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### Andrew Coyne: Until we enact democratic reforms, provinces will continue to run wild using powers they don't have

ANDREW COYNE | December 3, 2014 | Last Updated: Dec 4 8:30 AM ET  
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Premiers head to the opening meeting at the annual Council of the Federation conference in Charlottetown on Thursday, August 28, 2014. THE CANADIAN PRESS/Andrew Vaughan

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It has been three months since the premiers last met, in one of their periodic costume balls as the Council of the Federation.

You remember: in Charlottetown, where it all began? That self-conscious photo of them in the same pose as the Fathers of Confederation? That self-congratulatory blather about a Canadian Energy Strategy? That much-trumpeted agreement to remove the barriers to trade between them, with a steering committee of four premiers deputized to come up with a plan in six months? How's all that nation-building coming along?

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Not so well, it seems. The premier of Saskatchewan, Brad Wall, a leading member of that committee, was last seen boasting to a local chamber of commerce meeting of his unwillingness to open government procurement to out-of-province suppliers without a reciprocal undertaking from the other provinces. He himself was a “free trader,” of course, but in the absence of a “level playing field” there was no point in being the “boy scouts” etc etc etc.

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Federal efforts in the same direction have proved no more successful. Attempts to consolidate 13 provincial and territorial securities regulators into a single national regulatory regime have stalled, with just four provinces on board. We are scarcely closer to a harmonized federal-provincial sales tax regime, a quarter of a century after the GST came into force, with some provinces in, some out and some a little of both.

Oh, and that Canadian Energy Strategy? Recent days have witnessed the remarkable spectacle of the premiers of Ontario and Quebec peremptorily issuing a list of seven “conditions,” sometimes even referred to as “demands,” for their approval of the proposed Energy East pipeline, until then considered the last hope for exports from Alberta’s oilsands after the Northern Gateway, Keystone XL and Kinder Morgan lines all became mired in controversy.

I say remarkable because the premiers’ approval is not required, any more than the premier of British Columbia’s approval was required for Northern Gateway, though that did not deter her from earlier issuing her own list of demands. The National Energy Board is the necessary and sufficient regulatory authority, at least according to the Constitution. Still, the premiers have enough capacity to make trouble, political or otherwise, that the premier of Alberta felt compelled to visit all three in the past week, presumably with propitiatory offers in hand.

This is what is left of the federation. It is plainly in the national interest that Alberta’s oil find its way to international markets, as the NEB ruled earlier this year — as indeed it will, one way or another. From a variety of perspectives, it is probably best that it do so by pipe. Yet here we are with the whole thing hostage to local politics, while premiers negotiate transit rights with each other as if they were the leaders of sovereign states.

As always the question is: where are the feds? If the provinces have no constitutional authority to decide these matters, the federal government most certainly does. In the face of provincial obstruction of pipelines that have otherwise been duly authorized, it has the undoubted legal power to force them through, whether under the Constitution’s Trade and Commerce power or by invoking the declaratory power, under which a public work may be “declared by the Parliament of Canada to be for the general Advantage of Canada.”

So why doesn’t it? The answer is, in a sense, obvious: because it would cause an enormous political

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backlash — imagine, the federal government proceeding in the face of provincial objections! — and because it doesn't have the stomach for that kind of fight. The provinces are simply too big and too powerful. Maybe it might have, long ago, but decades of federal inaction in the face of similar provincial outrages have granted timidity the seal of precedent.

But why is that? Why has the federal government been so afraid to assert its constitutional authority in such a quintessentially federal field? Because it lacks the legitimacy. Because it is too easily cast as "Ottawa," a distant, almost foreign power that does not represent "us," here in [your province here]. That this feeling of disconnection with federal authority has grown while the powers of Parliament have declined is not coincidental. As the saying goes, we no longer send Members of Parliament to Ottawa to represent us: they are sent to represent Ottawa to us.





This is the paradox of autocracy. The more absolute the prime minister's power has become within the precincts of Parliament Hill, the more powerless he has become off it. Couple that with the distortions of our current, first-past-the-post electoral system — the ability of a party to win a majority with the support of fewer than 40% of the voters, most of it concentrated in one part of the country or another — and it is little wonder that so few Canadians are willing to acknowledge federal authority: not if it is in conflict with their "own" government, the one they elect locally.

