

The Harper Government & the Decline of Democracy in Canada

The Conservative Government of Stephen Harper is the first in our history to be censured by the House of Commons for “Contempt of Parliament”. But it is not just Parliament this government holds in contempt; it is democracy itself. The following examples – all based on published accounts – document the Harper Government’s contempt for the four rights of citizens in a democracy:

- the right to know/be informed
- the right to meaningful participation
- the right to accountable politicians
- the right to have your vote count

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I. A true democracy respects citizens' **Right to Know**:

Citizens cannot be expected to participate in any meaningful way in the democratic process if they do not have access to accurate information on which to form their opinions and, ultimately, to base their decisions. Elected parliamentarians who can be trusted to provide information that is both truthful and complete is essential to the democratic process. The following exemplifies the attitude of the Harper Government to a citizen's "Right to Know":

a) Lies

a. i. Minister Tony Clement

Munir Sheikh, former deputy minister of Statistics Canada, resigned in July 2010. It was not, as widely assumed, because the government had made the decision to scrap the long-form census. It was because in doing so the Industry Minister lied to a reporter about the position of Statistics Canada on the issue.

“Mr. Sheikh only resigned when Industry Minister Tony Clement claimed something he should never have claimed. In a July 16 story on The Globe and Mail’s front page, Mr. Clement stated in an interview that Statistics Canada had assured him a voluntary survey, sent to a larger group of people, would yield satisfactory results.

“I asked [Statistics Canada] specifically, ‘Are you confident you can do your job?’” he told Steven Chase. “They said ‘If you do these extra things: the extra advertising and the extra sample size, then yes, we can do our job.’”

That could not be true: if people who are poorer or less educated are not filling out a census because they don’t understand its importance, increasing the number of people receiving the form won’t help one whit. Either Mr. Sheikh did not give that assurance, or he gave it knowing it to be false. Rather than permit the latter impression to take hold, damaging both his integrity and that of Statistics Canada, he resigned.”

(Source: The Globe and Mail, “Munir Sheikh shows us what integrity and leadership look like”, July 27, 2010)

a. ii. Minister Bev Oda

“Oda told the committee in December that she didn’t know how a document that recommended \$7 million in funding for a foreign aid agency came to have the handwritten word “not” added to it, effectively reversing the federal grant. The document had already been signed by Margaret Biggs, president of the Canadian International Development Agency.

The minister this week conceded that she had ordered the change.”

(Source: Ottawa Citizen, “Bev Oda: Why lying to Parliament still matters”, February 19, 2011)

a. iii. Minister Jason Kenney

“From crime to KAIROS, Canada’s Conservative government has developed a novel method for dealing with inconvenient reality: If the facts don’t fit, invent new ones. . . The reality in (Oda’s) case is that the government decided to eliminate about \$7 million in funding for KAIROS because of the church-run charity’s alleged support for attempts to boycott Israel. Immigration Minister Jason Kenney let that cat out of the bag in 2009. In fact, Kenney’s allegation wasn’t true. So the Conservatives invented a new reason: KAIROS’ actions no longer fit the priorities of the government’s Canadian International Development Agency.

Yet here, too, reality intervened. Agency head, Margaret Biggs had already recommended, in writing, that KAIROS get \$7 million. Had Oda simply overruled her, the minister might have had to explain why.

So Oda had the documentation doctored to imply that CIDA had suggested the cuts – and then fibbed about it to a parliamentary committee. What else was she to do? When the facts don’t fit your needs, change the facts. That’s the rule.”

(Source: The Star, “Oda's attempt to mislead is part of Tory strategy”, February 16, 2011)

b) Misinformation & half-truths

Worse than lies, are the half-truths that are given which do have some truth embedded in the statements but which are designed to provide an altogether false idea of the issue or a response to an issue. The following demonstrate the use of information and half-truths by the Harper Government.

b. i. the “not” controversy

An example of how half-truths and misinformation are used by the Harper Government can be seen in the debate in the House of Commons around the “not” controversy. The issue under discussion is that a Minister of the Crown lied in committee about the alteration of a document. The Harper Government tried to turn it into a question of Ministerial responsibility. The following quote from Hansard for February 28, 2011 shows how this is done:

John Baird, Leader of the Government in the House of Commons

Mr. Speaker, I believe it was a former leader of the Liberal Party who said that MPs were a bunch of nobodies only 100 meters from this place.

