

FEBRUARY 2017

MLI PRESENTS THE
CONFEDERATION
SERIES

Introducing the *Confederation Series*

Alastair C. F. Gillespie and Brian Lee Crowley

“*All we have to do, is, each for himself, to keep down dissentions which can only weaken, impoverish, and keep back the country; each for himself do all he can to increase its wealth, its strength, and its reputation; each for himself – you and you, gentlemen, and all of us – to welcome every talent, to hail every invention, to cherish every gem of art, to foster every gleam of authorship, to honour every acquirement and every natural gift, to lift ourselves to the level of our destinies, to rise above all low limitations and narrow circumscriptions, to cultivate that true catholicity of spirit which embraces all creeds, all classes, and all races, in order to make of our boundless Province, so rich in known and unknown resources, a great new Northern nation.*”

Thomas D'Arcy McGee, May 10, 1862 (McGee 1865, 37)

Canada is celebrating 150 years of Confederation. As its contribution to this important national anniversary, the Macdonald-Laurier Institute (MLI) will release a series of papers on five key Fathers of Confederation, each authored by Alastair Gillespie, MLI's Munk Senior Fellow in the Canadian political tradition, and introduced by prominent Canadian political figures and scholars. The first is being released this month, featuring George Brown, the Reformer. Chapters on George-Étienne Cartier, Alexander Galt, Thomas D'Arcy McGee will follow in coming months, with the final paper on John A. Macdonald released around Canada Day.

The authors of this document have worked independently and are solely responsible for the views presented here. The opinions are not necessarily those of the Macdonald-Laurier Institute, its Directors or Supporters.

The Confederation Series traces how Canada was imagined by five of our first-generation political leaders, supplying the original answers to what it meant to be Canadian – answering what can be called the Canadian question. After the Quebec Conference of 1864, resolutions underpinning the new Constitution were submitted to the Canadian legislature for ratification (Canada 1865, 62).¹ The five featured founders led off that debate, giving major set-piece speeches reflecting their central roles. The Confederation Series traces the contribution of these five political figures to the idea of Canada, through speeches spanning their political careers. Our founders were not just pragmatists – they had principles and ideals. They were educated, erudite and thoughtful statesmen. They meditate on the difficulties of governing a people of diverse backgrounds, and argue that free institutions will underpin a federal government for all Canadians. They situate Canada within the liberal constitutional tradition, which holds that all legitimate government is derived from the consent of the governed.

“ *This is the first history of Canada’s founding told mainly through the speeches of the Fathers of Confederation.* ”

This is the first history of Canada’s founding told mainly through the speeches of the Fathers of Confederation. Like today’s politicians, our founders needed to communicate and to convince, and they left behind extensive records of speeches both in the legislative setting and at political rallies across the country. Largely neglected in favour of the historian’s traditional raw material of government documents and private letters, the speeches represent a relatively untapped, highly accessible path to a deeper understanding of our country. This shift in sources reveals a greater sense that Confederation was “made in Canada” and not simply the result of outside pressures and large historical forces. This is a fresh look at an old subject, told through the words of the participants themselves.

Unlike histories that focus on the well-worn chronology of conferences, diplomacy and deals, the Confederation Series concentrates on ideas. While much of the detail of Confederation is of increasingly antiquarian interest, we believe the speeches reveal timeless, transferable and recognizably Canadian principles that will capture Canadians’ interest today. Our founders spoke to a constant Canada, addressing persistent realities of diversity in Canadian national life. Taking this approach, we hope to shift how Canadians think about Confederation – away from the time-bound, toward the timeless – and do our part to give meaning to Canada’s sesquicentennial. The Confederation Series is about Canada as Canada, not just Canada in 1867.

