

equality by the 'equality' fighters, and the 'freedom' fighters in turn point their rhetorical fingers at the equalizers for infringing on man's

described, is it not precisely that same mind-set which is required of the environmentalist? To treat everything with respect and abuse

ing, getting all the colors mixed up like some abstract artist and royally screwing up the gene pool of humanity: end of research.

may do so. Send or bring your submission to the Editor, Room 200 UCC. All material must be typed, double-spaced, and must include the full name, signature and telephone number of the author. Articles for Head to Head are solicited by the Editor-in-Chief. A Reporter's Notebook is written by Gazette staff members.

It's time for a fundamental change in Canada

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What is significant about the recent Senate shenanigans is not the hijinx themselves — they merely prove there is still life in some old bodies — or even the strategy of obstruction, a legitimate political tactic. Rather it is the dubious rationale upon which the hijinx and obstruction were based — the desire to involve the courts.

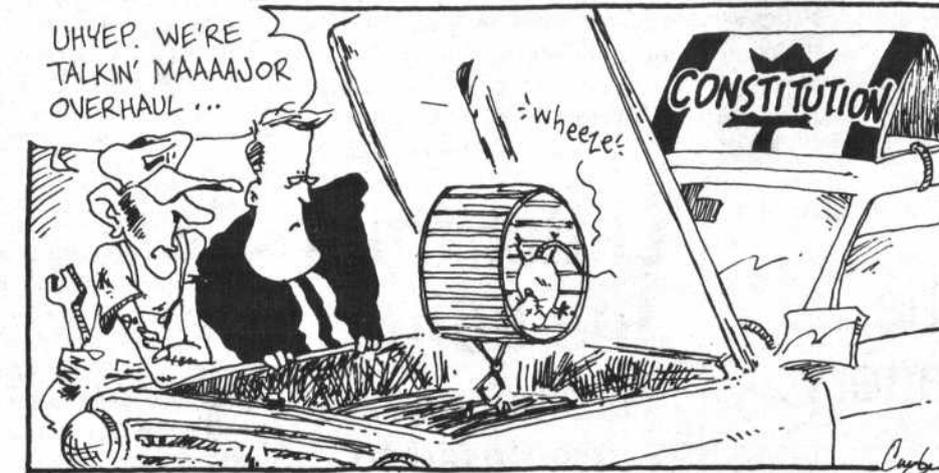
Now there is nothing wrong with judicial review of legislation, indeed it has a long and honorable tradition in Canada. Nor need we worry much about the expanded role given to the courts as a result of the Canadian Charter of Rights and Freedoms. But when it comes to ensuring the constitutionality and legitimacy of government itself there are practical as well as technical limits on the courts.

Our problem is not the packing of the Senate. It is much more fundamental. The twin pillars of our traditional form of government, federalism and responsible government, have been systematically undermined over the last decade. The problem is so serious that it must be addressed by the people, not by the courts.

What is wrong with our constitution? Let me count the ways. We have in the last ten years or so:

- diminished, by a series of misguided appointments, the credibility of the Governor General, the only officer designed specifically to preserve the integrity of our governmental process.

- adopted an amending formula that does not work, as demonstrated by the Meech Lake Accord, and a constitution



whose legitimacy is contested by one province representing a quarter of the population.

- abandoned traditional adherence to the concept of responsible government allowing the Senate, in effect, to force an election over the free trade issue.

What is to be done? The answer is a fundamental overhaul of the constitution by a body specifically chosen for that purpose. In short we need a constituent assembly.

This hardly new idea will, as always, be ridiculed by the traditionalists whose alternative is that we hark back to what we

never were, a mini-Westminster. But the prospects for fundamental change never looked better.

The ACADEMICS

with

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One can be reasonably sure that the special Quebec committee on the constitution will call for a constituent assembly to write a new constitution for Quebec. The rest of Canada will then have several options: ask to join the discussions, hold its own constituent assembly, or do nothing.

There has been only one constituent assembly in our history, in Newfoundland prior to joining Confederation. It is no coincidence that the main advocate of the idea today is

the premier of that province, who may well be the most popular politician in English Canada at the moment. Another politician whose popularity is rapidly increasing, Reform Party leader Preston Manning, will probably incorporate such an idea into his platform before the next election.

The new Ontario government could also play a key role by introducing a constitutional amendment to simply abolish the Senate. Given the party's historic position and recent events, this could be the first item in its first Throne Speech. It could also call for the convening of a constituent assembly to discuss questions begging for an answer. Is there a desire to retain a federal form of government? Is any useful purpose served by maintaining a foreign monarch with an irrelevant representative as Head of State? Do we want to maintain a parliamentary form of government? Do we require second chamber and if so how should it be reconstituted?

These are difficult but not impossible questions. We gain nothing by clinging unalterably to a form of government that has ceased to work. Our previous constitution (the Act of Union 1840-1867) did not collapse because of "bad" or incompetent politicians. Indeed the much celebrated Fathers of Confederation also presided over the demise of the previous regime which had outlived its usefulness.

If anything is to be learned from the present tragicomedy taking place in the Upper House, it is that the time has come to put the present constitution out of its misery and begin work on a new and appropriate constitution for today and the years ahead.