Senate Envy:
Why Western Canada wants what Australia Has

F.L. (Ted) Morton
University of Calgary

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1.0 Introduction

Trained and worked as a political scientist for the past 25 years, concentrating mainly on courts and constitutions, especially Canada's 1982 Charter of Rights.

More recently—1998—I succumbed to the fatal attraction of electoral politics and stood for and was elected one of Alberta's two Senators-Elect. In so doing, I voluntarily gave up my membership in one of the professions most respected by Canadian public—university professors—and joined a new occupational grouping—politicians—which Canadians regard on about the same level as used-car salesmen and lawyers.

Worse yet, since the Liberal government in Ottawa refuses to recognize the legitimacy of Alberta's 1998 Senate election, I have not been appointed to the Senate, nor are there any prospects that I soon will be. I have achieved the dubious distinction of having voluntarily abandoned the revered status of a scholar/teacher in exchange for the public contempt reserved for politicians without even enjoying any of the perks of the latter!

Given such a demonstrated capacity for poor judgment, some of you are no doubt wondering why I was ever invited to participate in this lecture series.

In my own simple way of thinking, I came to Australia to do what political scientists do: to study and to report. I came to study how you Australians have successfully wedded an American-style Senate to a Westminster-style parliament. To help pay the freight, I am also lecturing at various universities on how the Charter of Rights has impacted and changed the way Canada is governed. My old friend and ANU Professor John Uhr has informed me that this is a much too rational and superficial view of my mission. According to John, what I am really doing in Australia is better described as a form of political psycho-therapy: I have come to cure Australians of your rights-envy, and in turn be cured by you of my Senate-envy—thus the topic of today's lecture.

Comparative constitutionalism can be tricky business, and sometimes even nasty. Allow me to instance these points with a remark made Sir Edmund Barton during Australia's founding debates in the 1890s, in which Sir Edmund disparaged the Canadian constitution as a "mongrel" brand of federalism.

I will return to this apparent insult in a moment, but I want first to assure you that worse things have been said about the Canadian constitution. The British North America Act, 1867, was intended to create a hybrid nation that would enjoy the best of its three principal sources. The Canadian Founding Fathers hoped that the BNA Act would give birth to a nation that combined the stability and order of British politics, with the dynamic wealth-creation of an American-style economy, topped off with the elegance and refined tastes of French culture. However, according to some, the results have not lived up to expectations. One hundred and thirty-five years later, some have suggested that what we ended up with was French politics, a British economy and American culture.
[pause]

But what we did not get—and what you, Australia, did get-- was an American-style Senate.

2. Theory: asymmetry between state and society

Like the Australian constitution, the BNA Act sought to wed a British-style Westminster government with an American-style federal system. The BNA Act spells out a division of powers between the central government in

Ottawa and the provincial governments. At the federal level, the Canadian Founders created a bicameral legislature with both a House of Commons and a Senate, with "responsible government" grounded in the popularly elected lower chamber. Notwithstanding the latter, the Senate was given the identical powers of the lower house, save the power to introduce tax and spending bills.

Here, the similarities with the Australian constitution end. Spurning the republican model of the Americans in favour of imitating the British House of Lords, the Canadian Senate was to be appointed, not elected. Similar to the Lords, Canadian Senators were given tenure of office for life. The principle of provincial equality was also rejected, in favour of what is now called regional equality. Ontario and Quebec were allotted 24 Senators each, while the three original maritime provinces—New Brunswick (10), Nova Scotia (10) and tiny Prince Edward Island (4) were given 24 to divide amongst themselves. This model was later extended to the Western territories as they gained the status of province, such that today the four Western provinces also have 24 Senators—six per province. Newfoundland, the latecomer, was allotted four Senators when it joined Confederation in 1949.

Basing the selection of Senators on executive appointment rather than popular election quickly proved to be the fatal flaw in the design of the Senate. The rising tide of democracy quickly discredited the idea of a non-elected and thus unaccountable upper-house exercising a veto power over the House of Commons. A constitutional convention soon developed that the Senate should not use its powers to obstruct government legislation, a convention that was effectively reinforced by the partisan use of the appointment power. Notwithstanding some imminent individual members, the Senate became increasingly discredited as little more than a patronage pit for the government of the day. Today the Senate may be candidly described as at best an irrelevancy, at worst a national embarrassment. Significantly, there is almost as much sentiment for abolishing the Senate as for reforming it. Senate abolition is an official policy of the centre-left New Democratic Party (NDP).