And this, in turn, is the case for democratic reform — not to weaken federal power but to strengthen it. Imagine if a prime minister were really answerable to the Parliament we elected. Imagine if he governed with a real majority, as under a more proportional system: that is, with the support of a coalition of MPs, though of different parties, that together represent more than 50% of the electorate. And imagine if those MPs, rather than being drawn overwhelmingly from one or two regions, were elected from all parts of Canada. Then maybe we could get things *done* in this country.

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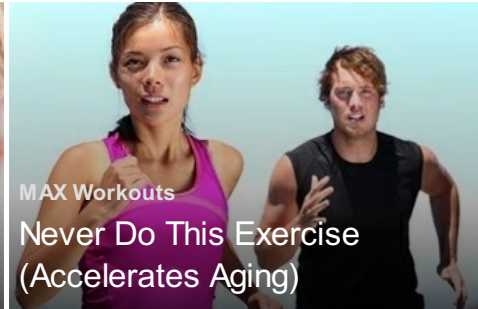
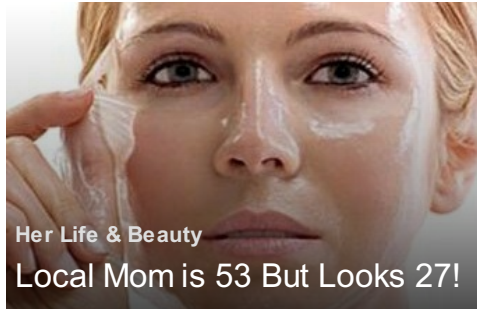
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**Intrepid** · 2 days ago

After stating correctly that it is the federal government not the provinces that have the power to decide if, how and where interprovincial pipelines are built in Canada Coyne unfortunately trails off into a blather of how all this could be solved if only we had proportional representation. (It's like a bad song he keeps singing over and over again) Like Karl Marx, Coyne proves to be an able social critic but lousy at his attempts to conjure the solution.

The solution here is for the federal government to find its backbone and proceed with the projects that Canada - and that means all of Canada - needs. In this sense Coyne is unfair to the current federal government which has continually made it clear that they will support any and all of these pipeline initiatives provided they pass regulatory muster. To date only two of the projects, Northern Gateway and the reversal of Line Nine, have received conditional approval and the government has endorsed those decisions, albeit, rather tepidly in the case of the former. So let's not jump the gun here. Let's let the regulatory process play out and if and when any of these project may be approved get behind the government at that time to push the political agenda in the direction most beneficial to the entire country.

87 ^ [v] · Share >



**strat57** → Intrepid · 2 days ago

The solution here if for the federal government to find its backbone and proceed with the projects that Canada - and that means all of Canada - needs?

How is that going to happen under the Prime Minister Harper?

Harper is the Regent of Regionalism. Harper wrote the Fire Wall Manifesto demanding Alberta become more autonomous. How is that working out folks?

"Whether Canada ends up as one national government or two national governments or several national governments, or some other kind of arrangement is, quite frankly, secondary in my opinion... And whether Canada

ends up with one national government or two governments or ten governments, the Canadian people will require less government no matter what the constitutional status or arrangement of any future country may be."

-Harper Speech Colin Brown Memorial Dinner, National Citizens Coalition, 1994.

see more

61 ^ | v · Share >



**AnHonestGuy** → strat57 · 2 days ago

The Harper Government has reduced environmental oversight and protection and limited public input so that his party's primary backers, big oil, can more easily push through pipeline projects and related with less review and oversight. The Harper Conservatives, being the political arm of big oil and other large corporate concerns, appear to be primarily motivated to increasing profits of those corporate interests at any cost to Canada and Canadians. What a scary thought to think the Harper Conservatives might be involved in making 'democratic reforms' in Canada. You just know that any democratic reforms that the Harper Conservatives might enact would not in any way be in the best interests of Canadians of Canada. A very scary bunch...

22 ^ | v · Share >



**Shades of Grey** → AnHonestGuy · 2 days ago

Look at the "Fair" Elections Act the Conservatives introduced to see what happens when they try to tackle election reform. A bill that was stuffed with garbage that benefited the Conservative Party of Canada, and which they only modified after they realized they couldn't ride out several weeks of national and international criticism from elections experts.

9 ^ | v · Share >



**LewisDodgson** → AnHonestGuy · a day ago

Judging by how impossible it has been to build a simple pipeline, the regulations have to be changed to make it easier. It's not even possible at the moment as proven by the debacle that is the Northern Gateway.

7 ^ | v · Share >



**Dr.RTFM** → LewisDodgson · a day ago

A national energy corridor would probably be an effective solution to this issue, and would deal with the major issue in one go.