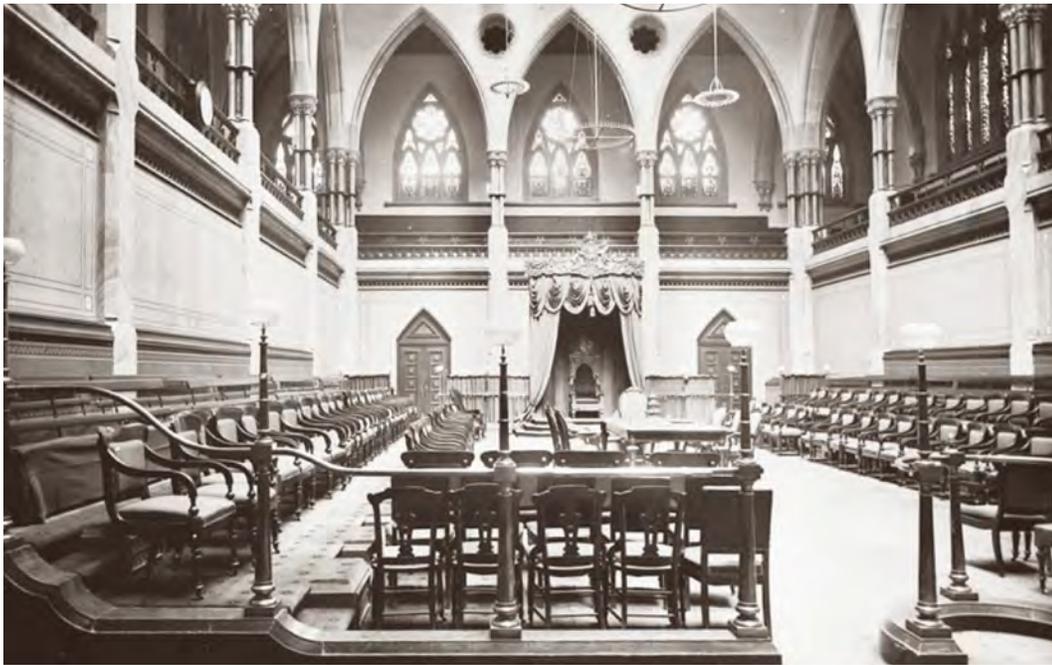
“ *Diversity is the thread linking their Canada and our Canada, how to manage it the constant task of Canadian statecraft.* ”

Let us turn to some key findings.

One Canadian People

The first Canadians faced a startlingly modern question: how to form a country out of peoples of diverse origins, languages and religions. Our founders answered by expanding the frontiers of what a nation could be, presenting precocious Canadian solutions to thorny questions traditional nation-states only more recently

began to face. George-Étienne Cartier voiced only the best-known of these Canadian formulas: “a political nationality with which neither the national origin, nor the religion of any individual would interfere” (Canada 1865, 60). Other founders added their own gloss on this very Canadian alchemy suggesting diversity is the thread linking their Canada and our Canada, how to manage it the constant task of Canadian statecraft. Thomas D’Arcy McGee told Canadians, “There seems to be a good deal of exaggeration on the subject of race. Whose words are these – ‘God hath made of one blood all the nations that dwell on the face of the Earth?’” (Canada 1865, 143). Alexander Galt called on Canadians to “find in the diversities of race and religion an incentive to honourable rivalry in favour of our common country, rather than to leave them, as now, the subjects by which any party leader may build up an evanescent and baneful popularity by arraying one class against another.”²



Senate Chamber, Library and Archives Canada.

Federalism

Consequent on this diversity, federalism was the indispensable catalyst of Canada’s founding, the structural adjustment that brought Canada’s people together. Our series effectively tracks five founders’ winding paths to federalism as the solution to Canada’s pre-Confederation political problems, so much so that the sequence could be titled *Canada’s Discovery of Federalism*. Federalism helped Canadians inoculate a bitter cultural, religious and linguistic conflict simmering before Confederation: the clashing popular wills of modern Ontario and Quebec, lashed together under a single government that could not reflect the electoral impulses of both. Unlike the dry bones of the constitutional division of powers, our founders’ speeches bring federalism to life as a system of values, written between the lines of the Constitution, securing the unity of the whole, the liberties of the parts, and the freedom of Canadians to pursue their own ways of life.

Unionism

Our founders also wanted a real union, with a central government powerful enough to govern effectively and resist the centrifugal forces of state rights. With the Civil War raging to the south, John A. Macdonald fought

to preserve Canadian unity, and pressed to “make the Confederation one people and one government, instead of five peoples and five governments, with merely a point of authority connecting us to a limited and insufficient extent” (Canada 1865, 41). But federalism was an indispensable pillar of Canadian unionism. The way was cleared for our new national politics by pushing contentious local issues down to the provinces, preserving provincial self-government within an ample sphere. The federal government would deal with questions of national, not local, interest, which in Cartier’s words could pose “no danger to the rights of either French Canadians, Scotchmen, Englishmen or Irishmen” (Canada 1865, 55). Although the classical tension between centrality and locality cannot be settled by what the founders said, the arguments of our first federalists can enrich federal questions today.