Senate reform, however, has enjoyed much more political attention. "Triple E" Senate reform—elected, equal, and effective--was a founding principle of the upstart Reform Party, which has dominated federal elections in the four Western provinces since 1993, and has formed the Official Opposition in the

last two parliaments.[1] At various times, some variant of Senate reform has enjoyed the active support of the premiers of all four Western provinces. In 1992 it was briefly endorsed by all ten premiers and the Prime Minister as part of a package of constitutional amendments known as the Charlottetown Accord.

Senate reform is one of the oldest and most enduring issues—or perhaps, non-issues—of Canadian political history. Senate reform, it is said, is like the weather: Everyone talks about it but no one ever does anything about it. My focus today will be the contemporary Senate reform movement, which dates from the mid-1970s and has been driven almost exclusively by Western Canadians and their political leaders. This Western basis belies a strong sense of regional grievance; a strong sense that the institutional status quo is permanently stacked against Western Canadian interests and that Senate reform along the lines of "Triple E" is the best way to remedy this imbalance.

Senate Reform is a partisan issue in Canadian politics, and I am very much a partisan. However, I am going to try to wear my political science hat and suggest to you a more neutral framework within which to understand the struggle for Senate reform in Canada, without necessarily taking sides. The analytical framework that I am proposing can be summarized in the following three propositions:

1. That in all democracies, there must be a modicum of symmetry between *de jure* power and *de facto* power; a proximate balance between the formal distribution of power in the state and the real world distribution of power in the society that state seeks to govern.

2. That in Canada, this balance has been lost, because of an institutional status quo that historically has privileged Central Canada (Ontario and Quebec) and that has failed to adapt to a rapidly evolving political-economy in which significant new de facto power has flowed to the West.

3. That the Senate reform movement is one symptom of the political friction between the *de jure* constitution and the *de facto* constitution, between the old state and the new society.

3.0 Analogy of "mongrel federalism"

To illustrate this point by way of analogy, let me return to Edmund Barton's disparaging description of the Canadian constitution as a "mongrel" brand of federalism. Sir Edmund (?) was not simply being contentious. He had a point. He was referring to the highly unbalanced nature of Canadian federalism, resulting from the central government's powers of disallowance and reservation, which allowed Ottawa to unilaterally set aside any provincial statutes that it found objectionable. This arrangment violated the first principle of true federalism: that neither level of government can unilaterally invade or change the jurisdiction of the other. Sir Edmund was right: based on the original constitutional design, Canada's was a "mongrel" brand of federalism

What concerns us today is that this theoretical imbalance was quickly remedied by practice. Within a generation, the legitimacy of these federal powers had been successfully challenged and undermined by a coalition of provincial premiers with strong public support. A convention of non-use developed, effectively neutralizing these powers and restoring balance to Canadian federalism.

The original constitutional design neither fit nor reflected the deeply decentralized nature of Canadian society. The constitutional blueprint did not accord with the building-blocks of Canadian society. There was an absence of symmetry between theory and practice, and, as usual, practice won. According to legal theory, constitutions shape society. In practice, society also shapes the constitution.

4. Economic and Demographic Change vs. Political Status Quo

The contemporary Senate reform movement in Canada can best be understood as a response to an analogous gap between state and society; between an aging political superstructure and its evolving economic and social foundation. I will first briefly sketch the economic and demographic decline of Quebec and the corresponding ascendancy of British Columbia and Alberta; and then compare this to the continuing political dominance of Quebec in national politics.

Since the end of World War II—in my lifetime—Quebec's percentage of Canada's population has declined by 20 percent (from 30% to 24%), while BC's share has increased 57 percent (from 8.3% to 13%) and Alberta's by 50 percent (from 6.6% to 10%). More revealing, at the end of the War,

Quebec's population was double the combined populations of BC and Alberta. Today (2001), they are virtually equal. (c. 7.4 versus 7.1 million, or 24% versus 23%)

Over a shorter time period, Quebec's economic decline has been even steeper. From 1961 to 2001—just forty years—Quebec's percent of Canada's GDP has dropped by 20 percent (from 26.1% to 21%), while BC's has grown by 22 percent (from 10% to 12.2%) and Alberta's an astonishing 51 percent (from 7.9% to 11.9%). In 1961, Quebec's share of Canada's GDP(26.1%) was 44 percent MORE than the COMBINED share of BC and Alberta (17.9%) . By 2000, Quebec's share of the GDP(21%) had shrunk to 13 percent LESS than the combined share of BC and Alberta (24.1%)

This dramatic transfer of economic and demographic power from Central Canada to the two western-most provinces has not been matched with a corresponding transfer of political power. In fact, almost the opposite has happened.

