

# Confederation, Conspiracy and Choice: A Discussion

Jeff A. Webb

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[See table of contents](#)

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# Confederation, Conspiracy and Choice: A Discussion

JEFF A. WEBB

MAGAZINE AND NEWSPAPER articles, radio interviews and barroom conversations have all suggested that there was a conspiracy to bring Newfoundland into Canada in the 1940s, against the will of its people. In addition, a couple of historical essays have sought to reveal the "truth" behind the Smallwoodian interpretation of Confederation history. All this taps into a vein of suspicion that the events in the past were not what they seemed to be. Studies of Confederation based in part upon oral interviews with surviving anti-confederates have repeated accusations of wrongdoing. In recent years, Newfoundland nationalists have also treated us to several popular culture attempts to mythologize the process of Newfoundland's confederation with Canada. The feature film "Secret Nation", for example, uses archival material and genuine historical figures to blur the line between fact and fiction and make believable the fiction of the 1948 referendum having been fixed.<sup>1</sup> These works are fiction, and as such we should allow them licence to make up a past that is not consistent with the evidence. None the less, as contemporary versions of the past these "histories" can tell us something about ourselves, particularly since these fictional histories have been gaining currency in popular understandings of the events of the 1940s.

This essay is neither a theatre review nor a history of Confederation. It argues that although British and Canadian governments were working toward Newfoundland's union with Canada, no compelling evidence has been presented of a conspiracy to rig the referendum. It is also an examination of the ideology implicit in the "conspiracy" theories making the rounds at the end of this century and speculates why people seem to believe in them. Conspiracy theories appeal to a psychological need to make sense of the world by creating a narrative in which individuals rather than anonymous economic and social forces are responsible for

change. In addition, some Newfoundlanders find that the anti-confederate rhetoric of 50 years ago fits their contemporary ideological agenda.

Not surprisingly, there has been as rich a debate on the confederation question as on any other major issue in Newfoundland's history. Smallwood's first and best biographer, Richard Gwyn, emphasized his subject's mythic struggle and illuminated the sectarian aspect of the confederation campaign. Gwyn downplayed the British role and presented the unholy alliance of Smallwood and Jack Pickersgill as key to moving Canada toward union.<sup>2</sup> While serving as premier, Smallwood, ever the political chameleon, re-invented himself as the "only living father" of confederation. The title of his autobiography, *I Chose Canada*, is revealing.<sup>3</sup> In this self-serving account, Smallwood alone had the vision of a new Newfoundland, and fought single-handedly against the old political elites to drag Newfoundland into Canada. The actions of British officials were omitted from his narrative, and it was he who convinced the Canadians to offer terms of union that he could sell. Smallwood worked very hard to portray Confederation as an unqualified success and himself as its architect. To enhance his own glory he emphasized both the poverty of the Depression and the benefits of Confederation. Smallwood also played down the contributions of other confederates such as F. Gordon Bradley and dismissed any suggestion that he was helped by the British.<sup>4</sup> His overreaction a decade ago to a provocative lecture presented to the Newfoundland Historical Society, in which Phillip McCann examined the British reasons for favouring Confederation, illustrated the importance that the elderly Smallwood placed on keeping himself at the center of the historiography.<sup>5</sup>

After Smallwood's death in 1991, critics of Confederation felt free to openly challenge the Smallwoodian orthodoxy. An alternate interpretation had long simmered among the remaining anti-confederate veterans — Smallwood as a stalking horse behind which the British pursued Confederation. People became bolder in their criticism of the self-styled "only living father". Dissatisfaction with Newfoundland's place within Canada also gave new life to questions about the fairness of Confederation, encouraging a younger generation to take up the cudgels and resume the attack on Smallwood and the British. Up to a point, the critical assessments of Smallwood were overdue and were helpful in balancing our understanding of the 1940s. Latter day anti-confederates have rightly pointed out that union with Canada has not been an unqualified good, and that pre-confederation Newfoundland was not a purgatory from which the indulgence of Ottawa rescued us. Clearly, Newfoundlanders could have chosen a return to responsible government, and given the closeness of the referendum results, they almost did.

Historians entered the debate when the British and Canadian governments released the relevant records in the 1980s. The publication of books by Paul Bridle, David MacKenzie and Peter Neary began new historiographic discussions informed by hitherto confidential documents. These authors demonstrated that Canada and Britain had decided by 1945 that Confederation would be in their own best

interests, and illustrated how they quietly worked to encourage Newfoundlanders to choose Canada.<sup>6</sup> Even the design of the National Convention, I have argued, was intended to emphasize to Newfoundlanders the precariousness of the economy, turn their attention to Confederation and make the idea of union with Canada appear to come from Newfoundlanders.<sup>7</sup> In these accounts, Smallwood remained the champion that the cause of Confederation needed, but Ottawa and London were both working to give his side all the advantages they could. The Smallwoodian orthodoxy had been overturned. The record shows that Ottawa and London were working toward union in the background just as the anti-confederates had sensed they were. The title *I Chose Canada* now carries unintended irony, and the alternate anti-confederate interpretation has been enhanced by the new evidence. However, in their zeal to demythologize Smallwood and condemn Canadian greed and British treachery, conspiracy theorists have gone beyond what the evidence can sustain, and propose a new history that is as one-dimensional as Smallwood's.

