

UNB Brunswickan

Perspectives: Gonzo Constitution Making

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"There's nothing the matter with planning, but what counts is flexibility."
- Robert Ballon, Financial Post, 22 Aug 1970

Things are getting desperate in Ottawa. Strong men are weeping, strong women are crying, and the liquor stores are running out of hard scotch. Treachery is in the air, Joe Clark is buying a new set of luggage, and the P.M. is getting edgy. The sinking feeling is starting to settle in the stomachs of most federal politicians that no-one is ever going to listen to anything they say, ever again.

Up until September the game plan was more or less on schedule. After [betting the country](#) in 1990 and losing, with a comfortable three years left in his mandate, the P.M. re-organized his staff, sent out the Spicer and Beaudoin-Edwards commissions to look busy, and then ordered the P.M.O. to start work on the [real package to save the country](#). Sort of a double or nothing proposition. His bet, our money.

Unfortunately, nobody's buying, not in the West or East, with the Aboriginal Peoples, or in Quebec. The country isn't a caucus, and Mr. Mulroney just hasn't been able to manage the citizenry in the same slick way he controls his party, or what's left of it.

The first really serious sign of trouble came in P.E.I., on the first stop of the Special Joint Committee studying the present proposals, where crowds of teenagers sent the committee members packing like rabid rats. The high-school students, every one an articulate defender of the Charter of Rights and Freedoms, were portrayed in the national media as being virulently francophobic, but nobody listens to the national media anymore either.

Initially undeterred, the Committee went back to Ontario, and, for most of a week, the civil servants who actually drafted the current constitutional package did their very best to explain it. Surrounded by thirty-odd grouchy members, many of whom were not Conservative and still licking their wounds from P.E.I., the experts surfaced briefly and struggled valiantly, but now are gone. This is Mr. Mulroney's style: back-room, and obsessed with secrecy. If Ronald Reagan had a son with George Bush, it would be Brian Mulroney, four times out of five.

However, before they were yanked back far away from the television cameras, the government's emissaries did some artful tap-dancing. Their featured number was called "Distinct Society: Power and Impact in Two Parts", and ended with loud cries of "beautiful" ringing out from the astonished, encircled politicians.

In part one, an official explained that legislative powers could only be conferred on the provinces through clauses 91 and 92, and since the Distinct Society clause could not be applied to 91 or 92, no new powers were conferred. In other words, strike one for Quebec.

In part two, the same servant civilly explained that the Distinct Society clause was not without "impact", since, as a subordinate clause of the Charter, a slight collective nuance was added to the individual rights originally enshrined there. That is, strike one for the rest of Canada, and tie game overall.

Wandering aimlessly through the halls, bumping into the furniture and each other, occasionally falling down stairs, the members could barely understand this technical definition of "power", and seriously doubted they could explain it. Several were said to have sat bolt upright in bed late at night, startling their mates and children, sweat pouring down their faces, yelling "Charlottetown" and "Summerside" in blood-curdling screams echoing down the street. Morale was crumbling fast.

But this is professional politics we are talking about here, and the show must go on. The committee went west to Manitoba, and the crowds came out in angry swarms. Western Canada is still a newer, wilder place, where you can still see men and women walking down the street in Cowboy hats, carrying guns on their hips, if you know where to go.

Everything the Spicer Commission heard but didn't print came out in one day, and this time, the members listened. It was as though their spirit had been broken, a fateful decision made, and they were almost relieved. The spin control had finally spun out.

This was live on TV., the anger stronger than ever, and obviously not going away. One guy summed it all up in a couple of sentences that made all the night-time newscasts: "They interviewed this old premier of Ontario the other day, I don't know why, and he said we have to accept these proposals or Parizeau will become Premier of Quebec. Look, if the people of Quebec want to elect Mr. Parizeau, then let them elect Mr. Parizeau".

Time for a new game plan. The old one is beyond resuscitation. Constituent Assembly anyone?

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