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Sinclair Stevens says Prime Minister Harper?s Senate reform undermines democracy

The Hon. Sinclair Stevens, Leader of the Progressive Canadian Party (and King resident), expressed his serious concern that the Harper government's appointments and proposals for Senate reform again undermine democracy in Canada and Canadian national unity.

The Harper government claims a strong mandate but it is based on the support of only 39% of Canadians in the 2011 election.

?Harper's appointments are mere patronage and partisanship, showing no interest in democracy and threatening national unity,? Stevens said. ?His appointees pledge to vote as he wishes rather than, as senators, to determine what is best for Canada.

?Harper's Senate reform proposals threaten Canadian unity by making senators militant advocates of each province's interest against all the others and against Canada, making Canada and parliament answer to senators elected by the provinces and appointed by himself as prime minister. Yet his constitutional reference is trying to deny the provinces their constitutional right to object to his proposal for firewall federalism.

?He is trying to see how far he can go because the constitution doesn't interest him. Democracy doesn't interest him. That's why he prorogues parliament and uses omnibus bills to treat the Opposition in the Commons as irrelevant rather than as the voice of Canadians who are their constituents.?

On Jan. 25, Harper again appointed new senators who pledge to support his government's senate reform plans, including limiting Senate appointments to terms of nine years, depriving parliament of its institutional memory, and to create a framework for the provinces to hold elections with no constitutional standing to select senate nominees. He poses abolition as an alternative. A constitutional reference is now intended.

Under Canada's constitution senators serve to review and revise government legislation and regulatory proposals with powers equal to the Commons in fulfilment of Senate responsibility as a revising chamber balancing Commons rep by pop with regional representation in four equal defined Senate divisions. The Senate is not a house of the provinces nor of elected party or provincial partisanship. The Senate's role is as the institutional memory of parliament and nonpartisan revising chamber of ?sober second thought.?

Constitutional reform of the Senate under the general formula requires the agreement of seven provinces representing 50% of the population of Canada.

Yet all of these Canadian constitutional principles seem to be violated by the Harper appointments and legislative proposals. Prime Minister Harper's Senate appointments also violate the Guiding Principles for Senate Reform established and reaffirmed by the Progressive Conservative Party of Canada, two of them developed in Western Canada.

The Guiding Principles for Senate Reform require any such proposal to meet three historic constitutionally-based standards.

First, acknowledgement that the important work the Senate does in Committee to examine proposed legislation or regulation provides the opportunity for long-term study of complex issues free of the inherent instability resulting from partisan politics in the Commons and electoral politics (Guiding Principle 235).

Second, the Senate is a check on the power of the Prime Minister and Cabinet Government. In fact, the Senate protects our parliamentary democracy against excessive partisanship by the Prime Minister, political movements and the party in power. This role was understood by Sir George Etienne Cartier who worried that democracy might be reduced to a populist mob and abused by a demagogue serving as prime minister (Guiding Principle 236).

Third, the first duty of Canada's senators is to Canada, not to their party, province, region or interest and belief. The Senate is a revising chamber, necessarily nonpartisan as the chamber of ?sober second thought? at the centre of the Canadian federal principle (Guiding Principle 237).

The Senate is Parliament's institutional memory, with powers equal to the Commons but reluctant to use them because they are appointed, not elected, yet serving as a safeguard against partisan self-interest of the party or prime minister in office and as a key defence of national unity within the Canadian federal principle.

But Stephen Harper abuses these principles, reminding us of his disregard for constitutional necessity and for Tory principle.

Referring to firewall federalism as classical federalism, Harper's public statements on Senate Reform seek to replace Canada's principle of co-operative federalism between the provinces and between the provinces and Canada itself. This would be the effect of provincially elected senators, Stevens added.

Ironically such new senators, if they were to be elected in provincial elections, would violate the intention of Canada Elections Act, Section 550, which prohibits candidates for election from pledges in writing to sell their vote or vote in ways conditional to their

election because doing so is to buy office and to violate the integrity of parliament. In spirit if not in law Harper exacting promises of support for his policies from his senate appointees calls into question their credibility as a check on the prime minister and as a revising chamber capable of sober second thought concerning government legislation and regulation.

Progressive Conservative Senator Elaine McCoy, who has described Canada's appointed Senate as the last defence of democracy in today's hyper-partisan political atmosphere in the Commons, has proposed a blue ribbon panel to nominate Governor General appointments to the Senate instead of by the prime minister alone or provincial elections.

The Progressive Canadian Party, representing Progressive Conservative political philosophy and policy directions and guided by the Tory Guiding Principles for Senate reform, applauds Senator McCoy's recommendations and notes further that the Queen's Privy Council already exists as a nonpartisan body to fulfil the constitutional requirements of Senate appointments and Senate Reform.

A quorum of the Queen's Privy Council across party lines and levels of government, comprising former Governors General, present and former prime ministers and cabinet ministers, Supreme Court Chief Justices, inducted Leaders of the opposition and premiers, could fulfil its historic role as an advisory body to the Crown by recommending to the Governor General persons qualified to serve in Canada's Senate in fulfilment of its duty as a revising chamber of ?sober second thought.?

The Progressive Canadian Party looks forward to the opinion to be provided in the Supreme Court reference.