Since Pierre Trudeau burst onto the federal political scene in 1968, nine of the ten elections have been won by a party led by a Quebecker. The only non-Quebec Prime Minister elected during this period, the hapless Joe Clark from Alberta, lasted less than six months. With the exception of the two Mulroney governments during the 1980s, our Quebec Prime Ministers have governed with little to no electoral support in the West. In the six elections following Trudeau's respectable showing of 40 percent in 1968, the Liberals won an average of less than 8 percent of the seats west of the Ontario-Manitoba border. During this 21 year stretch in six elections, Alberta did not elect a single Liberal MP, while Saskatchewan elected only four.

While Western Canada has been an electoral wasteland for the Liberals during this 34 year run, voter-rich Central Canada has been a political bonanza.[2] In the ten elections won by the Liberals since 1963, the Liberals have elected an average of 114 MPs just from Ontario and Quebec, more than two-thirds of the 152 seats needed to form a majority government. From the 1968 through the 1980 elections, this Central Canadian electoral juggernaught was centred in Quebec, where the Liberals elected an average of 62 (83%) of Quebec's 75 MPs. The Liberals lost their electoral stranglehold on Quebec to the Mulroney Tories in the 1980s and then to the separatists Bloq Quebecois during the 1990s. But it did not matter, because Ontario replaced Quebec as the electoral cornerstone of Liberal majority

governments. In the three federal elections since 1993, the Liberals have taken all but one or two of Ontario's 103 seats.[3]

The results have been predictable. On a personal level, many Western Canadians have come to feel deeply alienated from a political system in which the results of the election are already decided by Eastern and Central Canada before they even cast their votes. On a policy level, the West's lack of representation in government caucuses and cabinets has resulted in public policies that are indifferent, if not hostile, to Western interests and values.

The most egregious of these policies was Pierre Trudeau's "National Energy Policy" (NEP) introduced during the energy crises of the mid-Seventies and early Eighties. The NEP imposed a variety of measures to reduce the cost of energy to Canadian consumers --concentrated principally in Ontario and Quebec--at great expense to the oil and gas industry—then concentrated mainly in Western Canada. Estimates of the cost of the NEP to Alberta's GDP alone range from $140 to $195 billion dollars over a ten year (1974-1984) period. Other policy transgressions include:

The Canadian Wheat Board, through which Ottawa compels grain growers from Manitoba west to market all their wheat and barley through the federal Wheat Board. No such restrictions apply to farmers from Ontario eastwards.

Equalization Grants, mandated and administered by Ottawa, through which federal tax revenues are transferred from the three "have" provinces (Ontario, BC, Alberta) to the seven "have not" provinces (and two territories) in order to provide parity in health, education and welfare services. In 1999, the last year for which data is available, the net outflow of equalization payments from Alberta cost every man, woman and child an average of $2800 dollars.

Official bilingualism, a policy initiated by the Trudeau Liberals but accelerated during the Conservative Mulroney governments of the Eighties, requiring proficiency in both French and English as a prerequisite for employment in the Ottawa civil service, especially at the higher levels. This policy has made the federal bureaucracy in Ottawa off-limits to the ninety-five percent of Westerners who do not speak French.