At this point, it is helpful to outline the main elements of the post-1949 anti-confederate argument, and some of its strengths and weaknesses.<sup>8</sup> First, anti-confederates have long maintained that officials in both Britain and Canada secretly wanted Newfoundland to enter the Canadian union. This is true, and the efforts of both governments to encourage Newfoundlanders to join Canada while officially remaining neutral have been well documented by MacKenzie, Neary, myself, and John FitzGerald.<sup>9</sup> But the anti-confederate argument sometimes goes further, maintaining that British and Canadian actions behind the scenes invalidate the outcome of the July 1948 referendum. The implication is that the British rigged the referendum and most Newfoundlanders did not choose union with Canada. Alternately, if a majority did vote for Confederation, then the British and Canadians manipulated Newfoundlanders into doing so. Thus Newfoundlanders did not give informed consent to join Canada.

It is suggested that Britain's role in Newfoundland's decision-making process was unfair in several ways. Peter Cashin argued in 1945 that, under the 1933 legislation that created the Commission of Government, Newfoundland had to return to responsible government once it was self-supporting. He argued that the very creation of the National Convention was a breach of trust. What the British had promised, of course, was that Newfoundlanders would be given responsible government should they ask for it. The British provided the opportunity to do that in the 1948 referenda, even though they did not favour that option — and Newfoundlanders did not request a return to responsible government as it existed in 1933. The pledge was kept, and the creation of the National Convention did not breach any contract.

Ultimately the advocates of responsible government reconciled themselves to participating in the Convention, but contempt for it re-emerged when its final recommendation was ignored. One variant of the anti-confederate argument that has retained some currency is that the July 1948 referendum was undemocratic

since a majority of the members of the National Convention had not recommended that confederation be placed on the ballot — the British government unfairly “overruled” the majority of Newfoundland’s elected representatives. It is easy to sympathize with those who felt the British government changed the rules at the end of the Convention’s life when the outcome that the British preferred had lost. To be accurate, however, the British had not changed the rules. They had made clear from the beginning that any form of government for which there was significant support, and confederation was the one they had in mind, would be recommended by the Convention and be placed before the electorate in the referendum. To put it another way, the Convention could not prevent Newfoundlanders from considering an option just because that option was not favoured by a majority of its members.

The sentiment that Britain’s actions were “undemocratic” is based upon the idea that the Convention was a duly constituted legislature representing the sovereign Newfoundland people, rather than viewing the Convention as a mechanism for investigating and informing the public about constitutional options. Peter Cashin behaved as if the Convention was the legislature, depending upon parliamentary privilege to resist a slander suit rising out of his accusations against three Commissioners. If we follow this logic, then the decision of a majority of the elected representatives would have been more “democratic” than allowing the voters to choose among all the existing options. This seems to be based upon a restrictive view of democracy that sees the legal niceties of representative government as more important than genuine democracy. Anti-confederates would have preferred that Newfoundlanders not be allowed to consider confederation, which, like it or not, was an alternative form of government once the Ottawa delegation returned with draft terms of union. One such anti-confederate at the time expressed the view that the future form of government was too important a decision to be left to the voters. The conception of democracy held by those who made (and make) this argument was legalistic at best, at worst narrow and elitist.<sup>10</sup>

Another strand in the argument is that the British and Canadians gave Smallwood unfair advantages in the referenda campaigns. This perspective has some weight as well. Clearly, the British did much to discourage the advocates of Responsible Government, while the Canadians gave Smallwood information he could use in the campaign. Smallwood may have been given more tangible support as well. His biographers have reported that Liberal Party of Canada supporters provided the confederates with campaign funds. Assuming these accounts are accurate, the Canadians stepped across the line of allowing Newfoundlanders freely to decide their own future, and interfered. Even if no Newfoundland electoral law was broken, most would agree that this was unfair. Yet conspiracy theorists sometimes go further, and paint Smallwood as an agent of Canada. That there is no direct evidence for this is no problem. As one commentator put it, “the lack of production of such evidence does not mean that it does not exist.”<sup>11</sup> But the burden

of proof lies with the person advancing the interpretation, not upon readers who are unconvinced of its veracity.

Contemporary conspiracy theorists often fall back upon circumstantial evidence and oral history to construct a case. The suggestion that skulduggery occurred relies largely upon uncorroborated oral evidence from anti-confederates collected 40 to 50 years after the events they are describing.<sup>12</sup> They treat us to the claim that the Canadian High Commissioner "settled upon" Smallwood as the leader of a confederate party by "as early as 1943 or 1944."<sup>13</sup> What evidence exists for this? One now elderly anti-confederate reports Smallwood coming and going from High Commissioner Burchell's house during the war. This source did not know the purpose of the visits, but asks us to accept a sinister explanation. The most plausible one, in fact, is that Smallwood was discussing the arrangements for his piggery on the RCAF base at Gander. Yet the less likely explanation, that Smallwood was being secretly prepared for the confederation wars, is the one that finds acceptance.

The conspiracy theorist assumes that some skulduggery was going on during the meetings between Burchell and Smallwood and we are asked why Smallwood "beat it out to Gander in a hurry" unless he was eager "to make the resident-in-the-district requirement of a forthcoming National Convention."<sup>14</sup> The basis for this claim is that 45 years later, another former anti-confederate declared he had evidence that Smallwood knew that the Commission would require delegates be *bona fide* residents of their districts. However, the evidence is not presented, and the assertion is not consistent with the historical record. Smallwood moved to Gander in 1943. In January 1944 the Dominions Office was still considering a nominated, rather than elected, Convention. The Commission continued to insist upon an elected Convention for two reasons. It was in keeping with Newfoundland practice and any suggestion to join Canada would appear to come from Newfoundlanders. In May 1944 both the Dominions Office and the Commission agreed that "carpet baggers" should be kept out of the Convention but had not yet decided how to accomplish this. The person charged with designing the National Convention, Magistrate Nehemiah Short, did not suggest that candidates had to be *bona fide* residents of their districts until his report to the Commission in August 1944. This was in contravention of the previous practice of Newfoundland elections, and would have been difficult for Smallwood or Burchell to have predicted. In November 1945 the newly-elected British Prime Minister Clement Attlee again suggested appointing rather than electing the Convention to ensure representation of the fishermen and workers. To meet this objective the British Cabinet decided that delegates would have to be *bona fide* residents of their districts. The government made this decision public with the announcement of the Convention on 11 December 1945.<sup>15</sup> Burchell could not have told Smallwood in 1943 to move to Gander to make his election to the Convention more likely three years in the future. Smallwood had no advance notice, and as late as April 1946 he did not know into which electoral district Gander would fall — the town had not existed at the time of the