The minister made a decision not to provide funding to a particular non-governmental organization, as is her right. She made a difficult decision. It was the right decision. She has made a great contribution to international development right around the world and she has a record all Canadians can be proud of.

b. ii. in and out scandal

Another example of how half-truths and misinformation are used can be seen in the debate around the “in and out scandal”. The issue – and what the charges are that were brought against the Conservative Party by Elections Canada – relate, not to the moving of money between national and local offices, but doing this with the express purpose of circumventing the laws on limits to campaign spending. Yet, here is how the Harper Government framed the issue when questioned in the House of Common:

Mrs. Claude DeBellefeuille (Beauharnois – Salaberry, BQ):

Mr. Speaker, the Conservatives are masters of hiding behind half-truths so that they do not have to take responsibility for their actions. That is what happened in the case of the misleading statements made by the Minister of International Cooperation on the KAIROS file and that is what is happening with the in and out scheme criticized by Elections Canada. Will the Prime Minister admit that he violated the Canada Elections Act in the same way he is knowingly bending the truth?

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):

Mr. Speaker, I am very happy to tell the truth. This is an administrative dispute that we are having with Elections Canada. The Conservative candidates spent Conservative money on Conservative ads. The national party also transferred funds to its candidates. How did Elections Canada know about this? We told them. Why not? It is legal. It is ethical and all the parties do it. We have a very solid case and we will defend it before the courts.

(Source: 40th Parliament, 3rd Session, Edited Hansard • Number 136 Tuesday, March 1, 2011)

The exchange took place on the same day that the Federal Court of Appeal ruled against Stephen Harper’s Conservative Party in its long-running feud with Canada’s elections watchdog, overturning a legal victory the Tories had argued offered them vindication in the matter.

b. iii. attack ads

In a 2002 fundraising letter sent to members of his now-defunct Canadian Alliance party Harper wrote: “Kyoto is essentially a socialist scheme to suck money out of wealth-producing nations”. He says he no longer holds that view. Matter closed. But his party’s attack ads on Ignatieff boldly state comments made by the Liberal Leader, positions he expressly states he no longer holds. This is misinformation, consciously presented as fact.

“The ads dredged up a quote from 2001, when Mr. Ignatieff was living outside Canada, about feeling American, and another quote about not ruling out an increase in the GST, and one favouring a carbon tax. Mr. Ignatieff has clearly and repeatedly repudiated these positions, yet the Conservative attack ads suggest he still holds them. Not only do these ads deliberately deform Mr. Ignatieff’s current thinking, they impugn his motives for returning to Canada. He is held responsible in these ads for views he no longer holds.”

(Source: Globe and Mail, What if Stephen Harper’s previous views were used against him?, March 5, 2011)

c) Tactics to Disrupt Parliamentary Committees

The Harper government has produced a handbook of several hundred pages that has been distributed to Conservative MPs outlining tactics they can take to disrupt parliamentary committees, thus shutting down a means of bringing forth pertinent information both for parliamentarians and for the general public.

“Entitled *In the Hot Seat: An Evening Primer for Committee Chairs*, it sets out how to ensure committee witnesses are favourable to the government’s positions and how to strangle opposition motions in procedural red tape through long-winded rulings from the chair sprinkled with frequent references to respected works on parliamentary procedure. Sample speeches are ready-made for committee chairs. When looking through the handbook, I realized I had heard Bob Mills deliver portions of the canned speech... Further advice for committee chairs includes the throwing-down-a-pencil-and-storming-out-of-the-room gambit.”

