

Giving short shrift to the ethics officer

Stephen Harper must have an evil twin. How else to explain the Prime Minister's blatant and persistent disrespect for the office of the Ethics Commissioner, a job filled since its creation in 2004 by former McGill University principal Bernard Shapiro?

Last year, after Conservative MP Gurmant Grewal secretly taped conversations with then-health-minister Ujjal Dosanjh and Tim Murphy, prime minister Paul Martin's chief of staff, Mr. Shapiro investigated allegations of misconduct by both Liberals and Conservatives. Mr. Martin co-operated with the investigation. Mr. Harper did not. He sent his communications director to answer questions that Mr. Harper, then the Opposition leader, should have answered. "Unfortunately," Mr. Shapiro wrote in his report two months ago, "although we made numerous attempts between August and November, we were informed Mr. Harper's schedule did not permit an interview."

Last week, the disparaging began again. Mr. Shapiro announced that he would investigate a complaint that the manner in which David Emerson crossed from the Liberals to the Conservatives violated the code of conduct governing the Commons. To our mind, Mr. Shapiro should have written the complaint off as frivolous, since the issue of floor-crossing is political rather than ethical and since the cabinet post Mr. Emerson received would be few people's idea of an improper inducement. By that light, Mr. Shapiro might as easily have investigated the defection of Belinda Stronach from the Conservatives to the Liberals. If Mr. Harper had made those points while co-operating with the investigation, he would have been taking the high road.

Instead, he effectively spat in the commissioner's face. He sent his new communications director, Sandra Buckler, to tell the press, "The Prime Minister is loath to co-operate with an individual whose decision-making ability has been questioned and who has been found in contempt of the House. All this really is is a partisan complaint and a political dispute."

The contempt finding last November, by the Commons procedure committee, censured Mr. Shapiro for not giving adequate notice to a Conservative MP under investigation and for discussing the case in a September interview. But it's hard to credit that as Mr. Harper's excuse for being "loath to co-operate," since he had already made his loathing clear in the Grewal case, which predated the contempt finding. As for the "partisan complaint," that is certainly a reason to regret the Emerson investigation, but it is absolutely not a reason to stymie an investigation by a duly appointed ethics officer whose appointment, consistent with amendments to the Parliament of Canada Act two years ago, was reviewed by a parliamentary committee and approved by a resolution of the House of Commons. To call him a "Liberal appointee," as Ms. Buckler did Friday, is to ignore Parliament's role in appointing him as an officer who reports not to the prime minister but to Parliament.

Mr. Shapiro was appointed to a term of five years "during good behaviour," and the Prime Minister can fire him only by standing up in the Commons and saying he has been

dismissed "for cause." It may be that the contempt finding would qualify, but Mr. Harper seems intent on making this dispute personal. His attitude toward Mr. Shapiro as reflected by Ms. Buckler's comments -- suggesting he is a partisan agent, calling him unfit for co-operation even though the law requires Mr. Harper's co-operation -- is disgraceful. Yes, Mr. Shapiro's judgment may be questionable. In particular, he blundered last year by issuing an interim finding in the case of former immigration minister Judy Sgro that vindicated her on two counts, even though, in a report mere weeks later, he said she bore "major responsibility" for the ethics breached and rules broken by her senior staff in dispensing temporary residency permits. But Mr. Harper has given no evidence for his spokeswoman's insinuation that Mr. Shapiro is politically biased. And his contempt for the duly appointed holder of a parliamentary office -- an officer seeking to carry out his duties under the law -- is unbecoming a prime minister