last election in 1932. He also worried whether he met the residency criteria in Gander, where he stood a better chance of getting elected than in St. John's, since he owned a house in the capital and his wife and children continued to live there.<sup>16</sup> Smallwood had a lifelong interest in farming and there is no reason to dismiss his own account of his decision to move to Gander in favour of a more sinister one.

In addition, the exact point at which Smallwood became a convert to confederation is not clear. He may have become a confederate before his mythical conversion on the streets of Montreal in December 1945. Nevertheless, in a letter dated 28 February 1946, his ally Gordon Bradley commented upon Smallwood's "changed attitude toward confederation", of which he apparently learned in a letter from Smallwood dated a few days earlier.<sup>17</sup> Assuming for the sake of argument that his conversion to confederation came before 1943, it likely had little to do with his fortuitous decision to move to Gander.

The anti-confederates and their nationalist heirs have also viewed the very introduction of the idea of confederation into the public debate as evidence of the Commission's unfairness. It is true that the British wanted a Newfoundlander to emerge who would champion the cause of union with Canada. But they envisaged someone prominent, such as John McEvoy or F. Gordon Bradley, and would never have chosen Smallwood as their standard-bearer. He had little "standing" in the community, and the Commissioners viewed him as a shady character. Smallwood did meet Canadian officials in 1946, and obtained information about the Canadian political system that he could use to convince Newfoundlanders to join the union. These meetings were on Smallwood's initiative, and they were known about in St. John's. The reader can decide as to the appropriateness of Canadian officials explaining the federal form of government and the details of Canadian social programs to a Newfoundland citizen who posed the questions.

It is often argued that the appearance of microphones in the Convention on the day that Smallwood introduced the divisive confederation motion is evidence that Smallwood and the Commission were coordinating their efforts to promote confederation. The Broadcasting Corporation of Newfoundland (BCN) was committed from the beginning to publicizing the Convention, but had initially decided that financial and staff limitations precluded the broadcast of the debates. But the BCN's reports of the proceedings during the first month proved unsatisfactory, since the inexperienced staff had difficulty distinguishing between important parts of the debate and parliamentary minutia. Consequently the station chose to record and broadcast the whole of the debates. During the first of these broadcasts, Smallwood proposed that the Convention send a delegation to Canada. The manager of the BCN, William Galgay, reported to the Board of Governors that this was entirely coincidental.<sup>18</sup>

Another delegate, Michael Harrington, reported that Smallwood knew ahead of time that the proceedings were to be broadcast. Smallwood may well have had some advance notice of the BCN's plans, since he may have learned of the technical

preparations from fellow broadcasters. The BCN's surprise that Smallwood made his motion on the day the broadcasts began was probably genuine, but Galgay may have been wrong about it being a coincidence. Learning that the BCN was soon to broadcast the proceedings may have encouraged Smallwood, on 25 October, to give notice to the Steering Committee that he intended three days later to propose sending a delegation to Ottawa. At the beginning of the month that committee had discussed sending such a delegation, and decided to finish the Convention's other investigations first. The committee now reversed its decision and allowed Smallwood's motion, but under the rules he had to give one day's notice. With the committee's approval and the microphones turned on, the Chairman solved this problem by asking for a unanimous consent to allow Smallwood's motion to be heard that day — 28 October 1946. Smallwood scribbled his motion onto a scrap of paper and rose to make his move.<sup>19</sup> In an effective tactical maneuver, Smallwood made the motion when the novelty of the broadcasts ensured a large audience. This scenario is more likely than the suggestion that the Commission or the BCN chose to place microphones in the chamber when it got wind of Smallwood's plans. Many of Smallwood's allies felt that the introduction of the motion was ill-timed and the Canadian High Commissioner felt that it had "dealt a heavy blow to the cause of Confederation."<sup>20</sup> Smallwood saw it differently. He chose to make the motion when its public impact would be greatest — not when its timing made the most sense within the Convention's timetable. (A less sympathetic explanation for Smallwood's precipitous move was that he did not want someone else to get the high public profile that would be gained by the proposer of such a motion.)

There is no reason to think that the BCN chose to broadcast proceedings to give Smallwood an advantage. Many other members of the Convention, such as Peter Cashin, were accomplished public speakers. Although Smallwood was effective in getting his message across, commentators have sometimes overstated Smallwood's hegemony over the broadcasts. The Avalon Peninsula, the area with the highest number of radio receivers and the most reliable reception, voting overwhelmingly against confederation — a fact that undermines the suggestion that the broadcasts were effective in turning listeners into pro-confederates. Even if the effect of Smallwood's well-known radio voice has not been overstated, neither Smallwood nor anyone else could have foreseen in the fall of 1946 that the Convention would reject confederation, and that he would begin to appeal to the people over its head. Finally, it should be noted that three of governors of the BCN, Robert S. Furlong, J.S. Currie and Charles Hunt, were active members of the Responsible Government League; they would hardly have wanted to give confederation an advantage.