1 ^ | v · Share >



**Powell Lucas** → AnHonestGuy · a day ago

"The Harper Government has reduced environmental oversight and protection and limited public input..."  
Where have you been for the last decade? I'm aware that all you environazis are against anything that even hints that it might be related to petroleum so why not tell it like it is. These pipelines have been subjected to environmental scrutiny like no other projects in history so don't use the excuse that there was limited public input. Stand up. Be a man and admit that you oppose anything related to oil extraction or its transport on general principles...plus it gives you a chance to take a slap at Alberta. Don't hide behind a so-called lack of consultation.

8 ^ | v · Share >



**klem** → strat57 · 2 days ago

"Nation Building? Not with Harper, Nation dismantling is his thing."

As opposed to the nation building skills of Justin. Actually he's too busy for that right now he's slinking around with his shirt unbuttoned and

for that right now, he's smiling around with his shirt unbuttoned and checking his look in the mirror, his plate is full.

Oh but first, better take a selfie Justin. Lol!

32 ^ | v | Share >



**jeff baxter** → klem · 2 days ago

"Canada belongs to Quebec" Justin Trudeau

12 ^ | v | Share >



**accidentalcontrarian** → strat57 · 2 days ago

The Liberal boiler room is obviously working overtime tonight. Things must be getting rough when not even one of your votes is legitimate. Sad, very sad!

32 ^ | v | Share >



**BlindHorse** → accidentalcontrarian · 2 days ago

26 guest votes . . . hmmmm

9 ^ | v | Share >



**klem** → BlindHorse · 2 days ago

Oh my lord, you're right. That explains how Strat57 has posted only 2500 comments but has collected over 12,000 up votes.

I'll bet they're all from the same 'Guest'. What a joke.

19 ^ | v | Share >



**jeff baxter** → accidentalcontrarian · 2 days ago

"Liberal boiler room" more like Large Intestine

4 ^ | v | Share >



**jamesont** → strat57 · 2 days ago

Having ten governments instead of one government is not going to result in "less government". And this "new relationship" with Canada was rejected by people in Quebec; most sensible Albertans will do the same thing.

12 ^ | v | Share >



**RationalIdeas** → strat57 · 2 days ago

All blather again from strat57.

Canada's constitution sets out the rights of each level of government and Harper supports the constitution. On the other hand, Liberal prime ministers, with the support of many provinces, have continuously encroached on provincial areas of sole responsibility, usually based on throwing money at the provinces, and supported by a very political Supreme Court.

Your argument that Canada will end up with numerous provincial governments is just silly.

10 ^ | v | Share >



**AnHonestGuy** → RationalIdeas · 2 days ago

RationalIdeas wrote: "Harper supports the constitution"

Nothing could be further from the truth. The Harper Conservatives have been at war with our Constitution and laws time and time again, trying to side step them on various occasions whenever they think it is in their own best interests to do so, and taking the matters to our courts at huge public expense on a number of occasions. Thank goodness our courts and Supreme Court respects our Constitution and laws and has struck down these Harper Conservatives attempts.

9 ^ | v | Share >



**RationalIdeas** → AnHonestGuy · 9 hours ago

You have it completely wrong. Haper has the right to

overturn the Charter but has not done so.

^ [v] · Share >



**Michael Manning** → RationalIdeas · 2 days ago

Odd, Mr. Harper certainly appears to chafe under constitutional restrictions. Indeed he goes out of his way to do an end run around Parliament and has intervened in areas of exclusive provincial responsibility just as matter-of-factly as his Liberal predecessors.

Coming into government Mr. Harper talked a good game but the siren call of power was too much for his willpower.

3 ^ [v] · Share >



**Magic Man** → Michael Manning · 18 hours ago

B.S.! The Ottawa Liberals were the ones always sticking their noses into Provincial Jurisdictions. Harper, on the other hand has been moving away from intervening in provincial responsibilities. He has pretty well given the Premiers room to govern without interference, and this is the result.

2 ^ [v] · Share >



**RationalIdeas** → Michael Manning · 9 hours ago

Which area of provincial responsibility has he intervened?

^ [v] · Share >



**Michael Manning** → RationalIdeas · 8 hours ago

Human resource training for one.

I get why the feds play in provincial jurisdiction, that's where the rubber hits the road - health, education, public welfare. It's also where the bulk of photo ops take place. As well, the feds have the financial resources to devote, due to the GST and income tax revenues.

