

## **Last best hope for democracy in Canada: An appointed Senate**

**Upper chamber selected by blue-ribbon panel would be valuable check on excessive PM power**

by *Senator Elaine McCoy* February 22, 2010

Stephen Harper has for several years now claimed that his proposed reforms for the Canadian Senate are about bringing accountability and democracy to the much-maligned second chamber.

With his most recent prorogation of Parliament, however, it is clear that for all his rhetoric, his reforms are less about a thoughtful reinvigoration of our political institutions and more about maintaining political power.

National and international political pundits alike have called him out for proroguing Parliament this time round. Happily, many more Canadians are now debating what might be done to fix our political system. But first, I believe we need to make sure we focus on the right questions.

In my opinion, the critical question is this: Why does the prime minister have so much power?

The answer is quite simple: Because the House of Commons no longer holds the prime minister to account.

Next question: What should be done?

Answer: Insist that MPs take orders from their constituents, not their party leaders. MPs with backbone, not backbenchers, would deliver a properly functioning Commons. Of course, the likelihood of this happening is somewhat remote. So what can we do while we're waiting?

Lots of people think we should just go ahead and elect senators to make the system work better. Indeed, a new Canadian Press poll proudly trumpeted: "A majority of Canadians would like to (see) senators elected by the voters from the province they represent."

Well, I guess even I might have answered that way if I'd only been given the three choices offered by the pollster: (1) abolish the Senate; (2) have the prime minister appoint them; or (3) elect them myself.

Looking at each of the three choices, I'm always surprised that more people don't want to just get rid of the Senate.



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But then I'm reminded that we wouldn't have a Canada at all if the Fathers of Confederation hadn't agreed to an appointed upper chamber. That was the deal-maker – none of the other provinces wanted to let Ontario run away with the country, which it could have done if it abused its power of the majority.

Perhaps Canadians today intuitively recognize that the Senate provides a valuable counterweight against the abuse of power and therefore want to keep it.

But to have the prime minister appoint senators? Ah, there's the rub.

We're already upset that the prime minister has too much power. The thought of giving him or her any more rankles at all levels, especially so when we remember transparently political payoffs evident in various prime ministerial appointments over the past few years.

Like a mischievous genie wanting desperately to get out of a musty old bottle, the pollster only gives you one more choice: an elected Senate. Unlike a journeyman genie, however, he doesn't give you the standard warning: "Be careful of the wish you make."

Consider what happens now when you elect someone to go to Ottawa.

No sooner have they spent their first term in office than they're emailing home to explain why they voted for something their constituents didn't want.

The reason, of course, is party discipline. They're "whipped," i.e., told to vote with their party or else leave caucus. Most stay and do what they're told. Without the party, it's very difficult to get re-elected.

It would be no different for senators if they were running for election. Most would run as party candidates. What we'd end up with is nothing more than 105 more backbenchers. Right back, in fact, where we started.

So let's start again. Let's take the proposition that an independent, appointed Senate is, after all, Canada's last best chance for democracy.

We'd still be left with the problem of how we appoint senators, of course. But surely we can figure out how to do that without prime ministerial intervention.

It is, when you get right down to it, a prerogative exercised by the Governor General. That she takes advice is a good thing. For years now, however, we've accepted that she only take advice from the prime minister. What if, instead, she convened a blue ribbon advisory panel to help choose senators?

The panel could identify outstanding Canadians with a proven record of dedication to what's best for the country, men and women who could stand tall and say to our elected members, "Are you sure that's what you want to do?"

As Senator John Abbott declared, speaking in 1890, that's our job. "Let us take care," he said, "that no temporary fit of prejudice or passion, injurious to our country or disadvantageous to our interests is allowed to force a measure through this Parliament without giving to the people a further opportunity for considering it ..."

Being appointed, individual senators can stand up and do what Abbott called on us to do without worrying about whether we have a job at the end of the day. At least that gives our nation one last bulwark against overbearing executive power.

What it gives us, in short, is a constitutionally protected place where Canadians from all parts of the country and all across the political spectrum can make their voices heard.

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