(Source: Elizabeth May, “Losing Confidence: Power, Politics and the Crisis in Canadian Democracy”, McClelland & Stewart, Toronto, 2009, p.61)

II. A true democracy respects citizens' **Right to Meaningful Participation:**

The “Right to Meaningful Participation” by citizens is so far removed from the philosophy of the Harper Government that there are literally no examples that can be provided that illustrate their view of this democratic value. However, their attitude may be gauged by looking at their treatment of those who disagree with their policies and/or actions. To be against Canadian troops being sent to Afghanistan is to be against the truly brave soldiers of our armed forces; to question Israeli actions in the occupied territories is to be anti-Semitic; to question the need for more jails is to be soft on crime. Even senior public servants who, in carrying out their public duties both as stated in their organization’s mandate (a mandate given to it by the government itself) and their own job descriptions, have come up against the Harper Government’s disdain for even a Deputy Minister’s “Right to Meaningful Participation”.

a) Treatment of senior public officials

a. i. Senior public servants no longer employed by the Harper Government

The following is a list of senior public servants who ran afoul of the Harper Government. The source for this entire section comes from the Montreal Gazette, “Fired, punished, shunted: Senior public servants who have been sent down under Prime Minister Stephen Harper”, August, 18, 2010.

Fired

Linda Keen: The president of the Canadian Nuclear Safety Commission had her appointment terminated two years early in January 2008. Keen had been president of the agency since 2000. The commission shut down the Chalk River, Ont., nuclear reactor over safety concerns, stopping the production of medical isotopes. The government claimed they lost confidence in her abilities.

Adrian Measner: President of the Canadian Wheat Board since December 2002, his appointment was terminated in November 2006 by then-agriculture minister Chuck Strahl. Measner disagreed with the government's plan to end the board's monopoly over the sale of barley and wheat.

Not reappointed

Pat Stogran: Veterans ombudsman. First appointed in 2007 after a high-profile military career that including leading Canadian troops in Afghanistan. He was told this week his term would not be renewed.

Sheridan Scott: Head of the Competition Bureau, she ran afoul of Environment Minister Jim Prentice over a brewery takeover. She resigned in December 2008 a few days early after being told her appointment would not be renewed. She was first appointed in January 2004.

Steve Sullivan: The first victims of crime ombudsman was not renewed after his three-year term expired in April 2010. Sullivan was critical of the "tough on crime" agenda of the government.

Paul Kennedy: The head of the RCMP Public Complaints Commission. First appointed on an interim basis in 2005, his appointment ended in December 2009. Kennedy lobbied for more power for his commission and clashed with the RCMP over his report on Taser use.

Peter Tinsley: Chair of the Military Complaints Commission. Tinsley's four-year appointment ended in December 2009 right in the middle of a squabble with the government over the commission's decision to investigate detainee transfers in Afghanistan.

Resigned

Bernard Shapiro: The first ethics commissioner was appointed in 2004 for a five-year term but clashed repeatedly with Prime Minister Stephen Harper. He resigned suddenly in March. (Source: Montreal Gazette, August, 18, 2010)

Jean-Guy Fleury: The chair of the Immigration and Refugee Board resigned in March 2007, about six months before his five-year term expired. The resignation coincided with government actions to assert more control over appointments at the board and a letter from then-minister Diane Finley that was critical of the board.

Robert Marleau: The former clerk of the House of Commons was appointed as the Information Commissioner in 2007 to a seven-year term. He resigned after only two and a half years for personal reasons – but he had made public comments about funding cuts to his office and was sceptical of the government's commitment to reforming the Access Act.

Munir Sheikh: The chief statistician of Statistics Canada resigned in July 2010 in protest after the government decided to cancel the long form census. He was first appointed in June 2008.

Retired

Arthur Carty: National science adviser. His position was phased out when he retired on March 31, 2008. Carty was critical of the government's decision to disband the office. He was first appointed by then-prime minister Paul Martin and reported directly to him. After the Conservatives formed the government, he was shifted to the Industry portfolio.

a. ii. Public servants publically attacked/humiliated by the Harper Government

But there is another way of dealing with public servants who, while carrying out their duties, run afoul of Stephen Harper and that is to attack them publically knowing that a public servant does not have the right to publically contradict the government of the day.