When the English Law Lords ruled that any areas not specified in the BNA Act as being in the federal purview automatically became the responsibility of the provinces the stage was set for an unending tug of war between the efficacy and efficiency of national programmes and the strict letter of the law.

When in opposition Mr. Harper spoke of the fiscal imbalance between the feds and the provinces. The correct action, constitutionally, would be for the federal government to cut tax rates in coordination with the

see more

^ [v] · Share >



**DaveG** → strat57 · 2 days ago

Take off your reddish-pink glasses and look at the big picture. This isn't, much as you want it to be, about Harper, but about federal governments in general. There has been a long slide toward where we are, and many Liberal admins were riding it then.

8 ^ [v] · Share >



**the knower** → strat57 · 2 days ago

What baseless accusations.

6 ^ [v] · Share >



**LewisDodgson** → strat57 · a day ago

45/49 upvotes are "guest" votes eh?

4 ^ [v] · Share >



**accidentalcontrarian** → strat57 · a day ago

Oh, but my, how things have changed. Today PM Harper is advocating a single national securities regulator despite fierce opposition from Alberta and has been decidedly quiet in pressing Alberta's interests. The lukewarm endorsement of the conditional approval of Northern Gateway being a case in point.

1 ^ [v] · Share >



**Axel Biehl** → strat57 · 2 days ago

Shouldn't there be some quotation marks in there somewhere?

^ [v] · Share >



**Magic Man** → strat57 · 18 hours ago

You are living in the past, its 2014 closing out. You should upgrade your talking points

^ [v] · Share >



**Factaholic** → Intrepid · 2 days ago

Precisely. No federal government in decades has exerted federal authority over inter-provincial trade, public works crossing provincial boundaries (or in the national interest), etc. Coyne says as much. But then we get a huge non sequitur into his complaints about the functioning of Parliament.

These complaints may or may not have merit, but there is no particular reason to believe that they have anything to do with the decades-long ascendancy of provincial vs. federal authority. It's not as if provinces are immune from the autocracy that supposedly characterizes the federal government (Ms. Redford, would you kindly stay behind as Exhibit A?). Does anybody seriously believe that if we had more powerful (and parochial) MPs, the national interest would dominate? It sure doesn't work that way in the US Congress — rather the opposite.

21 ^ [v] · Share >



**albertalad** → Intrepid · 2 days ago

Oh, oh - you are making the "greens" angry.

17 ^ [v] · Share >



**DaveG** → albertalad · 2 days ago

Oh dear, musn't irritate the greenies. So against oil...pipelines and the like. Ever wonder what powers THEIR cars, homes, electronics, etc. Hamster wheels? Until we have affordable technologies that can deliver the same amount of power for our modern society (and we DON'T), oil will have to do. It's called reality (unless you plan to strap a windmill to your car) :-)

5 ^ [v] · Share >



**Francien Verhoeven** → Intrepid · 2 days ago

Excellent comment.

16 ^ [v] · Share >



**RationalIdeas** → Intrepid · 2 days ago

Unfortunately, the Federal backbone disappeared with Lester B. Pearson when he refused to support Newfoundlands right to sell electricity to the US without first selling it to Quebec. Pearson refused to support Newfoundland running transmission lines through Quebec because he didn't want to offend separatists. Pearson should have told Quebec that it was federal responsibility and they had no say in it.

3 ^ [v] · Share >



**Adam Smith** → Intrepid · 2 days ago

"The solution here is for the federal government to find its backbone and proceed with the projects that Canada - and that means all of Canada - needs."

So the solution is to ignore the problem? With the first-past-the-post majority that they have, they just don't have the legitimacy in parts of the country to force



this. At least not without the massive electoral backlash that no party will accept.

3 ^ [v] · Share >



**Michael Manning** → Adam Smith · 2 days ago

But with Proportional Representation there would never be a majority and nothing could get accomplished without the kind of under-the-table deals that are in evidence elsewhere. Ultra-orthodox Jews are a small minority in Israel but their elected representatives have successfully negotiated huge concessions on their behalf in exchange for propping up coalitions. What government would be willing to take action on national projects if the Tobacco Farmer's Party of Ontario or the Indo-Canadian Union held the balance of power and opposed it?

If we spent a little more money and had run off elections in any riding where there was not a clear majority we MIGHT have government that was both more legitimate and more stable. This, however, would need to be proven, preferably as an experiment at the provincial level.

No correction to our federal voting system will address the issues which Mr. Coyne complains of, however. Provinces will simply not roll over and play dead because the federal government has a clear majority of support. They certainly did not do so for either Brian Mulroney or John Diefenbaker, both of whom had won landslide victories and enjoyed more than 50% of the vote.