Implicit in these policies was a rational "divide and conquer" electoral strategy. The West is resource rich but voter-poor, while Central Canada is voter-rich but resource poor. As long as the Liberals could confiscate new resource revenues from Western Canada to buy votes in Central and Eastern Canada, many in the West despaired of any real change, [4] especially after they became disillusioned with the Conservative Mulroney government. To many in the West, it appeared that the weaker Quebec became economically, the stronger it became politically. Under the institutional status quo—a parliament dominated by the House of Commons; a Commons dominated by the Prime Minister; and a Prime Ministership dominated by Quebeckers—there was no electoral incentive to accommodate or respect Western interests and opinions. Indeed, the electoral incentives were precisely the opposite. It was out of this gloomy scenario that renewed interest in Senate reform was born.[5]

5. The Contemporary Senate Reform Movement

The contemporary Senate reform movement in Canada dates from the mid-1970s, and was initially led by British Columbia. Throughout the this decade, Prime Minister Trudeau was relentlessly advancing constitutional changes of his own—mainly a charter of rights. BC Premier Bill Bennett seized this opportunity to introduce Senate reform into the mix of constitutional projects under consideration. BC's preferred model of Senate reform was the German Bundesrat—some form of a "House of the Provinces"—in which the Senators would be chosen by provincial governments and thus act as delegates to the central government in Ottawa. The Bennett initiative was widely discussed but never got off the ground, since it did not fit into Trudeau's priorities. However, it did succeed in putting Senate reform on Canada's constitutional agenda, a necessary first step.

In the 1980s, the initiative for Senate reform passed to Alberta. Premier Peter Lougheed, who had become a nationally recognized political figure as a consequence of his battles with Trudeau over the NEP, created a provincial task force to study the idea of Senate reform. In its final report, the Alberta Task Force rejected the German model in favour of the Australian and US models—Senators directly elected by the people and an equal number of Senators for each province. The Alberta Task Force had virtually no profile outside of Alberta, but within the province its influence was immense. For many Albertans, Senate reform became the holy grail of political salvation—

a belief that would soon play a crucial role in national politics as a new generation of Albertans charged onto the national political stage.

In 1987, there were two seminal events in the evolution of the Senate reform movement. The first was the Meech Lake Accord. The second was the founding of the new Reform Party. At the time, the former completely overshadowed the latter. In the end, it was the Reform Party that proved more enduring.

Meech was a package of constitutional amendments introduced by the Mulroney Government. Their purpose was to reconcile Quebec to the constitutional changes pushed through by Trudeau in 1982 but never accepted by Quebec. One amendment was to give all provinces—and thus Quebec—a veto over any future constitutional change. This veto power quickly elicited strong opposition in Alberta because of the belief that Quebec would use it to block any significant Senate reform.

At the same time that Brian Mulroney was trying to sell the Meech Lake Accord to the ten provinces, Preston Manning was forming the Reform Party. Manning was the son of one Alberta's longest serving Premiers, and benefited immediately from the widespread respect for his father. Manning launched the Reform Party as an explicitly regional party with the slogan: "The West wants in." Triple EEE Senate Reform was one of its premier policies. Nationally Manning and his upstart party were not taken seriously, but an immediate groundswell of support in Alberta resulted in growing pressure on the new Premier of Alberta, Don Getty, to withdraw his government's support for the Meech Lake Accord.

By 1989, opposition to Meech became so widespread in Alberta that Mulroney was forced to do a deal with Getty. Getty agreed not to withdraw Alberta's consent to Meech in return for Mulroney agreeing to appoint the winner of an Alberta Senate election to the Senate. In October, 1989, Alberta thus held Canada's first ever Senate election. The Reform Party quickly nominated retired General Stan Waters, who then trounced prominent Liberal and Tory candidates in a hotly contested province wide election. In 1990, Mulroney upheld his end of the deal, and appointed Waters to the Senate, giving Canada its first ever elected Senator and the Reform Party its second elected member of Parliament.[6] Waters immediately achieved icon status within the Reform Party, a status that only increased when he died suddenly of brain cancer the following year. Triple EEE Senate, already an

article of faith for the growing number of Reformers, was now consecrated by Waters' untimely death.

The Waters Senate appointment was not enough to save the Meech Lake Accord, which failed to receive the unanimous consent of all ten provinces as required by the Constitution. The failure of Meech created a crisis for both the Mulroney government and the country. Intended to reconcile Quebec to the new constitutional order, English Canada's apparent rejection of Meech now inflamed separatist sentiment within Quebec. In an attempt to save his reputation, his party and even his country, Prime Minister Mulroney desperately undertook yet another round of mega-constitutional politics. After almost a year of intensive consultations with both governments and non-governmental interests, the Mulroney government produced an even more extensive package of constitutional amendments, this one known as the Charlottetown Accord.