Another argument is that the British government was "undemocratic" when it refused to allow "economic union with the United States" to be seriously discussed in the Convention or placed on the ballot.<sup>21</sup> The British held that reciprocity was a policy, not a form of government, and was not something that should be on a ballot in a constitutional referendum. A Newfoundland government was free to negotiate



trade deals with other nations, the British said, but self-government had to be resumed first. This is a logical position, but the British justification for keeping "economic union" off the ballot was also self-serving. Anything that made responsible government look more feasible would have made the option that the British favoured less likely to win. Dominions Office policy was to do nothing that made any option other than confederation seem attractive. Free trade with the USA was a popular idea and made self-government more appealing to voters, but we should not go too far. Placing "economic union" on the ballot would not likely have changed the outcome, since the voters who favoured closer ties with the United States probably voted for Responsible Government anyway.

Conspiracy theorists advance two other factors to undermine the validity of the referendum outcome — the presence of Canadian money in the campaign and the introduction of sectarian ill-feeling. They accuse Smallwood of both accepting campaign contributions from Canadian sources and of encouraging interdenominational hatred. The source for the first accusation seems to be the report that the federal government gave Smallwood a Liberal Party fundraising list so that confederates could ask Canadian businesses for contributions. Historians have not found evidence to corroborate this, but neither Smallwood nor Jack Pickersgill denied it. The playing of the sectarian card is also well known. The "Orange Letter" advised members of the Protestant Loyal Orange Lodge, of which Bradley was a former Grand Master, to fight against Roman Catholic "dominance" of Newfoundland politics by voting for Confederation. Smallwood seems guilty of both charges, but are these "crimes" sufficient to discount the referendum outcome? There are no ways of measuring their impact on voting behavior. One must remember that the first referendum occurred before the Orange Letter introduced sectarianism into the campaign, and the results were similar to the second referendum. The first resulted in a plurality of voters favouring responsible government (44.5%) and 41.1% choosing confederation. Since it is reasonable to assume that the 14.3 per cent that voted for continued Commission government believed Newfoundland should be attached to a larger political unit, suggesting that most of them would have switched to confederation is reasonable. Mark Graesser has estimated that the confederates picked up about 70% of the voters who had voted for the Commission.<sup>22</sup>

Commentators have often emphasized the extent to which the confederation debate was a battle between the orange and the green. Graesser's analysis confirms that with the exception of three districts, a majority of Roman Catholics voted against confederation and, with the exception of four districts, a majority of Protestants favoured confederation. In St. John's, for example, a majority of Protestants favoured responsible government, although by not nearly as overwhelming a number as Roman Catholics in those districts. Religion can be used as a predictor in determining voting patterns, Graesser concludes, but so can other factors such as region and educational level.<sup>23</sup> Sectarian rivalry undoubtedly was a factor in encouraging some Protestants to vote for confederation and some Roman

Catholics to vote for a return of responsible government. However, when recent commentators suggest that religious rivalry, precipitated by the editorials in the Roman Catholic *Monitor* and the "Orange Letter", was a primary motivation, they dismiss too easily the other factors and overstate their case.

Newfoundland nationalism on the Avalon Peninsula had an Irish flavour, and for many Roman Catholics Responsible Government carried the same connotations as had "Home Rule" for their relatives in Ireland. Regardless of Archbishop Roche's political advice, they were predisposed to favour responsible government. Peter Cashin would probably have been able to get a large anti-confederate vote out in Ferryland, even had the clergy been pro-confederate. A majority of the Protestants on the Avalon Peninsula voted for a return to responsible government and most Roman Catholics off the Avalon voted in favour of Confederation. Further statistical analysis may yet tease out the sectarian factor from the class, geographic and other factors that determined voting behavior, but the fact remains that 150,000 voters decided how to vote for 150,000 individual combinations of reasons. Even if the confederate campaign was paid for by Canadian money, and religious bigotry was a factor, this would not invalidate the referendum. As reprehensible as these tactics may seem to us now, they were not illegal. Those voters whose decision was based upon the most heinous of motives cast one ballot, just like the most rational and public-spirited of electors.

So why do some people in the 1990s emphasize sectarianism? Probably because such an emphasis taints the validity of the outcome. Pro-confederate voters thus become suspected Orange Order bigots and Joe Smallwood becomes a cynical RC-baiter, willing to prey on the darkest of human motives for his own political advantage. A late twentieth century anti-confederate cannot undo what the voters of 1948 achieved, but can impugn the motives of confederate voters and thus undermine the moral high ground of a democratic majority decision.

Now we come to the nub of the matter — ballot rigging. British and Canadian efforts to give aid and encouragement to pro-confederates may have been unfair, but rigging the referendum would have been a crime, and no direct evidence of ballot manipulation has been found to date. Virtually no records of the administration of the referendum survive in the Provincial Archives of Newfoundland and Labrador, a fact that some have implied is evidence of a coverup. Yet historians face gaps in records all the time, and the absence of documents must be read as neutral when interpreting the past. Oblique evidence is sometimes presented that suggests irregularities in the counting of ballots.<sup>24</sup> On occasion someone puts forward the claim that a conspiracy to switch the ballots existed. One person told me that he once met a man in Britain, whose name he did not know, and this fellow told him that the Commission had rigged the ballot. Another story I have heard is that an (unidentified) Roman Catholic priest took the deathbed confession of another unnamed person who admitted to having rigged the referendum. Why should we treat seriously the idle chatter of an unidentified person who may not

have had any connection with events in Newfoundland? Do priests reveal what they hear during deathbed confessions? Furthermore, a successful conspiracy of the size required to "fix" the ballots in a multiple number of geographically dispersed districts is untenable when one considers the small and interrelated character of Newfoundland society of the 1940s. Without any real evidence that tampering with the results occurred, no matter how small, any honest commentator would have to accept the outcome.