“Canada was born with free institutions, the rule of law and the broadest measure of self-government short of complete independence.”

National Marketplace

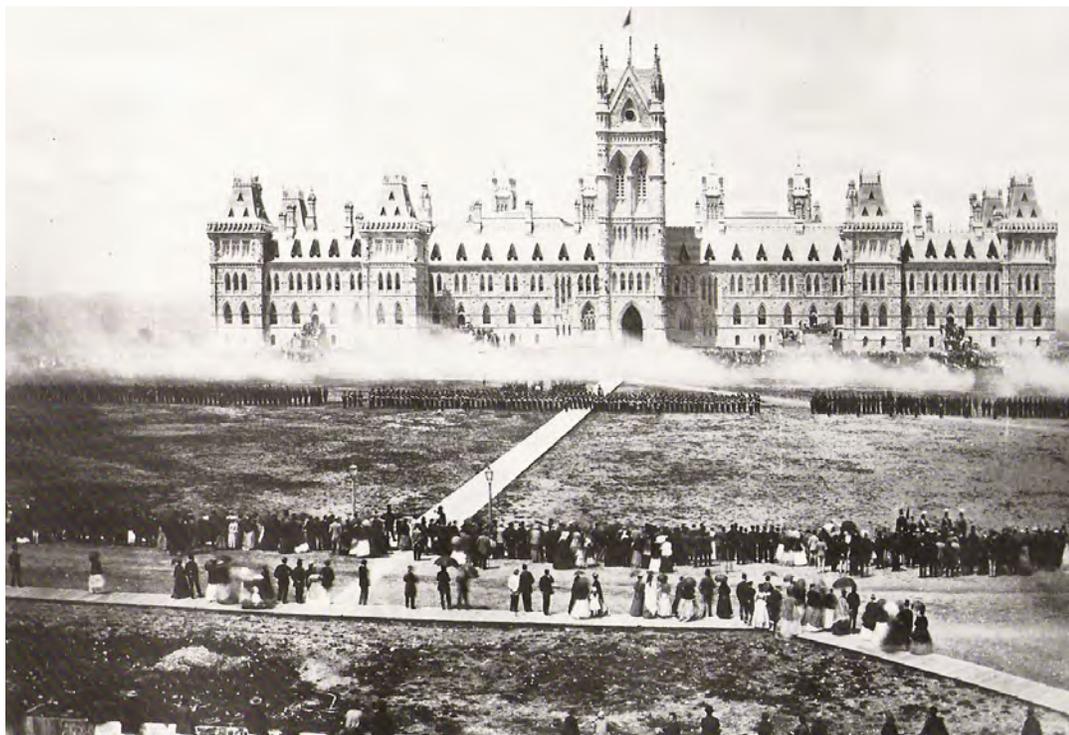
Another central goal of the Fathers of Confederation was to establish a single national market, tearing down tariff barriers that stunted trade between the provinces. Advocates of a stronger economic union will find much to inspire within. Alexander Galt, Canada’s first finance minister, argued trade and commerce was the natural purview of the federal government: “No one can doubt that the great interests of trade and commerce will be best promoted and developed by being entrusted to one central power, which will wield them in the common interest” (Canada 1865, 65). Galt was clear that free trade was one of the “chief benefits” of Confederation. “It was most important to see that no local legislature should by its separate action be able to put any such restrictions on the free interchange of commodities as to prevent the manufactures of the rest from finding a market in any one province, and thus from sharing in the advantages of the extended Union” (Galt 1864, 10).

We were reminded of the continuing salience of these issues by last year’s acquittal of Gerard Comeau, charged with exceeding New Brunswick’s limits on the importation alcohol from outside the province. The ruling quoted the Fathers of Confederation extensively as evidence of their desire to establish interprovincial free trade, before dismissing the charge as a violation of the Constitution (*Comeau*). Even in 2017, a question first asked by Thomas D’Arcy McGee still resonates: “Why should we, colonies of the same stock, provinces of the same empire, dominions under the same flag, be cutting each other’s throats with razors called tariffs?” (McGee 1865, 61).