This time Senate reform figured prominently from the start. It was clear that the price of Western support for Quebec's constitutional demands was significant Senate reform. In a cruel twist of fate, Mulroney appointed the still hapless Joe Clark, the man whom he had dethroned as Tory leader in 1983, to head up government's constitutional negotiations team. And Clark almost pulled it off. In July, 1992, Clark emerged from a meeting with the premiers from the nine English-speaking provinces with an agreement to a Senate reform package—known as the "Pearson Accord"--that satisfied Western premiers and other Triple E supporters.[7] The holy grail seemed within reach. But it was not to be.[8]

Mulroney was in Germany at a G7 economic summit when Clark struck his deal, and Quebec had not been present. Quebec opinion leaders quickly denounced the Pearson Accord as a betrayal of Quebec's interests, and Quebec Premier Robert Bourassa signaled his dissatisfaction to the Prime Minister upon his return. Mulroney wasted no time in informing Clark that the Pearson Accord would have to be revised to satisfy Quebec. In an about face that earned him the lasting enmity of many of his fellow Albertans, poor Joe not only followed Mulroney's orders but publicly defended them as an improvement on the earlier agreement.[9] In the end, Western Senate reformers, led by an emboldened Reform Party, voted overwhelmingly against the Charlottetown Accord, and contributed to its crushing rejection in a national referendum in October, 1992.

Canadians' rejection of the Charlottetown Accord spelled the end of not only Brian Muroney but also his party. In an election the following year, the Liberals swept to power in an election badly divided along regional lines. The once proud Tories were demolished, reduced from 166 to only two MPs. Their Western wing was destroyed by the Manning-led Reformers, who won 51 of the 86 seats in the four Western provinces; their Quebec wing crushed by the separatist Bloq Quebecois, which, led by a former Mulroney cabinet minister (Lucien Bouchard) captured 54 of Quebec's 75 MPs and formed the new Official Opposition.

The new Liberal Prime Minister, Jean Chretien, surveyed the wreckage of the Tory party and announced a moratorium on constitutional politics. There would be no more Meech Lakes or Charlottetowns on his watch. Nine years and two more majority governments later, Chretien has kept his word. This constitutional moratorium has proven to be death-knell for Senate reform, at least for the time being.

In 1998, Preston Manning, now leader of the official opposition, and Ralph Klein, the Premier of Alberta, tried to pry open the constitutional door by organizing a second Senate election in Alberta. The strategy was to elect two "Senators-in-waiting" and then prevail upon Prime Minister Chretien to appoint them as Senate vacancies occurred amongst Alberta's six Senate seats. The precedent was the Waters appointment from 1990, and it was hoped that Alberta's anticipated success in electing its Senators would lead other provinces hold their own Senate elections and then demand equal treatment from Ottawa. According to this scenario, once a sufficient number of elected-Senators had been appointed to the Senate and proved their superiority over the patronage-Senators, public support would build for a constitutional amendment to formalize and to complete the Senate reform process. The theory was to begin with incremental, non-constitutional reform and to defer any formal constitutional amendments until the practice had become familiar and popular.

Whatever the virtues of this theory, in practice it has thus far been a bust. While seven candidates—of which I was one--contested the two Reform Party nominations, neither the Liberals nor the Tories put forward candidates. In the province wide election in October, the two Reform candidates, Bert Brown (333,000 votes) and myself (274,00 votes) easily outdistanced the two independent candidates (149,000 and 136,000 votes), who in fact were the third and fourth place finishers in the Reform Party's

nomination elections. Faced with such a limited choice of candidates, somewhere between 16 and 30 percent of the voters (who voted in the civic elections held concurrently) boycotted the Senate election.

From the start, the Chretien government had declared that the senate election was unauthorized and even unconstitutional. The Liberals then seized upon the low voter turn out to further stigmatize the process and to justify ignoring the results. Since the election, there has been one Senate opening from Alberta, and Prime Minister Chretien ignored a public plea from the Premier of Alberta and appointed a popular jazz musician to the open seat. There is a second retirement due at the end of this year, and there is no reason to think the Prime Minister's appointment will be any different—other than a shortage of famous jazz musicians may force him to resort to a former ice hockey star—something he's done before.

