

Shades of Liberal solidarity:

Senator Forsey at Law School

by Dan O'Connor

Senator Eugene Forsey was the speaker at last week's Law Hour, sponsored by the Law Students' Society. He is a Newfoundland-born and Ottawa-centered member of the federal Liberal caucus. He came to the Liberal party after being a trade union official, university professor and C.C.F. candidate. In the early 1960's he left the newly-formed N.D.P. over its adoption of the two-nations theory of federalism. After voting Conservative for a while he left them when the two-nations theory grew popular in P.C. circles in 1967-68. Today he remains a Liberal because of his commitment to their stand on the question of national unity.

The Senator was not such a good Liberal that he avoided any criticism of his leader. When he joined the Liberal caucus he had indications that the Prime Minister and several Cabinet ministers were not pleased with the decision. Paul Martin, the Government leader in the Senate, dropped a few hints. In answering a question he mentioned the Trudeau Lewis personality clash, and stated that the P.M. is not tolerant of some others' opinions and that he is not good at concealing his lack of respect. He also shows it when he is not impressed by something he hears.

Forsey also mentioned an incident when he wrote Justice Minister Trudeau an enthusiastic note of support following a speech on French English relations. There was only silence in response. Senator Forsey feels that this was a "supreme sacrifice" for Trudeau.

Eugene Forsey is best known as one of the leading authorities on the constitutional aspects of parliamentary government. He explained some of the implications of minority government and went over the alternatives facing the government upon defeat in the House of Commons.

Minority governments have been far from rare in the Commonwealth, and formerly in the Empire. Some strong, long-lived English governments were formed by a minority party with support in the opposition. In Australia governments were once usually in a

minority situation.

In Canada, minority government has been rare until recently, when on the federal level we have had it for 6½ of the last 16 years. Senator Forsey thinks that it is unsafe to assume that minority governments are a temporary aberration. We may have them for quite a while. He feels that it is unsafe to assume that the splinter parties will disappear in the next few elections, especially judging by their persistence for over 50 years.

It was pointed out that minority governments are not necessarily weak or indecisive, and that they are often more sensitive to public opinion and to the House. Many salutary measures were passed by the Diefenbaker and Pearson minority governments. Of course, minority governments may also throw aside all principles as they strive to follow the prevailing winds.

Forsey criticized the "spanking" theory of the Liberal party. It holds that if no party gains a majority in an election, the people have gotten their addition wrong, and they will be spanked by elections until they get the correct sum. The example given is when dissolution of the minorities parliament of 1925 led to a Liberal majority in 1926. However, Pearson spanked the electorate to no avail.

The Liberal Senator thinks that people may very well come to resent elections in such a situation. They will insist that the politicians accept indecisive results rather than attempt to relieve their tensions in an election. The same goes for governments which last only for

a short while, such as happened to the Third and Fourth Republics in France.

All the parties are going to have to accept the necessity of making deals to make the Parliament and government work. Wheeling and dealing, whether secret or public, is necessary. Personal considerations pop up here. David Lewis probably thinks that Trudeau would have been great for the N.D.P. and since Trudeau skipped out there is an odium theologium about him.

The great, momentous decisions must be multi-partisan. There is a danger in this, since it depends on the calibre of the men in the House. However, Canada is lucky now to have in the Prime Minister and the Leader of the Opposition men of unusual ability who are scholars and gentlemen. They can produce a multi-party consensus on the major policy issues. It would not be ideal, but no such decision ever is. A tolerable answer can be found from the exercise by all the parties of common sense.

A specific example of a major decision is the one about Canadian involvement in Vietnam. Forsey said that the Conservative stand was foolish and the N.D.P. line silly. The Conservative amendment to the resolution introduced following the sending of troops would have required parliamentary approval for sending more. However, although the House has the right to proffer advice on foreign affairs the government has the prerogative to set the direction of our foreign affairs and it must be trusted. Decisions can only be dealt with

after the fact.

Senator Forsey passed on an Ottawa rumour to the effect that the P.C. amendment was made as a compromise to satisfy the wild men from the West. It did not allow decisions to be made when Parliament was not in session. The decision that Claude Wagner would not go to Southeast Asia meant only that he couldn't check up on Sharp and make sure no facts were stretched later in Parliament.

The N.D.P. amendment was to prevent removal of the troops without Parliament's approval. The audience was asked to picture the men being told that they had to stay and be massacred until Parliament debated the matter of withdrawal and made a decision.

When questioned on the constitutionality of Smallwood's last few months as Premier of Newfoundland, Forsey hastened to point out that he considered and considers Joey as the devil incarnate. He went on to say that it was quite proper and perhaps even wise for Smallwood to stay in office until the final results of the election were certain. It would

have been foolish if he quickly resigned, then won and had to be called back into office. Of course, during the uncertainty there were understood restrictions on the government's freedom of action.

Senator Forsey also stressed the power of the Government-General to make his own mind up on whether there should be a dissolution of Parliament or a new government in the existing Parliament, should the government lose the confidence of the house. This need only be put in his hands when there is a defeat on a motion that specifically shows lack of confidence, when the government resigns or when it asks for dissolution.

The Governor-General would probably do a straw poll of the party leaders to see if a P.C. government could survive for any length of time. If it could not he would have no choice but to dissolve Parliament. However, if it was possible, he would have every right to save the country from the expense of an election and try to keep the present Parliament going as long as possible.

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