Freedom

Our founders also remind Canadians that Canada was born with free institutions, the rule of law and the broadest measure of self-government short of complete independence. Comparisons of American revolutionary ideals and Canada’s supposedly “Tory” Constitution have sometimes been too crudely made.³ The shared enlightenment ideals of the American, British and Canadian constitutions are beginning to attract attention among Canadian scholars.⁴ After the rebellions of 1837, Canadian governments were made responsible to assemblies elected to represent the people – real freedom summed up in the textbook phrase “responsible government.” Those freedoms required expansion in now obvious ways, leaving our founding “incomplete” in important respects, whether considering the electoral franchise or the exclusion of Canada’s indigenous

peoples. Canadians should still take pride that our founders' speeches breathe an atmosphere of liberty, even if that liberty was not yet wholly realized. Canada's divided population has made its politics and its social life a great engine for the wearing down of prejudice, and the founding marked the beginning of a process of expanding inclusiveness that continues today. "This is the freest country on the face of the earth," declared George Brown in 1856. "Woe be to us if we uphold not the light of freedom to all men, and invite them not by our example, to follow in our footsteps!"⁵



Troops deliver a *feu de joie* on Parliament Hill for the Queen's Birthday Review in 1868. Wikipedia image

Made in Canada

The Confederation Series presents Confederation as a Canadian achievement – whether considering the Charlottetown and Quebec conferences, the ratifying debates held in each provincial legislature, or the intellectual path followed by each founder as an advocate of Confederation. Speaking in 1867, George-Étienne Cartier was clear that Confederation was made-in-Canada: “Canadians, said the English ministers, have come to see us with a ready-made constitution, the result of a cordial agreement among them, of a careful discussion regarding their interests and needs. They are the best judges of what is suitable for them, let us not change what they have done, let us give sanction to Confederation.”⁶ Self-governing in all but external affairs, even granted the power to remake its Constitution – Canada was more independent in 1867 than commonly appreciated, with no place left for Britain in our constitutional division of powers. Confederation was not something the British government did for us, simply because the British North American act was enacted in London.

Parliament and the People

At the centre of Confederation was Parliament itself, and we proudly declare this is a parliamentary history, set in Parliament and tracing developments from precedent to precedent in a parliamentary way. The extent to which Confederation and Canadian federalism were conceived in, debated in, and authorized by

Parliament should never be overlooked. Ignoring the parliamentary process encourages arguments that our founding lacked popular sovereignty, and questions about its relevance today – a national case of throwing the baby out with the bathwater.⁷ Writing in 1867, appropriately enough, the great *Economist* editor Walter Bagehot wrote of the “lyrical function of Parliament,” its ability to “pour out in characteristic words the characteristic heart of the nation” (Bagehot 2009, 123). The Confederation Series presents that characteristic Canadian heart, as expressed by representatives of the people, imagining and articulating what the Canadian people would be. We believe Canada’s political tradition is ripe for restoration – a monument every bit as rich as the splendid Victorian buildings under reconstruction on Parliament Hill. Parliament can put the people back into Confederation.

“Words jump off the page with Canada’s nascent national character, an image of ourselves in youth.”



Arrival of immigrants at Union Station, Toronto 1911. Wikimedia image

Diversity and Canadian Values

Ultimately, the Confederation Series is about Canadian values, arising in our founders’ responses to Canada’s early diversity. These are not just fine phrases; words jump off the page with Canada’s nascent national character, an image of ourselves in youth. A sampling of what follows illustrates the point. “How could someone possibly aspire to become a statesman worthy of the name, in our country,” Cartier asks, “without being fully resolved beforehand to render equal justice to all races and creeds?”⁸ We find Macdonald arguing, “This country is settled by several races, having various religions, and it is very important for the mutual inhabitants of Canada that we should agree as much as possible, and if so we should respect each other’s religious principles and prejudices.”⁹ McGee declares, “Justice between class and class, and Province and Province, between creed and creed, between man and man, this must constitute the glory, the safety, and the strength,

of this new country” (*New Era*, May 25, 1857). Galt maintains economic matters “bear no reference to what may be the creed, nationality or language of portions of the people” (Canada 1865, 162). Brown claims universal importance for Canada’s unusual national project: “Well might our present attitude in Canada arrest the earnest attention of other countries . . . we are endeavouring to adjust harmoniously greater difficulties than have plunged other countries into all the horrors of civil war” (Canada 1865, 85).