6. Prospects for reform

What then is the prospect for Senate reform in Canada? Is it has bleak as the recent past? I see three possibilities.

The first hinges on the fortunes of the Canadian Alliance, the successor party to the Reform Party. The Alliance was formed in 2000 in an effort to re-unite the Tories and the Reform and thus end the vote-splitting on the right that was guaranteeing Liberals re-election. Senate Reform remains a central plank in the Alliance policy book, although the equality principle was softened to make the Senate project more palatable to Ontario and Quebec, the two most populous provinces. The election of an Alliance majority government would kick-start the Senate reform process.

Unfortunately, an Alliance breakthrough does not seem imminent. In the 2000 election, only about half the Tory voters switched to the Alliance, thus continuing the vote-splitting that gave the Liberals over 40 plurality victories in Ontario alone. The Alliance has since been plagued by party infighting and defections over the issue of leadership, and it remains to be seen whether the Alliance can recover to seriously challenge the Liberals in the next election.

An Alliance majority government could only be formed by carrying at least half of Ontario's 103 parliamentary seats. This means that the

Alliance would have to successfully market Senate reform to the provincial electorate with the most to lose from a re-invigorated upper chamber. To sell Senate reform in Ontario, the CA will have to advertise the "good government" dimension of an elected and effective Senate, rather than the "House of the provinces" dimension. Here is the point at which the achievements of the Australian Senate, with its scrutiny of government bills and powers of investigation, would become especially relevant to the Canadian debate.

A second parallel with Australia comes into play here. In Australia, the ascendancy of your Senate has been greatly aided by the support of left-of-centre, non-economic interests such as the Greens and the Democrats. In Canada, the analogous coalition of interests is much less supportive of Senate reform, because they are achieving so many of their policy goals through litigation under the Charter of Rights. Just as the success of your Senate (to articulate minority concerns) is often used to make the case against the need for a bill of rights for Australia, so in Canada the Left's success under the Charter of Rights has dampened the appeal of Senate reform.

A second possibility depends on the outcome of next provincial election in Quebec. If the separatist Parti Quebecois is re-elected, then the prospects remain nil. The Separatists have zero interest in Senate reform or any other constitutional reforms. They want to leave Canada, not reform it. If the Quebec Liberal Party defeats the separatists—and the polls indicate they should--the Liberal Party leader has already signaled that he intends to re-open the constitutional file with Ottawa. It was a previous Quebec Liberal Premier, Robert Bourassa, who negotiated the failed Meech and Charlottetown Accords, and the Quebec Liberal Party still regards those demands as unmet.

While the Prime Minister is able to ignore demands for constitutional reform from the West with relative impunity, the same is not true for Quebec. But Quebec's constitutional agenda cannot be dealt with bilaterally. The kinds of changes sought would require the consent of at least six other provinces. This of course opens the door for Western Premiers to re-introduce the Senate reform issue on a quid pro quo basis. Whether a new generation of political leaders would be more

successful than their predecessors at combining these diverse interests remains to be seen.

The third and final possibility rests with a more assertive approach by one or more Western premiers. As noted above, Ottawa cannot afford to ignore Quebec's constitutional initiatives because the perceived costs are too high—the threat of secession. No Western Canadian political leader has yet had the stomach—or the public support—for this kind of high stakes political poker. This could change, especially if the Canadian Alliance fails to make an electoral breakthrough in Ontario and becomes a dispirited regional rump party.

7. Conclusion

Let me conclude with an anecdote. On Tuesday, my wife and I took the public tour of Parliament House. When we were in the House of Representatives, our guide was giving a brief explanation of how laws are made. She explained that most bills are prepared and introduced by the Government. She then noted that the Government did not have much trouble getting its bills through the House of Reps, because it always has a guaranteed majority. And then she said, "Fortunately, there is still the Senate . . ." and went on to explain how the Government does not have an automatic majority and its bills are subject to much sharper scrutiny."

"Fortunately" indeed.

I have benefited greatly from observing your Senate at work over the past month. The recent Senate committee investigations into the "children overboard" affair and the Treasury's "debt swapping" losses have re-confirmed my belief in virtues of vigourous bicameralism. My enthusiasm comes not because I necessarily believe the Opposition's allegations against the government—I realize there is plenty of partisan self interest on both sides of the aisle—but precisely because your Senate creates an effective forum for partisan challenge and reply.

