

# A Personal Agenda

## Harper's obsession with reforming the Senate

Whatever Canadians feel about the Senate, for the vast majority it is not a priority, indeed it does not show up in any poll that asks Canadians to name their most important issues. But an elected and equal Senate has always been a priority for Stephen Harper and was a key plank in the Reform Party platform when Harper was its policy director. The Conservatives had it as part of their platform in 2008, but Harper, once again, seems disdainful of the fact that only 38 per cent of Canadian voted for Senate reform by voting for his party. As with so many items on his agenda stymied by the opposition, the prime minister has expressed anger that the opposition parties are blocking his way on Senate reform, and on this issue he has demonstrated again that the end justifies the means.

It is both ironic and hypocritical that Harper, in his quest for a democratic senate, is prepared to run roughshod over democracy to get it. He denounces the Senate, for example, for "blocking" or "delaying" his legislation on a whole range of issues. But the job of the Senate (elected or otherwise) is precisely to provide "sober second thought" to the legislation passed by the House of Commons and is not a rubber stamp for the government of the day. And with the evidence that this prime minister is more controlling than possibly any other in Canadian history, it is even more incumbent on the Senate to play the role of a check and balance on the power of the executive – the prime minister.

In both the 2006 and 2008 elections Harper pledged not to appoint Senators as vacancies arose. Yet Harper is so determined to behave as if he has a majority that he will do

anything in his power to achieve an elected Senate. On Dec. 22, 2008 – at the time his government was facing defeat by the Liberal-NDP coalition – he appointed 18 new senators, the largest number ever in a single day. He stated that this was to prevent any potential coalition from appointing senators: "If Senate vacancies are to be filled... they should be filled by the government that Canadians elected rather than by a coalition that no one voted for." Coalition governments are normal in parliamentary democracies and Harper's complaint notwithstanding, a majority of Canadians actually did vote for the coalition parties, taken together.

On January 29, 2010, Harper repeated his performance, appointing five new senators and in so doing, achieving a plurality in the Senate (more seats than the Liberals but not an absolute majority due to several independents). All were appointed in a highly partisan atmosphere, and all have almost certainly pledged to support his vision of a reformed senate. But as conservative *Calgary Herald* columnist Don Martin pointed out: "There'll be no pretence of the Senate as a collection of honourable citizens trying to provide a different take on legislation. It'll be a lapdog kennel.... Harper is setting up a stark partisan division of the Senate with surprising gusto given he's a leader who promised to reform it into an effective and elected regional counterbalance to the Commons." All of these senators can serve until they 75 – even if the rules change in the meantime.

It is still not entirely clear what a final Senate reform package would look like but when he was the Reform Party's policy director, Harper espoused the view that the Senate would have a veto over legislation passed in the House of Commons. Given his aversion to any active role for government

this rearrangement of the Houses of Parliament could work to Harper's ideological advantage over time. It could conceivably produce a situation of continuous deadlock whenever different parties controlled the Senate and the House of Commons.

Not only did Harper violate his own promises and principles in his appointments, his threat to implement the change with a simple parliamentary resolution, without any reference to the provinces, promised to create a constitutional crisis. Most of the Atlantic provinces immediately challenged the prime minister, as did Quebec. But for Harper it was just another occasion for brinkmanship – in your face politics, showing contempt for other elected first ministers and risking a constitutional crisis in which the Supreme Court would have to rule on the question.

## **Stephen Harper's vendetta against the Canadian Wheat Board**

There is no more dramatic example of Stephen Harper's determination to remake the country than his sustained attack on the Canadian Wheat Board (CWB). Harper – aided by his agriculture ministers Chuck Strahl and, later, Gerry Ritz – bent and broke the law more times trying to eliminate the CWB than he did regarding any other institution. Harper's personal campaign against the Wheat Board goes back to his time in the Reform Party and extended through his stint running the rightwing National Citizens Coalition, where he ran an extremely expensive campaign attacking the board. As soon as he was Prime Minister, he took it up again.

The CWB, established in 1935 to protect farmers from the gouging of middlemen and grain companies, is what is called a "single desk" seller – it has a monopoly on the selling of wheat and barley produced by Canadian prairie farmers. By selling the entire western Canadian crop, the CWB has enormous leverage in the marketplace (it controls up to \$7 billion in grain stocks) and gets the best price possible – resulting in an annual boost to farmers' profits of about \$600 million (when you factor in the CWB's economic influence on western rail transport fees the advantage jumps to more than \$1.5 billion).

The attack on the board is purely ideological and Harper, backed by the private grain industry, claims it is about "choice." But the "market" is monopolistic itself: 73 per cent of it is controlled by four giant grain companies. Contrary to the arguments of the government, you could not have both systems operating simultaneously: the single desk would lose its market power if farmers could sell to private companies.

The CWB is run by farmers who elect a majority of the board members (the government appoints the remainder).