As we turn to next, recent developments increasingly suggest Brown was right.

“Our founders spoke constantly about diversity – how to make a people of Canadians, regardless of national origin, language or religion.”

CONFEDERATION AND THE FUTURE

In a world where resurgent nationalism is causing other countries to turn inward, the Canadian model appears increasingly significant. In a speech at London soon after his election, Prime Minister Justin Trudeau attributed our success to Canadians’ view that diversity “isn’t a challenge to be overcome or a difficulty to be tolerated. Rather, it’s a tremendous source of strength” (Trudeau 2015). We agree – and the Confederation Series helps explain why.

Our founders spoke constantly about diversity – how to make a people of Canadians, regardless of national origin, language or religion. An 1858 editorial from the *Toronto Colonist* suggests the implications of Canadian citizenship were already understood at inception: “If there is ever to be a Canadian people, in the best acceptance of the phrase, we must begin by discarding preferences, and jealousies, and antipathies arising out of that most puerile and ignoble of all differences – the mere accident of national origin.” Canadian nationality has always depended on bridging divides. How we did it is the subject of this series – a classical Canadian contribution to the enduring problem of human government.

Too often, the Canadian founding has been dismissed as an exercise in pragmatism, an ideology-free bargain lacking a “philosophical mind.”¹⁰ This might have been a plausible conclusion in the 1960s, when international politics was dominated by the ideological contest between the United States and the Soviet Union, between liberal revolutionary ideals and a communist model rooted in a materialist and deterministic view of history. New times present an opportunity to revisit a tired piece of conventional wisdom. Differences of national origin, language and religion continue to fuel human conflict between and within states. We argue Canada’s founding was our precocious response to the most pressing problems of government today, and the intellectual underpinning of our later success.¹¹ Like our American neighbours, Canada is also a country of the New World, promising a better way of life, even if in each generation we have struggled to live up to the full potential of those ideals. The present crucial effort for reconciliation with Canada’s indigenous peoples is the most striking, chastening example of how far we still have to go.



In this anniversary year, Canadians are conscious that Canada is stronger than ever, and for reasons that resonate with our times. As the prime minister recently wrote in *The Economist*, “diverse and resilient countries like Canada don’t come about by accident” (Trudeau 2016). In this, he is resoundingly correct. Occasionally Canadians have been misled that our federalism and diversity were uniquely Canadian obstacles to national unity. If these arguments

ever made sense, this is no longer the case today. Canadians know diversity is the rule in human life, and have long since given up trying to meet an impossible nationalist standard that insists on uniformity where none exists, and that victimizes those it excludes. Canadian nationhood could never be based on primordial ethnic ties, and recent events show the rest of the world struggling to adjust to realities of diversity that Canada has faced since inception. In the words of George-Étienne Cartier in 1865, nations were no longer formed as they were in ancient times: “Nations were now formed by the agglomeration of communities having kindred interests and sympathies” (Canada 1865, 60).

“Our country points the way to a better world. Its ideals are those of tomorrow, with the potential to revolutionize the human condition for the better.”

The Canadian way of life imposes duties of the highest order of citizenship – unwritten laws seen in shared values, peaceful cities and contented communities. There is no human conflict today in which relations or descendants of the combatants do not live at peace together in Canada. This achievement is not politeness or some formless plasticity where anything goes – it is our culture, and it imposes corresponding duties – of the individual to their community, of neighbour to neighbour, from one Canadian to another. Our country points the way to a better world. Its ideals are those of tomorrow, with the potential to revolutionize the human condition for the better.

Canadians have an uneasy relationship with exceptionalism, yet often say the world needs more Canada. It’s 2017, and it’s clearer than ever what that means.



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Brian Lee Crowley is Managing Director of the Macdonald-Laurier Institute.