In a way, the most compelling evidence on the question of the validity of the balloting is negative evidence. First, the Dominions Office prepared for the eventuality that Newfoundlanders chose a return to responsible government or continued Commission.<sup>25</sup> If the British intended to stuff the ballot boxes, then why were they planning in this way? Secondly, the leaders of the Responsible Government League were no innocent political neophytes, and it is puzzling why the League did not ask for a recount, if they believed that irregularities were sufficient to cast doubt on the outcome.<sup>26</sup> The League grasped flimsier straws in its attempt to block union. It petitioned the Supreme Court to throw out the entire constitutional procedure, and had A.P. Herbert introduce an independent member's bill in the British Parliament that would have overruled the outcome of the referendum and reinstated responsible government. It seems clear, and this is an important point, that supporters of responsible government did not possess evidence of electoral wrongdoing sufficient to demand a recount. They must have understood that they could have used the recount and questions of voting irregularities to advantage. Mackenzie King had insisted upon a clear message from the people of Newfoundland before union could proceed, and evidence of irregularities and the demand for a recount would have made Confederation exceedingly difficult. But no action was taken, possibly because most anti-confederates understood that the people of Newfoundland and Labrador had made their choice. It was only an embittered rump which continued to fight.

Another familiar refrain is that, if the British had returned responsible government first, Newfoundland could have negotiated terms of union that would have been more advantageous than those negotiated by the Ottawa delegations of 1946 and 1948. The Convention was qualified to reject Confederation and keep it off the ballot, it is argued, but unqualified to negotiate terms of union. Newfoundland might, the argument runs, have maintained control over the fishery or gained control over offshore oil if terms of union had been negotiated between two constitutionally equal dominions. This argument betrays a lack of understanding of Canadian politics and the constitution.<sup>27</sup> The Terms of Union between Newfoundland and Canada were governed by the British North America Act (1867), and would not have been very different even if Newfoundland had sent a "dream team" to Ottawa to negotiate. The division of federal and provincial powers had been set out in 1867 and there were limits to Newfoundland's ability to use "special circumstances" to wring additional concessions out of the federal government.

Ottawa could not have given Newfoundland jurisdiction over the fishery without reopening the basis of the country and extending the same to Nova Scotia, Quebec and other provinces. Anyone who thinks Newfoundland could have been given a better deal than that enjoyed by other provinces knows nothing of Canadian politics.

Furthermore, no Newfoundland negotiators in the 1940s and 1950s would have asked for greater political jurisdiction. The Newfoundland political elite of the time was more interested in passing responsibility over to Ottawa to ensure that the federal government would pay for government services. The memory that Newfoundland had only missed bankruptcy in 1933 through the aid of the British Treasury influenced Newfoundland's negotiators. The Newfoundland nationalism expressed by Brian Peckford in the 1970s did not exist among Newfoundlanders at the end of the 1940s. There were critics, such as Chesley Crosbie, who warned the fiscal basis of the provincial government was inadequate, and many that were unhappy with union itself, but no one argued the provincial government's responsibilities within Canada should be greater.<sup>28</sup>

Romantics would have us believe that a return to responsible government in 1949 would have been the resumption of independence, and we would now be one of the world's great small nations. The federal government has not done a good job of husbanding the resources of the continental shelf, and it is not surprising that some commentators think that Newfoundland would have done a better job of managing the fishery than the federal Department of Fisheries. They base their arguments more on romanticism than realism, and such counterfactual exercises tend to be more entertaining than enlightening. However, two observations are in order. First, a return to responsible government did not mean "independence." The British government did not intend to allow Newfoundland to adopt the Statute of Westminster.<sup>29</sup> The wording on the ballot, "Responsible Government as it existed in 1933," indicated that Newfoundland would not become a Dominion like Canada if voters chose a return to responsible government.<sup>30</sup> Newfoundland's government would have been analogous to a provincial government, in that although elected Newfoundlanders would have had control over "local" affairs and finance, London would have continued to control international relations. It would also have continued to enjoy the power of reservation, since the British government would have continued to appoint the governor.<sup>31</sup> Newfoundland's affairs in many things would have been in the hands of the British Parliament, a body in which it had no representation. In other words, Newfoundland's external affairs, including the management of foreign fishing ships, would have remained in the hands of the British, and it is unlikely that the British government would have done a better job of controlling over-fishing than Canada has done. A Newfoundland with responsible government would have had no representation at Westminster; by contrast the presence of seven Newfoundland members of the Canadian House of Commons (including by convention one Cabinet member) does provide at least a small voice in setting federal policy.

Furthermore, Newfoundland's record between 1855 and 1934 does not suggest that a Newfoundland government would necessarily have administered offshore resources wisely and well. The provincial government's post-confederation record of managing land-based resources is mixed at best, and Newfoundlanders bear some responsibility for Canada's failure properly to manage the groundfish stocks. Blaming "Ottawa" is too easy. There has been effective shared jurisdiction over the fishery, since the province has licensed fish plants, subsidized boats and gear, and contributed to the over-harvesting of marine species in many other ways.

To phrase the question of 1948 as "responsible government or confederation" is an error. The choice was really between "responsible government within the British Empire or responsible government within the Canadian federation." One can argue that Confederation has given Newfoundlanders more independence than a return to "responsible government as it existed in 1933" would have done.

The other alternative history is the argument that free trade with the United States could have given an independent Newfoundland prosperity. The Economic Union Association campaigned on a platform of parlaying Newfoundland's strategic importance into free access to the American market for Newfoundland products. From the days when Robert Bond was Colonial Secretary in the 1890s, reciprocity with the USA has been held out as the key to making responsible government a success. Again, romantic nationalists have exaggerated Newfoundland's negotiating strength. The Americans already had the military bases that they wanted, and Newfoundland would have had precious little leverage. More important, given Iceland and Norway's vastly greater strategic importance during the Cold War, and Canada's importance as a trading partner, Newfoundland could not have obtained any advantages over its competitors in access to American markets.