Farmers have consistently voted in favour of maintaining the CWB monopoly – in spite of the campaigns against it. Ignoring the repeated elections of pro-CWB farmers to the board, Harper made it clear on numerous occasions that regardless of farmers' support he intended to crush all dissent, stating in June 2008: "But the bottom line is this. Mark my words. Western Canadian farmers want this freedom [an open market] and they are going to get it. And anybody who stands in their way is going to get walked over." In Dec. 2008, five months later, yet another election confirmed the CWB's monopoly over the selling of wheat and barley.

This was in spite of an intensive Conservative campaign in support of anti-CWB candidates. Five prairie Conservative MPs had campaigned for these anti-CWB candidates, using tens of thousands of taxpayers' dollars.

This followed a legal change in the regulations by the government that restricted candidate spending to \$15,000 but explicitly permitted anyone else (other farmers, corporations, politicians) to spend an unlimited amount supporting candidates. The five MPs refused to report their spending to the election co-ordinator. It seems that the Conservative MPs somehow had access to the CWB mailing list, a fact investigated briefly by the RCMP on a complaint from the National Farmers Union. They dropped the case because they could not "guarantee" a conviction, according to former NFU President Stewart Wells.

In 2007, the government had attempted to end the CWB's monopoly over the sale of barley, using an Order in Council – essentially a cabinet edict. But a federal court ruled that was illegal. Another court ruled against the government on another issue: it declared illegal the Harper government's gag order against the CWB, preventing the CWB and its chairman from publicly defending its own institution. (The government eventually won a court appeal of the ruling.)

The court ruling against the Order in Council (any change had to be passed by Parliament) did not faze Harper. In response he stated: "[The ruling] does not change the determination of the government of Canada to see a dual market for Canadian farmers. I hope the wheat board will start working with the government to make sure this is going to happen, 'cause it's going to happen one way or another."

The list of dirty tricks used by the government to undermine or destroy the CWB is a long one. The National Farmers Union (NFU), the principal defender of the Board in its long fight to survive, provided this chronology of attacks on the CWB:

- Then-minister, Chuck Strahl, holds a closed-door meeting in Saskatoon with anti-CWB organizations (July 27, 2006);
- Minister Strahl appoints a "Task Force" on the CWB

stacked with industry-linked, CWB-opponents (Sept. 19, 2006);

- Minister Strahl issues a gag order on the CWB – it cannot publicly defend its single-desk mandate (Oct. 6, 2006);
- In the middle of a CWB board election, Minister Strahl summarily cuts 16,000 farmers from the CWB directors’ elections voters’ list, out of a total of 44,000, with no consultation with the board (Oct. 17, 2006);
- Strahl begins firing incumbent government-appointed CWB directors and replacing them with anti-CWB directors (Oct.-Nov. 2006);
- The government fires CWB CEO Adrian Measner (32 years with the board) for refusing to obey the gag order and refusing to promote the government’s position of “choice”(Nov.-Dec., 2006);
- The government conducts a sham “plebiscite” – unclear question, no public voters’ list, no spending controls, and no guarantee of ballot secrecy. Some farmers received multiple ballots (Jan.-Mar. 2007);
- The government introduces a Cabinet Order in Council to strip barley from the CWB mandate (Apr. 21, 2007);
- The federal court rules the government’s actions illegal (July 31, 2007);
- The federal government appeals (Aug. 30, 2007) and loses, again (Feb. 26, 2008);
- The Harper government introduces legislation, Bill C-46, to fast-track removal of barley from the CWB, to terminate farmers’ right to vote on removals, and to create a CWB-harassment mechanism in the form of an arbitration system (Feb. 29, 2008);
- Another ministerial letter of instruction forced the CWB to remove thousands of legitimate voters from the initial voters’ list for the fall board vote. These farmers were never directly contacted by anyone to tell them that they had been removed (July 2008).

The government also attacked the CWB on other fronts: legal actions, a staff purge, and attempts to pressure CWB directors. During the 2006 board elections (won overwhelmingly by pro-single desk candidates), Conservative-friendly advertising agencies solicited phony letters to newspapers to create an illusion of producer support for the gutting of the board.

The CWB still currently enjoys its single desk monopoly on wheat and barley (and farmers enjoy their \$600 million to \$1.5 billion in extra yearly income). All the anti-CWB legislation introduced in the House has been defeated by the opposition or died on the order paper as all three opposition parties have worked hard to defend the board.

But Harper has not given up. On the record, Conservative MP David Anderson has said that the government should sacrifice the board in the current WTO negotiations, and Alex Binkley, writing in the *Manitoba Co-operator*, claims the government has new legislation ready to introduce. It is almost certain that they will use a tool they have used twice

before: trying to further suppress the eligible voters by introducing a minimum volume of deliveries to qualify, an anti-democratic move aimed at small farmers.