ACKNOWLEDGEMENTS FROM THE AUTHOR OF THE CONFEDERATION SERIES

The Confederation Series originated in a set of articles written for the *National Post* in 2015, reporting on the 150th anniversary of the 1865 Confederation debates, as if they were news today.¹² I owe a debt of gratitude to Andrew Coyne for taking a chance on a new writer offering a fresh take on old news. *Dispatches from 1865* was the forerunner – proof-of-concept that the speeches of the Fathers of Confederation could help bring the idea of Canada to life. I would also like to acknowledge the work of Janet Ajzenstat, Paul Romney, Ian Gentles and William D. Gairdner, editors of *Canada's Founding Debates*, which revived interest in these materials among a new generation of Canadians.

The choice to feature Brown, Cartier, Galt, McGee and Macdonald is justified by their importance, but was also driven by necessity. With time constraints to manage, the choice was to do what was possible. I was hugely reluctant to pass over, at least for now, great figures like Charles Tupper of Nova Scotia, Samuel Leonard Tilley of New Brunswick, and William Henry Pope and John Hamilton Gray of Prince Edward Island. There were 36 Fathers of Confederation, and I hope others will be taken up in future.

In the course of this project, many gave freely of their time and encouragement. First, thanks are due to the Macdonald-Laurier Institute, and its Munk Senior Fellows program supported by Peter Munk and the Aurea Foundation. I am especially grateful to MLI's Managing Director, Brian Lee Crowley, for his early vote of confidence. As a non-partisan think tank, MLI enriches Canada's national life, and has supplied the institutional platform necessary to support and publicize this project. Views expressed herein are my own, and do not necessarily represent those of my firm.

Over the last two years, Geoffrey Kellow of Carleton University has been a constant source of encouragement. Responding to *Dispatches from 1865* with his own *National Post* op-ed, he asked a great question: Why is it so hard to access Canada's founding debates? Professor Kellow knows that our founding documents are an important national resource, and should be made available to today's students online and preserved for future generations. We got in touch, and have been working together ever since – trying to actualize our shared belief that the Canadian political tradition can enrich politics and citizenship in Canada today. I am pleased to note that a group of volunteers has begun the task of digitizing Canada's founding debates and documents under the leadership of Daniel Heidt of Trent University, and an oversight committee comprising distinguished Canadian academic figures including John English of the Graham Centre and Raymond Blake of the University of Regina.¹³ Any Canadian with internet access can log in and help preserve Canada's political heritage.

In the course of research, I was fortunate to find help in many quarters, often selflessly given for no apparent reward. From my time as a young staffer on Parliament Hill, the Library of Parliament – especially the indefatigable George Ekins – patiently fulfilled requests for obscure papers. Jean-Paul Murray I thank for his new English translations of the speeches of George-Étienne Cartier, excerpts of which appear throughout the Cartier paper. The Harvard University Library supplied microfilm copies of Canada's pre-Confederation *Scrapbook Debates* – early parliamentary debates painstakingly gathered from newspaper reports from the era before *Hansard*. A corporate printing service digitized the full set, no doubt bemused at the request, reducing thousands of pages of tightly packed text to a single compact disc.

The Confederation Series benefitted from the tolerant review of patient readers including Dr. Kellow, Brian Lee Crowley, David Watson and Sean Speer of MLI, Jean-Paul Murray, Ben Woodfinden of Carleton University and portions of it by Christopher Moore, the accomplished author of *1867: How the Fathers Made a Deal* and *Three Weeks in Quebec City: The Meeting That Made Canada*. Over the years there were innumerable conversations with friends and fellow devotees of Canadian history, including Mike McNair,

Greg MacNeil, Peter Cullen, and the late Jerry Yanover, an extraordinary personality who is dearly missed. My friend and former colleague Kevin Bosch has been a consistent source of enthusiasm for Canadian history and a link back to life on Parliament Hill – on many occasions welcoming me back as if I had just left the previous week. Flaws that remain are of course entirely my own.

Several great Canadians agreed to introduce these papers to Canadians, drawing on their deep experience of Canadian public life. Each readily agreed to share their time, wisdom and insight – a selfless act of generosity deserving thanks, and consistent with the lifetime of public service each has extended to our country.

Finally, thanks are due to Professors Paul Kennedy, John Gaddis and Charles Hill, and the Studies in Grand Strategy Program at Yale University – for encouraging their students to seek out opportunities for public service, to think big in an era of academic specialization, and for their indulgence of their Canadian speechmaker in chief.

