

when challenged on constitutional grounds. Even if it is constitutionally valid, the police had no business in the Mercer Union. When the Cincinnati Contemporary Arts Centre was charged in the Mapplethorpe obscenity case, jurors found that the prosecution had failed to establish the third element of the test for obscenity set down by the U.S. Supreme Court in *Miller* (1973) — namely, the absence of serious artistic merit. Similarly, material with artistic merit is expressly exempted from the terms of Bill C-128. Like Mapplethorpe's photographs, Langer's paintings should never have been charged. It will be up to the trial court to defend artistic freedom from the zeal of local prosecutors.

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## CW UPDATE

### THE MONTH IN REVIEW

by Michael Rutherford

#### HOUSE RESUMES SITTING

The House of Commons resumed sitting on January 17 and MPs elected **Gilbert Parent**, a little-known Liberal MP from Ontario, as the new speaker of the house.

#### AIR CANADA, PWA END DISPUTE

**Air Canada** announced on January 26 that it was abandoning attempts to block a proposed deal between **PWA Corp.** and **AMR Corp.** of Fort Worth, Tex. AMR has agreed to buy one-third of PWA's subsidiary, **Canadian Airlines International Ltd.**

#### BHADURIA QUILTS LIBERAL CAUCUS

Member of Parliament **Jag Bhaduria** resigned from the Liberal caucus on January 27. Bhaduria's decision came after questions were raised regarding the law degree claimed on his resumé. Bhaduria had already apologized in the House of Commons for writing a threatening letter to Toronto school board officials.

#### LIBERALS APPROVE CRUISE TESTS

Defence Minister **David Collenette** announced that the federal government would allow a new set of tests of U.S. Air Force cruise missiles in the Canadian north. The decision on February 3 divided the Liberal cabinet and reversed the anti-testing position held by the Liberals in opposition.

#### ALBERTA NDP CHOOSES NEW LEADER

Delegates to a provincial NDP convention in Calgary chose **Ross Harvey** as their new leader on February 6. Harvey takes over a party that lost all 16 of its seats in the Alberta election last June.

#### OTTAWA CUTS TOBACCO TAXES

In a bid to stem the contraband tobacco trade, the federal government announced tax cuts and stepped-up enforcement measures on February 8. The Quebec government immediately followed suit with tax cuts of its own. The Ontario government reluctantly reversed its opposition to tax cuts on February 21, lowering retail prices to Quebec levels.

#### B.C. REPORT URGES LOGGING CUTS

The Commission on Resources and Development released a three-volume report on February 9 that recommends a 6 percent cut in logging on Vancouver Island. The report, requested by the British Columbia NDP government, aims to achieve a balance between logging interests and environmental concerns.

#### DEATH OF RODRIGUEZ SPARKS DEBATE

**Sue Rodriguez**, the woman who fought unsuccessfully for the right of the terminally ill to end their lives, died as the result of a doctor-assisted suicide. With New Democrat MP **Svend Robinson** at her side, Rodriguez died at her home in Victoria on February 12. Prime Minister **Jean Chrétien** promised a free vote in the House of Commons on the possible legalization of doctor-assisted suicides.

*Continued, see "The Month in Review" on page 100.*

*"The Month in Review,"  
continued from page 99.*

### HEARINGS INTO BLOOD SYSTEM

The Commission of Inquiry on the Blood System in Canada began public hearings on February 14 in Toronto. Mr. Justice **Horace Krever** leads the investigation into how more than 1,000 hemophiliacs and transfusion patients contracted the AIDS virus in the early 1980s.

### McCARTHY LOSES B.C. BY-ELECTION

British Columbia Social Credit Leader **Grace McCarthy** was narrowly defeated by Liberal **Mike de Jong** in a February 17 provincial by-election in the riding of Matsqui. Meanwhile, B.C. Liberal Leader **Gordon Campbell** won a resounding by-election victory in Vancouver-Quilchena.

### PQ, LIBERALS SWAP BY-ELECTION VICTORIES

Parti québécois candidate **Marcel Landry** won a February 21 Quebec by-election in Bonaventura, a riding the governing Liberals had held for 37 years. One week later, Liberal candidate **Bernard Brodeur** won an upset victory in the riding of Shefford, considered a PQ stronghold.

### BOURGON TO HEAD PRIVY COUNCIL


Prime Minister **Jean Chrétien** announced on February 24 that **Jocelyne Bourgon**, a career civil servant, would replace **Glen Shortliffe** as Clerk of the Privy Council. Bourgon becomes the first woman appointed to the top bureaucratic job in Canada.

### ROGERS SWALLOWS MACLEAN HUNTER

After a month of wrangling, **Rogers Communication Inc.** amended its \$3 billion takeover bid for **Maclean Hunter Ltd.** and won the support of Maclean Hunter's board of directors on March 8. Rogers, already Canada's largest cable operator, sweetened its three-week-old offer by 50 cents a share, to \$17.50.

### PEACEKEEPERS TO STAY ON

Foreign Affairs Minister **André Ouellet** told the House of Commons on March 10 that Canadian peacekeepers will stay in the former Yugoslavia for six more months. Canada turned down a United Nations request for additional troops.

*Michael Rutherford is an MA student in Political Science at York University. CW Update is a regular feature of Canada Watch.* 

## PARLIAMENTARY UPDATE

### *Bill C-10: West Coast Ports Operations Act*

This Act required striking West Coast longshoremen to go back to work on February 9 following a 12-day strike. The contract dispute between the International Longshoremen's and Warehousemen's Union and the B.C. Maritime Employers Association was referred to an arbitrator.

House of Commons: 1st reading: February 8/94  
2nd reading: February 8/94  
3rd reading: February 8/94

Senate: 1st reading: February 8/94  
2nd reading: February 8/94  
3rd reading: February 8/94

Royal assent: February 8/94

## SUPREME COURT WATCH

### **A digest of recent significant decisions of the Supreme Court of Canada**

#### *Grand Council of the Crees v. A.-G. Canada* **February 24, 1994**

The Supreme Court of Canada unanimously overturned a 1992 Federal Court of Appeal ruling allowing Hydro Quebec to proceed with its export projects without an environmental review. The Supreme Court upheld the review conditions that the National Energy Board placed on the utility when granting it licences to export power to the United States in 1990.

#### *R.J.R. Macdonald Inc. v. A.-G. Canada* **March 3, 1994**

The Supreme Court of Canada dismissed an application by tobacco companies, who have been granted leave to appeal a decision by the Quebec Court of Appeal upholding a ban on tobacco advertising, for a release from compliance with mandatory packaging requirements.