Bernard Shapiro

“The Prime Minister's Office attacked the credibility of the ethics commissioner Friday night after he announced an investigation into conflict of interest allegations against

Stephen Harper.

Ethics commissioner Bernard Shapiro said he will look into what influence Harper wielded to convince former Liberal cabinet minister David Emerson to cross the House of Commons floor.

"The Prime Minister is loath to co-operate with an individual whose decision-making ability has been questioned, moreover who has been found in contempt of the House," said Sandra Buckler, the prime minister's director of communications.

"This Liberal appointee's actions have strengthened the Prime Minister's resolve to create a truly non-partisan ethics commissioner, who is accountable to Parliament."

(Source: CBC, "Harper 'loath' to co-operate with ethics commissioner", March 3, 2006)

Marty Cheliak

"Some police officers are questioning Cheliak's removal on the eve of September's expected battle in Parliament over a Conservative private member's bill to scrap the current registry.

"I question why he's been transferred and who has made this decision to transfer him," said Charles Momy, president of the Canadian Police Association. "But it seems interesting that all of a sudden this transfer occurs when we know the vote is coming on this bill.

"I can tell you from a Canadian Police Association perspective, this is a huge loss. To the Canadian Firearms Program perspective, this is a huge loss to the Canadian public."

CBC's Brian Stewart reported that Cheliak was set to unveil a major report before the Canadian Association of Chiefs of Police at their annual general meeting in Edmonton and get a president's award for his work on the long-gun registry.

But Stewart said Cheliak was told by the RCMP he's not going to be sent there.

"And that, more than anything almost, has convinced a lot of police chiefs, normally on the side of this government, to say this is a slapdown, and this is really unnecessary, and we don't like it," Stewart said."

(Source: CBC, "Federal gun program head ousted", August 17, 2010)

Richard Colvin

“Although the Conservatives promised protection for whistleblowers, Defence Minister Peter MacKay, once foreign affairs minister and Colvin's political boss high on the chain of command, clearly has Colvin in his sights.

He attacked Colvin's credibility after the diplomat's testimony that suggested widespread Canadian knowledge and cover-up of the abuse of Afghan prisoners transferred by Canadians to local authorities, and said Colvin "never raised the issue with me."

"Mr. Colvin is a member of the public service who has a job in Washington. As far as I'm concerned his job is there for him," said MacKay. But he also added: "I suspect that promotion (to Washington) took place, or it did take place, long before he gave his evidence yesterday."

Until Colvin's explosive appearance before a parliamentary committee, the foreign officer had the confidence of his political and public service bosses.”

(Source: The Star, “Whistleblower under attack”, November 20, 2009)

b) Organizations/groups dismissed by the Harper Government as irrelevant

But it is not just public servants who are dismissed as irrelevant by the Harper Government. Any organization or group of citizens who disagree with the government are also publically dismissed as irrelevant whether they be the chiefs of police of Canada or the arts community in Québec.

b. i. Chiefs of Police

“It should not fall to a police chief to explain that simple distinction between ideology and safety, but with a critical parliamentary vote approaching next month to kill the long-gun registry, Blair felt compelled to do it. In today’s political climate, where Prime Minister Stephen Harper has poisoned every national policy debate with partisanship, experts are no longer to be trusted; inconvenient facts are ignored; and critics are muzzled or sidelined.

Now, Harper’s Conservatives have attacked the association by claiming it does not “speak for Canadian police officers on this issue.” If the police chiefs – who unanimously reaffirmed their support for the long-gun registry at their conference in Edmonton this week – do not speak for police officers, then who does? Is it the Canadian Police Association, whose members are the police rank-and-file across the country? They too support the registry.”

(Source: The Star, Chiefs’ defence of gun registry, August 25, 2010.)

b. ii. the arts community

« Mardi, en anglais, M. Harper a dénoncé ceux qui « vont dans des galas chics et subventionnés pour demander plus de subventions ».