Alastair C.F. Gillespie, February 7, 2017



AUTHOR OF THE CONFEDERATION SERIES



Alastair Gillespie is a Canadian lawyer living in London, England. He is an associate in the London office of a large New York-based international law firm and his experience includes a broad array of corporate finance transactions. Alastair has also completed a secondment to a major investment banking institution. He is a Munk Senior Fellow at the Macdonald-Laurier Institute.

Alastair has authored articles reporting on the founding speeches of five key Fathers of Confederation, published as a series by the *National Post* on occasion of the 150th anniversary of the constitutional debates held in the Legislature of Canada in 1865 prior to Confederation. The *National Post* also published Alastair's reflections on the life of Sir John A. Macdonald on the 200th anniversary of his birth.

Prior to his legal career, Alastair was Special Assistant to the Hon. A. Anne McLellan, Deputy Prime Minister of Canada and Minister of Public Safety and Emergency Preparedness.

Alastair holds a B.A. in History from Yale University where he was a research assistant to Dr. Paul M. Kennedy, a member of Yale's Studies in Grand Strategy program and a rower on the Lightweight Crew. Alastair holds a B.C.L./LL.B. from the McGill University Faculty of Law where he was an Editor of the *McGill Law Journal*.

Alastair is admitted to the Bar of the State of New York.

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ENDNOTES

- 1 The Quebec Resolutions are printed at Canada 1865, 1-6; John A. Macdonald introduces a motion requesting the British Parliament to unite Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island on the basis of the Quebec Resolutions at p. 25.
- 2 Address to the Electors of the Town of Sherbrooke, April 17, 1858.
- 3 See, e.g. Horowitz 1966, 143-71; Forbes 1987, 287-315; Lipset 1990.
- 4 See, e.g., Ajzenstat 2003; Ajzenstat 2007, Ajzenstat 2014.
- 5 Speech to the Simcoe Reformers, September 17, 1856.
- 6 Speech at Saint-Hyacinthe, “The Rights of Each and Every Citizen will be Protected,” May 17, 1867.
- 7 See, e.g., Russel 2004.
- 8 Speech to Banquet in Honour of Alexander Tilloch Galt, May 17, 1867.
- 9 Scrapbook Debates, October 27, 1854.
- 10 In a lengthy footnote in *Canadian Founding*, Janet Ajzenstat assembles the definitive list of these traditional put-downs suggesting Canada’s founding was an empty vessel. See p. 1, footnote 1.
- 11 See, e.g., “Liberty Moves North: Canada’s Example to the World”, *Economist*, October 29, 2016.
- 12 “*One People, United and Free*,” February 4, 2015 (John A. Macdonald); “*Only Justice Can Appeal to All*,” February 5, 2015 (George-Étienne Cartier, Alexander Galt); “*This Great Scheme of Reform*,” February 6, 2015 (George Brown); and “*Our New National Ideal*,” February 7, 2015 (Thomas D’Arcy McGee).
- 13 See <<http://theconfederationdebates.ca>>.



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FORMER CANADIAN PRIME MINISTER PAUL MARTIN ON MLI'S PROJECT ON ABORIGINAL PEOPLE AND THE NATURAL RESOURCE ECONOMY.

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THE RIGHT HONOURABLE STEPHEN HARPER

The Macdonald-Laurier Institute is an important source of fact and opinion for so many, including me. Everything they tackle is accomplished in great depth and furthers the public policy debate in Canada. Happy Anniversary, this is but the beginning.

THE RIGHT HONOURABLE PAUL MARTIN

In its mere five years of existence, the Macdonald-Laurier Institute, under the erudite Brian Lee Crowley's vibrant leadership, has, through its various publications and public events, forged a reputation for brilliance and originality in areas of vital concern to Canadians: from all aspects of the economy to health care reform, aboriginal affairs, justice, and national security.

BARBARA KAY, NATIONAL POST COLUMNIST

Intelligent and informed debate contributes to a stronger, healthier and more competitive Canadian society. In five short years the Macdonald-Laurier Institute has emerged as a significant and respected voice in the shaping of public policy. On a wide range of issues important to our country's future, Brian Lee Crowley and his team are making a difference.

JOHN MANLEY, CEO COUNCIL