Historical knowledge is contingent, and evidence may yet emerge which proves wrong many of the conclusions I have reached. Until then, we have an obligation to base our conclusions upon a critical reading of the evidence we do have. Since governments have released most relevant documents, we have a good understanding of the British and Canadian policies and involvement in the events of the 1940s, and it is unlikely that much will be found to change the outline of those events. A more productive line of inquiry for historians is to examine the different conceptions of nation and community that existed in Newfoundland. Elsewhere, for example, I have suggested an explanation for how Smallwood reconciled his Newfoundland nationalism with union with another country, while his fellow nationalist F.M. O'Leary remained committed to the return of political independence.<sup>32</sup> Further work upon an intellectual and cultural portrait of the diversity of Newfoundlanders could be more productive in enhancing our understanding of confederation than further scouring of record groups.

Nationalists everywhere are tempted to blame the failures of the past upon external enemies. Given Newfoundland's voluntary decision to join a larger country, nationalists must account for why their predecessors chose as they did. If

a conspiracy existed, then the British and Canadian governments can be cast as the villains who, with their local *compradores*, deluded the electorate. Canada wanted to get its hands on Newfoundland and Labrador's rich resources, and there was a budget surplus. Confederation gave it all away. "Newfoundland was rich" one person said to me recently, and he denied that there was any poverty in the 1940s. For a generation that came of age under Smallwood, Moores or Peckford, creating a mythology about the idyllic communities before confederation is easy. Other critics will admit to the existence of poverty, but point to the value of the resources that might have made Newfoundlanders wealthy if Canada had not stolen them. While these resources had the theoretical potential to enrich Newfoundlanders, our experience, under several constitutional regimes, has been that the reality of the capitalist exploitation of these resources did not benefit most Newfoundlanders very much. In fact, the most hardy perennial in Newfoundland has been the struggle to find a constitutional solution to economic problems.

Some romantics argue that despite the poverty of some Newfoundlanders (which Smallwood exaggerated for his own benefit), we cannot question the financial viability of the Newfoundland state. The Commission government had accumulated a budgetary surplus and had lent money to Britain, and in 1949 Newfoundland's per capita debt was lower than Canada's. The Commission's solvency, however, was a result of the wartime boom combined with a Depression-era level of public services; and if Newfoundland had a lower per capita debt, it also had a lower per capita income. The state was solvent at that point, but continued solvency would have had the high price of continued poverty for many. Few informed people in the immediate post war period believed that the Newfoundland state could continue to run a surplus. Even the advocates of responsible government in the Convention went to London in an unsuccessful attempt to get a financial safety net from the British. Furthermore, few Newfoundlanders would have argued that the public infrastructure was sufficient, except those who felt that clothing the poor only encouraged their dependence. For a hypothetical responsible government to have maintained a balanced budget would have required far lower expenditures upon education, transportation and health care than occurred under the actual provincial government. As we all know, that provincial government ran a large deficit thanks to providing services at a higher level than the Commission and its often misguided attempts to foster economic growth. Without the investments in human capital by the provincial and federal governments over the last 50 years, our record of benefitting from our resources would have been even worse than it was. The human cost for political independence would have been high. The argument that economic growth in Newfoundland would have been higher between 1949 and 1999 without an interventionist state is unconvincing. The often-dreamt "Republic of Newfoundland" might have been a lot like the Republic of Haiti. The independence of responsible government was an illusion and the "independence" of many poverty-stricken Newfoundlanders — a shabby dignity.

At one level, whether or not there was a conspiracy to rig the referenda of 1948 is unimportant. Newfoundland was not a democracy in 1949 and entered Canada through an amendment to the British North America Act passed by the British Parliament. Should new evidence appear that shows the majority of Newfoundlanders did not favour union in the second referendum it would not change our legal status as Canadians. The interesting question for us here is, why do some people in the 1990s want to believe there had been a conspiracy 50 years ago? I suggest that there are two answers to this question. The first rests upon nationalism and the second upon the malaise that is endemic to late twentieth century life. And some of the arguments reveal a great deal about ideological beliefs.

Nationalism is often inextricable from romanticism. Both appeal to the commonality of community in the face of cleavages of class, gender, ethnicity and the thousands of other differences that make us individuals. This attitude ignores both the social conflict within our past, and the reality of life for most people in pre-confederation Newfoundland. For some Newfoundlanders the past is a romantic refuge in which a local elite ruled wisely and benevolently over a grateful and contented peasantry. They can blame social conflict and problems upon the modern world that confederation introduced. This mythology is profoundly anti-democratic and reactionary. The antipathy toward Smallwood and the "ignorant and avaricious outporters"<sup>33</sup> is the whine of a would-be ruling class with grand notions that it knows what is best for the common people.

The anti-confederates of 1948 felt betrayed, first by the British government and then by the Newfoundland voters. Most anti-confederates accepted the will of the majority and reconciled themselves to becoming Canadians. Others did not accept defeat so easily. Some felt betrayed by the predominantly rural voters who opted for Canada rather than responsible government under the leadership of the St. John's oligarchy. The anti-Catholic nature of the confederate campaign incensed those who felt strongest about their Roman Catholic identity, and the fact that Smallwood had held out Canadian social programs as benefits of union angered the right wing. Indeed, those who reacted most angrily were those who felt that outporters had sold the country for social programs — in effect, they opposed union because they objected to Newfoundlanders participating in the Canadian welfare state.