Dans certains milieux, c'est le genre de réaction qui fait recette. Mais on aura remarqué que M. Harper a refusé de répéter ses propos en français. Tout simplement parce que M. Harper sait que la relation du public québécois avec ses artistes est différente de celle qui peut exister dans le reste du pays.

(Source : Radio-Canada, Michel C. Auger, « La guerre des valeurs », 24 sept., 2008)

III. A true democracy respects citizens' **Right to Accountable Politicians:**

Democracy in its simplest form allows citizens to hold their politicians accountable for their actions through the mechanism of the ballot box. But the reality today – partially through the erosion of the democratic values outlined here – is that voter turnout in the last federal election dropped to the lowest percentage of registered voters ever recorded for a national election in Canada. The turning away from participation in the democratic process has left politicians mainly accountable to the few who fund their elections, not to the broad spectrum of those who could cast their votes at election time. As a result, we are faced with scandals, embarrassments, cheating and the trampling on civil liberties because of the lack of respect for citizens' "Right to Accountable Politicians":

a) Ignoring the "rule of law"

“On July 5th, 2010 the Federal Court ordered Canada to provide Omar Khadr with a list of potential remedies to cure or ameliorate the breach of his Charter rights. The rule of law requires a remedy for breach of Charter rights, and Mr. Justice Zinn found that Canada has not remedied the Charter breaches committed against Mr. Khadr...

In January 2010, the Supreme Court held that Mr. Khadr's Charter rights had been breached when Canadian officials interrogated him at Guantanamo Bay – and shared their information with the US – knowing he was a minor, subject to improper treatment, and facing serious charges. The Supreme Court held that Canada violated the principles of fundamental justice guaranteed by section 7 of the Charter, and the effects of that Charter breach continue to this day; although the initial breach could not be cured, the ongoing breach can be cured. The Court held that Mr. Khadr was entitled to a remedy for the breach of his Charter rights, but stopped short of specifying a remedy in deference to Crown prerogative.

In February 2010, Canada stated it would not seek Mr. Khadr's repatriation as a remedy. Instead, as a proposed remedy, Canada sent a diplomatic note requesting the US to disregard the evidence provided by the Canadian officials against Mr. Khadr. However, subsequent US proceedings against Mr. Khadr have used the information provided by Canada.”

(Source: Canadian Civil Liberties Association, “Federal Court Orders Canada to Remedy Breach of Omar Khadr's Charter Rights”, July 7, 2010)

b) Ignoring international treaties

b. i. 1949 Geneva Conventions, etc.

“The prohibition against torture in Canadian and international law is absolute. It is considered a peremptory norm of international law from which there can be no

derogation, even in times of emergency. The absolute prohibition against torture is found in Canada's constitutional obligations, in the International Covenant on Civil and Political Rights, in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and in international humanitarian law including the 1949 Geneva Conventions and the 1977 Additional Protocols, and the Rome Statute of the International Criminal Court.

A component of the absolute prohibition against torture is the principle of *non-refoulement*. This principle prohibits the return, transfer, extradition or deportation of an individual to a State where that individual faces the risk of torture, cruel, inhuman or degrading treatment. The principle of *non-refoulement* is a legal obligation binding upon Canada in our domestic law and in international refugee law, in international human rights law, and in international humanitarian law.

CCLA is concerned that Canada has acted in the name of national security in ways that contravene – and threaten to erode – the absolute prohibition against torture and the principle of *non-refoulement*:

allegations that Afghan detainees were transferred by Canadian officials to the Afghan National Directorate of Security where the detainees were subsequently tortured, raise questions about Canada's complicity in torture..."

(Source: Canadian Civil Liberties Association, "The Absolute Prohibition Against Torture", no date)

b. ii. Kyoto Accord

"On February 16, 2005, the Kyoto Protocol officially entered into force, marking an important step forward in the fight against climate change.

The Kyoto Protocol is a historic milestone. It is the first and only binding international agreement that sets targets to reduce the greenhouse gas emissions that cause climate change.

