). M. M. Hoyt
Clerk of the Executive Council.

* MacKenzie Report, Fredericton, n.p. 1955, IX.

APPENDIX B *

COUNTIES OF NEW BRUNSWICK SHOWING LANGUAGE COMPOSITION **

County	Percentage of English-speaking	Percentage of French-speaking
English-speaking Counties		
Albert	98.9	.6
Carleton	97.3	.1
Charlotte	96.7	2.7
Kings	98.8	.7
Northumberland	71.2	27.1
Queens	93.2	5.5
Saint John	93.7	5.4
Sunbury	78.6	17.2
York	96.9	2.0
French-speaking Counties		
Gloucester	13.2	86.6
Kent	16.6	81.7
Madawaska	4.8	94.8
Mixed Counties		
Restigouche	40.1	59.1
Victoria	60.0	35.2
Westmorland	58.4	41.1
New Brunswick	63.1	35.9

* The percentages used here are computed from the figures quoted in Census Canada 1951, vol. I, Table 56.

** Hugh G. Thorburn, Politics in New Brunswick, (Toronto, University of Toronto Press, 1961), Table III, 190.

APPENDIX C *

Terms of Reference: Byrne Commission

MARCH 8, 1962

62 - 185

Under section 2 of the Fiscal Inquiries Act, the Lieutenant-Governor in Council causes a commission to issue under the Great Seal to the following persons:

E. G. Byrne	Bathurst, Chairman
C. N. Wilson	Saint John
Alexander J. Boudreau	Moncton
Arthur E. Andrews	St. Stephen
Ulderic Nadeau	Baker Brook

to hold inquiry into and concerning the desirability and feasibility of:

(a) maintaining or increasing the present revenues of municipal bodies; and

(b) relieving individuals and industry of some part of municipal tax burdens by the substitution or creation of new or other sources of revenue or bases of taxation;

and without limiting the generality of the foregoing, in particular with respect to

(c) the form, method and manner of,
- (i) government,
- (ii) administration,
- (iii) assessment, rating and taxation (including methods),
- (iv) taxation concessions, taxation provileges and special taxation arrangements,
- (v) financing and expenditures, both capital and current (including controls),
- (vi) fiscal policies,
- (vii) boundaries, amalgamations, divisions, apportionments, consolidations, etc.,
- (viii) order and government, and
- (ix) a) payments, grants and subsidies, and
  b) the distribution of payments, grants and subsidies to or in behalf of, municipal bodies, including cities, counties, towns, villages, local improvement districts, civic associations, metropolitan areas, school districts, etc., and

(d) the application of acts of the Legislature of New Brunswick relative to said municipal bodies;

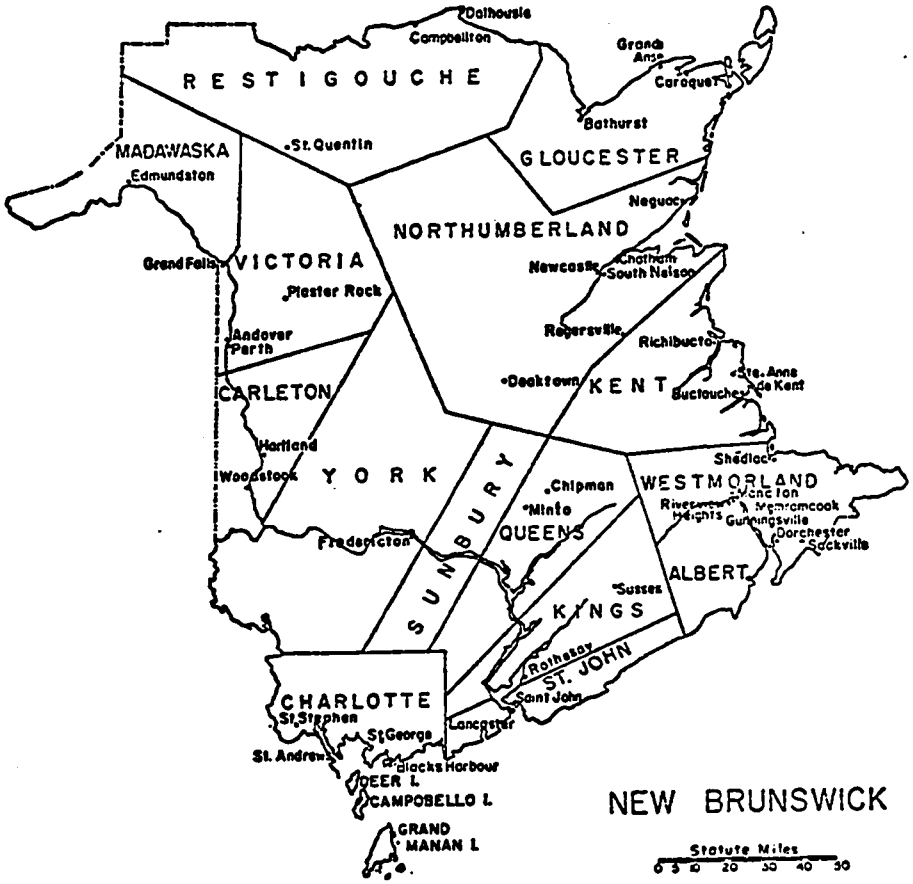
and to report the evidence taken before them and the findings thereon and the proceedings of the Commission, together with recommendations with respect to any or all of the above matters, to the Lieutenant-Governor in Council.

(Sgd.) J. L. O'Brien
Lieutenant-Governor

* Byrne Report, Fredericton, n.p. 1964, IV.

APPENDIX D

New Brunswick and its Counties *



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