Fifty years later many of the ideological heirs of the right wing of the Responsible Government League blame Canadian social programs such as Employment Insurance for the poor performance of the Newfoundland economy. They contrast the "independence" of responsible government with the "dependence" of confederation. They imply that this was the trick that Smallwood played. Promises of baby bonuses, pogy and pensions bamboozled the voters. Smallwood offered handouts and Newfoundlanders took them, the argument runs, dooming them to being welfare cases rather than self-sufficient. Some would like to overturn New-

foundlanders' 1948 choice to join a state that looked after the economic and social welfare of its people.

So without any evidence of wrongdoing, and in the presence of compelling arguments that the charges of conspiracy to rig the referendum are false, why do we have the emergence of a new conspiracy theory at the end of the twentieth century? In part, I suggest, it is because of the contemporary political situation in which we Newfoundlanders find ourselves. This is a time in which economic forces, such as global competitiveness, and the closure of the seal fishery, the cod fishery and now the salmon fishery, threaten the extinction of rural Newfoundland. Factors outside our control seem to rule our lives, and it is comforting to externalize and personalize our problems. This is more than blaming foreigners or scientists for our problems. It assigns a kind of human agency to historical forces. The search for conspiracy — whether in Newfoundland or in the Kennedy assassination — tells us something about modern life. In a world in which abstract social forces buffet us and we have little power over the conditions of our lives, a fantasy life that places the individual at the center of historical change is appealing. If individuals make history then our lives can have meaning. If we believe that some individuals were responsible for the confederate victory, then we can fantasize that Newfoundlanders did not really reject the Newfoundland nation in 1948. We are still a nation, the argument runs, but it is a secret because the truth has been hidden from us. This is the “secret nation” in the film of that title. There are other reasons why conspiracy theories have psychological appeal. Conspiracy theories allow those who have not done the hard work of understanding the past the illusion of exclusive knowledge and self-satisfaction that they alone know what the government has tried to conceal and the academic establishment is too stodgy to accept.<sup>34</sup>

The British and Canadian governments certainly manipulated events, but the referendum was fair and Newfoundlanders made their own choice. Conspiracy theorists have their own agendas, and their claims go well beyond what the evidence can sustain. A disturbing aspect of the mythology is its anti-democratic baggage. In explaining away the decision that Newfoundlanders made in 1948 we risk rejecting the expressed will of the people in favour of paying lip service to democracy. Meanwhile we allow those with economic and political power to do what they feel is best for Newfoundlanders, who the elite see as incapable of knowing what is best for themselves. Do the cultural and academic communities want to create a myth that we were the victims of a conspiracy and our own stupidity? Or, do we create a version of our past that sees us as having decided what was best for our country? The latter has the advantage of being consistent with the evidence. The “Newfoundlanders as victims” interpretation misses the social diversity of our past that is the stuff of our history. A nationalist myth that ignores the reality of people's lives risks being as out of touch with most Newfoundlanders as was the paternalistic ideology of the Responsible Government League.



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Notes

<sup>1</sup>*Secret Nation*. National Film Board, 1992.

<sup>2</sup>Richard Gwyn. *Smallwood: The Unlikely Revolutionary*. (Toronto, 1968).

<sup>3</sup>Joseph R. Smallwood. *I Chose Canada*. (Toronto, 1973).

<sup>4</sup>Smallwood often repeated the story of his buying Bradley cotton underwear to replace the latter's woolen garments in an effort, I believe, to make Bradley seem a figure of fun and someone who had to be handled by Smallwood. Smallwood wanted to diminish the contribution of Bradley, who was Chairman of the National Convention's delegation to Ottawa, Chairman of the Convention itself and President of the Confederate Association. This story is often repeated by those who want a cheap laugh, but the serious effect of the story is that it derails a discussion of Bradley's importance in bringing about confederation. See J.K. Hiller, "The Career of F. Gordon Bradley." *Newfoundland Studies* 4:2, 1988, 163-80.

<sup>5</sup>Phillip McCann. "Confederation Revisited: New Light on British Policy." Lecture presented to Newfoundland Historical Society 13 January 1983. Unpublished essay deposited in Centre for Newfoundland Studies, Memorial University of Newfoundland. See *Evening Telegram* 14 January 1983.

<sup>6</sup>Paul Bridle, ed. *Documents on Relations Between Canada and Newfoundland*. (Ottawa, 1984). David MacKenzie. *Inside the North Atlantic Triangle*. (Toronto, 1986). Peter Neary. *Newfoundland in the North Atlantic World*. (Kingston and Montreal, 1988). Peter Neary. "Newfoundland's Union With Canada: Conspiracy or Choice." *Acadiensis*, 12:2, 1983, 110-19. For a commentary on these and other works, see James K. Hiller, "Twentieth Century Newfoundland Politics: Some Recent Literature." *Acadiensis* XIX:1, 1989, 180-91.

<sup>7</sup>Jeff A. Webb. "Newfoundland's National Convention, 1946-48" Unpublished MA thesis MUN 1987.

<sup>8</sup>There are a couple of publications that set out the case for a conspiracy, notably Bren Walsh, *More than a Poor Majority*. (St. John's: Breakwater Books, 1985) and John FitzGerald, "Newfoundland Politics and Confederation Revisited." *Newfoundland Studies*, 9:1, 1993, 103-24.

<sup>9</sup>John Edward FitzGerald. "The Confederation of Newfoundland with Canada, 1946-1949." Unpublished MA thesis MUN 1992.

<sup>10</sup>For a discussion of the elitist resentment of rural voters among the anti-confederate leadership see Jeff A. Webb, "The Responsible Government League and the Confederation Campaigns of 1948." *Newfoundland Studies* 5:2, 1989, 203-20.