The Founders of the United States, Australia and yes, even Canada, saw the merit of bicameralism as a means of institutionalizing good government by, in the words of James Madison, "making ambition check ambition."[10] Unfortunately we in Canada have forgottten this insight and lost the advantages the flow from a vigourous bicameral parliament.

So what about my Senate envy? Is it cured?
Far from it.

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[1] The Canadian Alliance Party, founded in2000 as the successor party to Reform, maintained Senate reform as one of its premier policies but is less explicit about the "equal" part of Triple E.

[2] A contributing factor is the over-representation of Quebec. Despite near population parity with Quebec (7.1 vs 7.4 million), BC and Alberta have only 60 MPs compared to Quebec's constitutionally guaranteed number of 75. Indeed, until the 1980 election, Quebec was allotted more MPs than the four Western provinces combined.

[3] In the 1993 federal election, the Liberals won 98 of Ontario's 99 seats; in 1997, 101 of 103; in 2000, 100 of 103.

[4]This strategy was most explicit in the NEP, but still re-surfaces. In the 2000 federal election, our Liberal PM, Mr. Chretien, campaigning in Eastern Canada, remarked, "I like to politics with people from the East. Joe Clark and Stockwell day are from Alberta. They are a different type." When his audience chuckled, he added: "I'm joking." When they laughed more, he added: "I'm serious," drawing an even bigger laugh.

[5] If the programs like the NEP and other income transfer programs were benefiting Canada as whole in terms of wealth creation and economic competitiveness, then the grievances of the Western provinces could be discounted. In fact, there is much evidence to the contrary. Since 1968, the year Pierre Trudeau was first elected Prime Minister, the value of the Canadian dollar has shrunk from over $1 US to .62 US. This decline is linked to Canada's failure to keep pace in terms of economic productivity and capital investment. These in turn are explained by Canada's relatively higher tax rates and government debt. Canada's tax burden in 2000 was 44.3% of GDP, which is 40% higher than the US, our principal trading partner, and ranks Canada the third highest taxed country in the G7. Canada's public expenditures in 2000 were 40.9% of GDP, or 39% higher than the US. Canada's net debt in 2000 was 66% of GDP, the second highest in the G7 and 54% higher than the US (43%) and 36% higher than the G7 average (48.5%). The US is the most relevant comparison, as it receives 85% of Canada's exports and accounts for 40% of our GDP. It also merits noting that the US has the highest levels of public expenditure on defense and military in the G7 while Canada has the lowest.

[6] Earlier that year in a federal by-election, Reform had elected its first MP, Deborah Gray from Beaver River, Alberta.

[7] The Pearson Accord met the "Triple E" criteria but with a "lower case e" with respect to effective. It stipulated an equal number of Senators from each province (8), popularly elected using a system of single transferable vote. However, it would take the votes of 75 percent of the Senators to veto legislation passed by the House of Commons, except for natural resource tax bills (50% plus 1) and bills affecting fields of shared federal-provincial jurisdiction such as agriculture (60%). Supply bills were only subject to a suspensive veto by the Senate, and a double-majority of French and English Senators would be required for bills affecting the French language. For agreeing to equality of representation in the Senate, Ontario would be compensated by a stricter application of the principle of "rep by pop" in the House—adding as many as 10 MPs to Ontario's cohort. The choice of STV clearly followed the Australian model, but unlike Australia, Senators would not be permitted to serve in the cabinet.

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[9] "Clark re-emerges in Senate row," by Robert Mason Lee, The Toronto Star, August 22, 1992. The revised final version of Senate reform in the Charlottetown Accord would have reduced the number of Senators to 62 from 82 (six per province plus one each for the two territories); allowed the Quebec senators to be selected by the Quebec government rather than directly elected. The most significant departure from the Pearson Accord was that any deadlock between the Senate and the Commons would be resolved by a joint sitting, in which presumably the 337 MPs in the Commons could swamp the 62 Senators. Triple E activists and the Reform Party both claimed that this arrangement destroyed the possibility of an "effective" Senate.

[10] Federalist No. 51: "by giving to those who administer each department the necessary constitutional means and personal motives to resist the encroachment of the others. The interests of the man must be connected with constitutional rights of the place It may be a reflection of human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of

all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."