...

The current government has, unfortunately, moved Canada backwards on climate change. It announced that it would not even try to meet its Kyoto targets, and it reduced funding for Canada's climate change plan and cut most of Canada's climate change programs, including successful programs like the Wind Power Production Incentive, which subsidizes the installation of wind power, and Energuide for Houses, which gives incentives for Canadians to make their homes more energy efficient."

(Source: "Canada and the Kyoto Protocol" by The David Suzuki Foundation as shown on their website at:

<http://www.davidsuzuki.org/issues/climate-change/science/canada-climate-change/canada-and-kyoto/index.php>)

c) Ignoring parliamentary rules

“If diplomats, as is said, are sent abroad to lie for their country, then Immigration Minister Jason Kenney has been sent across Canada to eat for his party.

Mr. Kenney was scalded recently because his office sent, on ministerial letterhead, a frantic appeal for \$200,000 to Conservative Party riding associations to finance yet more pre-election advertising. This ad campaign would be directed at South Asian and Chinese communities.

Mr. Kenney apologized and the aide was fired, since parliamentary letterhead should not be used for such partisan purposes (although anyone not born yesterday knows a grey zone exists between the parliamentary and the political). Details aside, what if the aide had not inadvertently sent the letter to an NDP MP? No one would have ever known about the transgression.

So Canadians got a peek into how the Harper government does business – in particular, the immense emphasis it places on advertising and its almost manic devotion to spin, photo ops and messaging.”

(Source: Globe and Mail, “Why Jason Kenney eats Chinese food”, March 12, 2011)

d) “Breaching” parliamentary privilege

“House Speaker Peter Milliken has ruled against the Harper government on two issues that have the opposition parties champing at the bit ahead of a possible election.

On Wednesday afternoon, Milliken said the government breached parliamentary privilege by refusing to provide all documents the Standing Committee on Finance requested detailing the full cost of its crime bills and tax cuts.

Milliken said MPs are entitled to know the initiatives' exact costs. The government has declined to reveal the full estimates, citing cabinet confidences.

In a second ruling issued Wednesday, Milliken found that International Co-operation Minister Bev Oda breached parliamentary privilege by misleading MPs when she claimed she did not know who altered an official document that denied funding to a faith-based aid organization.”

(Source: CTV, “Speaker: Harper gov't breached privilege”, March 9, 2011)

IV. A true democracy respects citizens' **Right to Have Your Vote Count:**

Even if one sets aside the notion of Proportional Representation as a means of having each vote count in an election, there remains other instances in the history of the Harper Government which illustrate their disdain for citizens' "Right to Have Your Vote Count":

a) Prorogation for partisan purposes

"Never mind what his spin doctors say: Mr Harper's move looks like naked self-interest. His officials faced grilling by parliamentary committees over whether they misled the House of Commons in denying knowledge that detainees handed over to the local authorities by Canadian troops in Afghanistan were being tortured. The government would also have come under fire for its lack of policies to curb Canada's abundant carbon emissions. Prorogation means that such committees – which carry out the essential democratic task of scrutinising government – will have to be formed anew in March. That will also allow Mr Harper to gain immediate control of committees in the appointed Senate, where his Conservatives are poised to become the biggest party. Mr Harper has form. He prorogued Parliament last winter, too – to dodge a short-lived threat by the three opposition parties to bring his minority government down."

(Source: The Economist, "Harper goes prorogue", January 7, 2010)

b) Use of unelected Senate to block Parliamentary decisions

"Opposition MPs are worried their private-member's bills will meet a similar fate to that of Bill C-311, the NDP climate-change legislation that was killed without debate last week by the Conservatives in the Senate – or that the bills will just be allowed to die.

And constitutional experts say any move by Conservative senators to block the advancement of opposition private-member's bills as the Prime Minister Stephen Harper locks his grip on the Red Chamber later this month would be an abuse of government power."

(Source: Globe and Mail, "Is Harper systematically 'snuffing' out democracy in Senate?", November 24, 2010)