



Trudeau's Senate Gambit: Shock and Awe in the Name of Less Democracy

Geoff Norquay

Liberal Leader Justin Trudeau works a crowd in Edmonton. Geoff Norquay writes that his Senate gambit, expelling Liberal senators from caucus, was a bold move, if a high-handed one. Photo, Adam Scotti

Justin Trudeau's decision to expel Liberal senators from his caucus was a politically astute coup de theatre popular among Canadians. But as much as it staked out Senate reform ground for Trudeau between Stephen Harper and Tom Mulcair, it was not an act of democratic reform. Trudeau's model for appointing senators will do nothing to make the disgraced upper chamber more democratic.

Early on the morning of January 29, Liberal leader Justin Trudeau dropped a bomb on Ottawa, especially on his Liberal Senate colleagues. By expelling them from the Liberal national caucus and making them sit as independents, Trudeau said he was striking a blow “to end patronage and partisanship in the Senate.”

What Trudeau gained in “shock and awe” value and in showing dynamic leadership was initially diminished by his bewildered senators, who faced the media struggling to explain who they now were, what they would henceforth be called and how they would operate in future in the upper chamber.

The Liberal senators righted their boat quickly and decisively. Within a day, they had formed the “Senate Liberal Caucus,” been recognized by a cooperative Senate Speaker Noel Kinsella, assigned all of the leadership jobs, along with their former pay and perks, and promised to carry on as the Official Opposition in the Senate.

So much for radical change. As the

prime minister put it in question period, “I see the change announced today is that unelected Liberal Senators become unelected Senators who happen to be Liberal!”

Quibbles and jokes aside, Trudeau's gambit was still pretty smart politics. The reason is that before January 29, he was neatly wedged between Opposition Leader Tom Mulcair and Stephen Harper, with very little to say on the Senate.

As leader of the NDP, Mulcair inherited his party's decades-long call to abolish the Senate, and has used it to great success as the endless Senate scandals have virtually destroyed what little public standing the upper house retained in the country. Harper's hands remain tied by his delay in launching his reference to the Supreme Court on Senate reform. No matter how much he would like to lead the national debate on the Senate's future, regardless of what radical reforms he would like to advance, he cannot disrespect the Supreme Court by speaking out before it has provided its advice.

So by going with his Senate shocker, Mr. Trudeau instantly carved out a substantive middle ground on a difficult and complicated subject. It also had the added advantage of appealing to those many voters who long to see *something—anything—* done about the Senate. An early poll by Angus Reid found 53 per cent of Canadians either strongly or somewhat approving of the Trudeau move.

More doubtful is Trudeau's claim that the principal problem with the Senate is excessive partisanship. Actually, the place where partisanship is the most corrosive is the House, not the Senate. On many occasions over the years, Liberal and Conservative Senators have come together to produce some serious, thoughtful, independent and non-partisan studies of challenging topics. One has to think long and hard for similar examples in the House.

By far the weakest link in Trudeau's proposals is his new "non-partisan" method of appointing Senators:

That is why I am also announcing today that if I am elected prime minister, I will put in place an open, transparent and non-partisan appointment process for Senators. This process will be developed working with experts and informed by other non-partisan appointment processes, such as that of the Supreme Court justices and Order of Canada recipients.

All would agree that the current Senate appointment process is far from democratic. About the only positive thing that can be said about it is that at the very least, appointments are made by an individual who actually gets his or her job through the electoral process, namely the prime minister.

When he was first elected, Stephen Harper thought he had a better idea about Senate appointments. He vowed he would not make them until he convinced a sufficient number of provinces to adopt the "Meech model" of province-wide elections for prospective Senators, who he would then appoint when the next vacancy in each province came up. This model had the huge advantage of conferring at least some electoral and democratic blessings on the appointment process, without the dreaded opening of the Constitution.

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Unfortunately, Harper was unable to make the sale to the provinces; Alberta remains the only province to use the electoral approach to identifying Senators-in-waiting. So after three years of no appointments, and with the Liberal majority in the Senate threatening his legislative program during his early minority years, the prime minister reluctantly capitulated and began making appointments.

While it is far from perfect, the Alberta province-wide election approach, combined with prime ministerial appointment, is still much more democratic than the current appointment process elsewhere in the country. It's a half-way house between direct election and wholesale electoral reform, which would bring the constitution into play, and which all would agree is to be discouraged. That, plus Senate term limits, is what Prime Minister Harper has been trying to achieve, but it is useful to note that he has been fought at every step of the way on this point by the Liberals in the Senate.

Now that we see the Liberal alternative plan for Senate appointments, or at least Trudeau's plan, it is clearly a serious disappointment. Instead of an appointment process that is one step removed from democracy, the Trudeau vision is that it will be two steps removed. As a result, Trudeau's Senate selection alternative takes the Liberals completely out of the game as far as the democratization discussion is concerned.

Why have senators elected, when we can have them chosen by the Order Of Canada committee of "experts" and "worthy Canadians" who themselves will all magically become candidates for consideration? This is a throwback to the days of Trudeau-père and the "philosopher-king" utopia.

But not to worry, because if the Or

der of Canada selection process is any guide, our future Senate will be populated by totally worthy Canadians: former deputy ministers and generals, art gallery and symphony pooh-bas, social planning gurus and community organizers, distinguished environmental campaigners, former bank executive-vice presidents retired university presidents. Senator David Suzuki, come on down.

Of course, the *pièce de résistance* of Trudeau's appointment process is that these new senators, chosen under his plan by the committee of experts and worthies, will have the right to overturn and/or amend legislation created by the people's representatives—the folks in the Commons—those who were actually elected by the people. The appointed will trump the elected. How in the name of anything that makes sense does this build confidence in the Senate as a democratic institution?

The real issue here is accountability. It's a simple but powerful doctrine. It holds that those who exercise political power on the people's behalf derive their legitimacy at the ballot box; that those who would exercise that judgment should submit themselves occasionally for an accounting to the people who put them there. It's called democracy. **P**

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