<sup>11</sup>Fitzgerald. "Newfoundland Politics", p.114.

<sup>12</sup>Oral accounts collected after time has passed must be used cautiously. Memories are not stored in the mind to be retrieved like video tapes in a closet, they are re-imagined as the mind constructs a narrative out of the information it has. Information learned subsequent to the event that is being recalled colours the memory with significance that could never have been evident at the time the event occurred.

<sup>13</sup>Fitzgerald. "Newfoundland Politics", p.115.

<sup>14</sup>*Ibid.*, p.115.

<sup>15</sup>Jeff A. Webb. "Newfoundland's National Convention, 1946-48." Unpublished MA thesis, Memorial University of Newfoundland, 1987, pp.38-44.

<sup>16</sup>Bradley Papers, Bradley to Smallwood, 18 April 1946.

<sup>17</sup>Bradley Papers, Bradley to Smallwood, 28 February 1946.

<sup>18</sup>National Archives of Canada, RG 41 Volume 405 File 23-1-7 (part 4), General Manager to Governors, 17 August 1946. And "Broadcasting Corporation of Newfoundland: National Convention."

<sup>19</sup>Webb. "National Convention," pp.65-6.

<sup>20</sup>Canadian High Commissioner in Newfoundland to Acting Secretary of State for External Affairs, St. John's, 4 November 1946, in Paul Bridle, ed. *Documents on Relations Between Canada and Newfoundland*. (Ottawa, 1984) Volume 2 Part 1, Document 203.

<sup>21</sup>Patrick Kavanagh. "Time to renew the Confederation ties." *Evening Telegram* 23 January 1999.

<sup>22</sup>"Who voted for Confederation? An analysis of voting patterns in the 1948 National Referendum." Prepared by Mark Graesser for presentation to the Newfoundland Historical Society Symposium "Encounters with the Wolf." March 20 1999.

<sup>23</sup>*Ibid.*

<sup>24</sup>John FitzGerald has found some letters from the period in which people outline their suspicion that there was undue influence and perhaps miscounts of ballots in some communities. He also suggests that Smallwood's collaborators may have marked an X for confederation on behalf of illiterate voters who would have voted for Responsible Government if they had been able to read the ballot. See FitzGerald, "Newfoundland Politics", pp.116-18. FitzGerald does not ask if the Responsible Government forces played the same sort of dirty politics that he suggests the confederates practiced. Letters from individuals to Smallwood after the provincial government had been formed that ask for favours in return for having "delivered" a pro-confederation vote in their communities should not be read as admissions of having stuffed ballot boxes. These more likely represent people who wanted to be rewarded for having campaigned for confederation.

<sup>25</sup>See for example: Memorandum from Lord Privy Seal to Prime Minister, 3 February 1948, in Bridle, *Documents*, pp. 807-9.

<sup>26</sup>The provisions for a recount which were contained in the *National Convention Act, 1946* were reenacted by section nine of the *Referendum Act, 1948*. Section 72 of the *National Convention Act* provided that "any credible witness" could post a \$100 bond and swear an affidavit to a judge that he or she believed that "the deputy returning officer in counting the votes has improperly counted or rejected any ballot papers at such election, or that the returning officer or deputy returning officer has incorrectly added up the votes." The judge would then summon the Chief Electoral Officer or Deputy Returning Officer and the ballots would be recounted. Present at the recount would be the judge, the electoral officer and "each candidate or his agent." For the purposes of the referendum, the Confederate Association and the Responsible Government League could have had people standing in as the "candidate or agent." Section 21 (2) of the *Referendum Act* also provided for any elector's right to petition the Supreme Court to overturn the Chief Electoral Officer's decision in cases in which he rejected ballots that contravened the act.

<sup>27</sup>For a discussion of the negotiations leading to union see MacKenzie, *Inside*, and Raymond B. Blake, *Canadians at Last: Canada Integrates Newfoundland as a Province*. (Toronto, 1994).

<sup>28</sup>The only desire for what later became "asymmetrical federalism" was the Newfoundland delegation's suggestion to include Term 17. The Canadians did not want to

include this term, since education was within provincial powers anyway, but went along with Smallwood's desire to provide the Roman Catholic Church with some reassurance. This effort to enshrine the denominational education system in the constitution was intended to defuse the Roman Catholic Church's fear that Confederation might erode their control over education. This term made the Newfoundland government inferior to the governments of other provinces in that it alone did not have full jurisdiction over education.

<sup>29</sup>The 1931 Statute of Westminster set out that Dominions of the Empire would have full jurisdictional autonomy. Although Newfoundland had been named as a Dominion in the Act, the Newfoundland legislature had not chosen to put the statute into effect. This meant that the British Parliament continued to be responsible for Newfoundland's foreign affairs and could block the Newfoundland legislature from enacting legislation that was repugnant to Parliament.

<sup>30</sup>Memorandum from Lord Privy Seal of Great Britain to Prime Minister of Great Britain, 3 February 1998, in Paul Bridle, ed. *Documents on Relations Between Canada and Newfoundland* Volume 2, Part I (Ottawa, 1984) pp.807-9.

<sup>31</sup>The "power of reservation" was a residual power in which the Governor, who was a British appointee, could refuse to sign an act into law. Canadian constitutional scholars agree that in Canada this power has lapsed through disuse.

<sup>32</sup>Jeff A. Webb. "Constructing Community and Consumers: Joseph R. Smallwood's *Barrelman* Radio Program." *Journal of the Canadian Historical Association*, 1997, New Series Vol. 8 (1998) pp.165-86.

<sup>33</sup>P.E. Outerbridge as quoted in Webb, "The Responsible Government League," p.214.

<sup>34</sup>I am grateful to Todd Wareham for suggesting this point.