

Editorial: Is this Harper's ethical cleanup?

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Prime Minister Stephen Harper promised during the recent election campaign to "clean up Ottawa." He said "accountability and ethics will be at the centre of our governing agenda." He pledged to "improve Canadians' faith in public institutions." And he vowed to lead by example.

There was little of that high ethical purpose on display yesterday as Harper stiff-armed federal Ethics Commissioner Bernard Shapiro, who is trying to decide whether Harper broke any rules by recruiting former Liberal MP David Emerson into the Conservative cabinet.

Asked whether he is still "loath to co-operate," as his staff said last week, Harper yesterday affirmed "nothing has changed." He also grandly invoked prime ministerial privilege, saying he has no intention of "ceding" his constitutional right to appoint people to cabinet.

But no prime minister gets to decide unilaterally the legitimacy of an ethics probe. That is the commissioner's business. And Members of Parliament of all political parties are duty bound to assist.

Nor is Shapiro trying to subvert the Prime Minister's authority. He is responding to complaints that Harper's recruitment of Emerson barely two weeks after the election bent the rule that says "a Member shall not act in any way to further his or her private interests."

Granted, the complaints seem far-fetched. By that logic any MP who defects to get a fatter minister's pay and perks would breach the code. Emerson's switch looks like a political deal, nothing more sinister. It also looks like a deal that Shapiro should not be investigating in the first place.

Even so, rather than presume to judge the judge, Harper should do what he can to help. Anything less would betray the high principles he voiced during the campaign. Yet Harper seems determined to undermine Shapiro. The Tories have tarred him as a partisan "Liberal appointee." Some want him fired.

Well before this crisis, Harper also refused to assist Shapiro during a probe of allegations that former Liberal health minister Ujjal Dosanjh offered former Tory MP Gurmant Grewal rewards for his support in a vote that could have felled the minority Liberal government. For four months, Harper said he was too busy to meet Shapiro. Dosanjh was cleared.

This week's standoff between the PM and Shapiro compounds Harper's Feb. 6 misjudgment in recruiting Emerson, the former Liberal industry minister, just two weeks

after Emerson won as a Liberal in Vancouver Kingsway riding, where the Tories ran third.

There is no denying that Shapiro's decision to probe the Emerson affair is controversial. Belinda Stronach's defection to the Liberals triggered no inquiry. But even so, once the ethics commissioner has decided, rightly or wrongly, to launch an inquiry, the Prime Minister should set aside any reservations, and set an example by assisting.

While Jean Chrétien appointed him, Shapiro answers to Parliament, not the prime minister of the day. His appointment received all-party support. He can be removed before his term expires in 2009 only "for cause" and only if Parliament approves. Whatever Harper may think of Shapiro, he is a lawful ethical watchdog and his office deserves respect.

But Harper will not "improve Canadians' faith in public institutions" by rebuffing this inquiry. The PM is not above the law. He must co-operate.