

Celebrating the End of the Mike Duffy Farce

My absence in England last week prevented me from celebrating the acquittal of Mike Duffy in this column, but there are a few points still to be made about it. There was never anything wrong with Mike Duffy padding around promoting the Conservative party while a paid-up senator. MPs do that and there is nothing wrong with senators doing it. There was nothing wrong with Nigel Wright paying Duffy's alleged excesses on his travel expenses. A friend can do that – nothing wrong with it and typical of Nigel to come to a friend's assistance.

Of course the idea of Duffy being a Prince Edward Island resident was bunk, but the problems there are sloppy Senate rules and the fiction that senators represent any geographic area at all. Senators do not go to Ottawa to militate for the people who live in their nominal senatorial districts. (Duffy is now arguably the principal Atlantic provinces representative of the Conservative party in Parliament). Of course, Duffy had no business expensing his physical trainer, but from appearances, the trainer has not been notably successful anyway. Mike is no fitness magazine centrefold, but he has special medical problems and presumably the trainer helped him fulfill his designated role as a senator.

Asking the chairman of the management committee of the Toronto Club, Canada's ultimate source of misdirected sanctimony, Senator Irving Gerstein, to question the Senate's auditor, or even to try to alter its audit, was shabby and unwise. Gerstein, given the onerous moral standard he must uphold as chair of the most pompous committee in the country except the Supreme Court, should have declined the mission; he would not have risked anything by doing so as he is as inseparable from his senatorial emoluments as Duffy. But no illegality was

intended or even contemplated.

The judge in the case, Charles Vaillancourt, waxed righteously against the Prime Minister's Office, but entourages of political leaders do try to avoid public relations disasters. They failed dismally in this case, but if everyone who made an asinine blunder where money was involved were keel-hauled judicially, the whole adult population, as well as a large number of juveniles of conscient age, would be in the prosecution service, on or around the bench, or in the dock. What was reprehensible about the PMO was not that Duffy was appointed to use his position as senator for the political benefit of the government that appointed him, nor that the PMO had the impulse to try to make the problem go away. It was that an honest man like Wright tried to sell a scheme that was so absurdly amateurish because it was based on concealment of his identity; that when it collapsed in non-criminal embarrassment, the prime minister abandoned Duffy and Wright; that the RCMP's spelling-challenged Cpl. Greg Horton recommended indictment of Wright and Duffy for giving and taking a bribe; that the crown attorney took half the bait and prosecuted this klunker of non-crimes; and that Stephen Harper debased the government by having a very long election campaign so Parliament would not be sitting while Duffy testified.

A Mickey Mouse sequence of legally innocent mistakes was aggregated into a crisis. It is, in some ways, the perfect Canadian fable: the ludicrous magnification of ho-hum miscues into the apprehension of a scandal, and the press fanning it both credulously and often maliciously. The only issue on which the press believed Duffy was when he promised revelation of a monstrous crime by the government. They wanted one because they hated Harper, distasteful though they found Duffy. The media look almost as stupid as the prosecutors and the former prime minister and his office, but are not as accountable. The complete flame-out of the prosecution, and even the publication of Horton's mad affidavit, where there

was no bribe and Duffy didn't seek the money and certainly didn't do anything to earn it as a bribe, should lead to reforms in the prosecution service. This is a far more urgent societal need, and one that touches the lives of a great many more people, than Senate reform. The only hero in the whole piece is Justice Vaillancourt.

Let us face it, Canadians, and learn to live with it, even if it requires therapy or a trainer for some to accept the truth: at scandals, except occasionally for our French-Canadian compatriots, we are flops. There are many worse failings in a nationality. In Canada, either they don't happen at all, or are so puny in scale that it is difficult to believe anything wrong, as opposed to silly, occurred. John A. Macdonald lost his only election as post-Confederation Conservative leader over the Canadian Pacific scandal. He and George-Étienne Cartier took substantial sums from shipping owner Sir Hugh Allan, but not a cent for themselves, just to finance an election campaign. The Baie des Chaleurs scandal that drove Honoré Mercier from office as premier of Quebec was a paid holiday in France, and Mercier was acquitted. The Customs scandal of the 1920s was a little more serious, but the entire country ignored Prohibition and profited in some measure from peddling liquor and even beer to the Americans. The Beauharnois scandal arose in 1931 during King's one full term in opposition and embarrassed him a little (an almost impossible occurrence), but nothing serious was ever proven beyond the fact that a senator who was involved with the Beauharnois Power Co. picked up King's hotel bill for \$400 in Bermuda without King knowing about it. (The priggish old bachelor admired the young ladies in their "abbreviated" bathing attire – pretty risqué for WLMK.)

Gerda Munsinger never received any embarrassing secrets about official business, and the Liberals that John Diefenbaker hounded from office (Guy Favreau, Maurice Lamontagne, and René Tremblay) did nothing wrong at all. Duplessis' great Union

Nationale machine distributed contracts without calling for bids and took contributions from those who were awarded the contracts, as has every Quebec government and most others elsewhere in the country, but there was never any evidence that it cost the taxpayers anything, and Duplessis himself, though he had all the power in Quebec for nearly 20 years, never touched a cent personally and left an estate of negative value (-\$46,000), which his party paid. It must be admitted that the numbers in the Adscam case were quite impressive, but Jean Chrétien kept it bottled up endlessly with the stumblebums of the RCMP so no one had to give evidence under oath, and he just kept punting it forward until his party pushed him out because they were (understandably) tired of him, not because of moral turpitude.

Of course, it is time to make something out of the Senate, and here Harper's performance was contemptible. He used it as a dust-bin for mediocre journeymen, with a few exceptions, and made a feeble gesture by asking the Supreme Court if the House of Commons could, in effect, abolish the Senate. Of course, this was unimaginably fatuous, as it could no more do so than the Senate could abolish the House of Commons. When the Supreme Court pitched this back, Harper dug in his heels like a churlish child and refused to consider constitutional reform. He had already ceased to name any senators, so almost a quarter of seats were vacancies when he got the order of the boot from the voters.

What should happen is that we should scrap this pious claptrap about "a sober second thought" and certainly any notion that the senators are representing any local area, and name, if necessary virtually draft, better senators. We should recruit outstanding people from all serious occupations and all parts of the country and ask them, out of duty, to do their best to be reasonably present for a five-year term, as many distinguished lieutenant-governors, such as John Aird, Hal Jackman, and Hilary Weston have done in Ontario. What we need

is a little distinction and a little class (style, not snobbery). Distinction and style weren't Mike Duffy's strong suits, but they weren't the principal characteristics of Stephen Harper either, and these things start at the top, or not at all.

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