5 ^ [v] · Share >



**Dr.RTFM** → Michael Manning · a day ago

Germany has an extremely successful economy and yet has a PR system.

1 ^ [v] · Share >



**Francien Verhoeven** → Adam Smith · 2 days ago

your comment is complete and utter nonsense. The federation and the provinces each have their jurisdiction. Federal elections are about Canada as a whole, although Quebeckers still don't get that.

2 ^ [v] · Share >



**bcoil** → Intrepid · a day ago

The Conservatives don't want to give the opposition parties an election issue so they can play Regional area off against Regional area like the Liberals did for years when they played Quebec of against the rest of Canada..They will await until after the election and then they will assert the Federal Governments rights on these issues if they win .

2 ^ [v] · Share >



**Doug** → bcoil · a day ago

I fully agree. Given how the average voter can't differentiate between provincial and federal jurisdiction, there is no way pipeline issues could be discussed rationally during the emotionally charged lead-up to an election.

1 ^ [v] · Share >



**Magic Man** → Doug · 18 hours ago

The best argument against democracy is a five-minute conversation with the average voter.  
Winston Churchill

Canadians more so.

^ [v] · Share >



**WakiWaki** → bcoil · a day ago

They won three years ago and did nothing with it. Coyne is right - they're chicken.

^ [v] · Share >



**tas** → Intrepid · a day ago

Interesting I had the opposite reaction. I began by thinking the federal government does not hold the confidence of most of the people in the provinces and they would therefore not be able to impose their will. Just like a boss who cannot manage his staff because they do not believe in what she/he is doing, this is what we are facing in Canada. However by the end, I thought that Coyne made a powerful argument for democratic reform.

I would add that until we have a national energy strategy that balances the various values our country holds around energy and not just the economic arguments that are currently forced on those who do not live by the same standards (i.e. a pipeline would be the environmentally responsible thing to do - and despite those who support oils free flow this group is growing, not shrinking - the sooner this is accepted and brought into pro oil conversation the faster we will get to a more reasonable solution where each side must make some compromise)

1 ^ [v] · Share >



**BigDuke1** → Intrepid · 2 days ago

And I'm certain the Feds would likely nod yes to your proposed solution on getting these projects going - after the expected election. As for the backbone, not so sure...

3 ^ [v] · Share >



**LewisDodgson** → Intrepid · a day ago

The Feds will find their backbone after next fall's election.

1 ^ [v] · Share >



**Magic Man** → Intrepid · 18 hours ago

Maybe after the election and with a majority, Ottawa will act?

^ [v] · Share >



**L. B. Vine** · 2 days ago

I found two quotes by our Prime Minister Stephen Harper.

First is ....

"Whether Canada ends up with one national government or two governments or ten governments, the Canadian people will require less government no matter what the constitutional status or arrangement of any future country may be."

- Stephen Harper 1994

Second:

"If Ottawa giveth, then Ottawa can taketh away"

"After sober reflection, Albertans should decide that it is time to seek a new relationship with Canada"

"It is to take the bricks and begin building another home – a stronger and much more autonomous Alberta. It is time to look at Quebec and to learn."

- Stephen Harper National Post, December 8, 2000.

Does this sound like a Prime Minister who supports Nationalism or Nation Building?

66 ^ [v] · Share >



**Lone Wolf** → L. B. Vine · 2 days ago

He wasn't PM when those statements were made and you offer no context of when and why they were said. Harper as PM sounds like someone who supports nationalism and nation building.

13 ^ [v] · Share >



**jplondon** → Lone Wolf · 2 days ago

well, the liberal party of today is hampered in the minds of some people by things done 44 years by people long dead.

either the past matters, or it doesn't. either mr haper means what he says, or he doesn't.

and photo ops don't count as 'nation building'.

14 ^ [v] · Share >



**Lone Wolf** → jplondon · a day ago

The Liberals are hampered by things done by a PM... their PM. The quotes were not made when Harper was PM. The nation has continued to grow throughout Harper's time in office.

^ [v] · Share >



**BlindHorse** → Lone Wolf · 2 days ago

At that time, as a result of poor federal leadership, the feeling of western alienation was very high and there was talk of Alberta separation.

5 ^ [v] · Share >



**Magic Man** → Lone Wolf · 18 hours ago

Quotes from 1994 and 2000. The libtardz are getting desperate.

^ [v] · Share >

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