

Canada, Democracy in Crisis: The Appointed Senate and The Drift to Authoritarian Rule

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Stephen Harper and his governing, Conservative Party hierarchy were hoping that the brawl they have picked with Canada's appointed Senate would be wrapped up in time for the party's two-day national convention in Calgary this past weekend. That would allow them to more easily play up the great news of yet another destructive, globalization/investment treaty – the one they want to sign with Europe – as well as their ambitious plans to expand fossil fuel extraction and burning in this era of global warming.

Alas, not only did their timetable falter, but Harper's aggressive defense of his use of Senate patronage and his rough turn against some of his advisers and Senate appointees is backfiring. He has cast himself increasingly as a deceptive autocrat who readily turns on even his closest associates, let alone appointed senators, when his political image or survival is at stake.

The Senate scandal broke in late 2012 over revelations of the expenses claimed by senators for housing and travel. Four senators were deemed by a Senate investigation committee to have made improper claims for housing and related travel. The committee said some of the travel claims were even falsified. Senator Mike Duffy is in the eye of the storm; he was told to repay \$90,000 in housing expenses for a cottage he owns in Prince Edward Island and falsely claims as his primary residence.



[image [S.Mogensen/UAS](#)]

According to Senate rules, a senator may be reimbursed for costs of a primary residence if he or she lives outside of the Ottawa region. The rule is there for senators who require a secondary residence in Ottawa in order to perform senatorial duties. But the non-Ottawa residence must be a primary one, and it must be located in the province that he/she is deemed to represent. Senate appointments are based on the notion that senators represent the interests of the province where they reside and from which they are appointed. Naturally, it is expected that they live in the province they supposedly represent.

The Chief of Staff, the PMO and the Blossoming Scandal

Four senators named by the investigation committee contested its conclusions. Three of them were appointed by Prime Minister Harper in 2009. Initially, Harper defended their claims of innocence. But as more of the facts of their cases became known in early 2013, he took his distance. Soon, the prime minister's office wanted the revelations to 'go away' as quickly and smoothly as possible.

The blossoming of the scandal is immediately rooted in the PMO's efforts to pay money to cover the expenses owed by Senator Mike Duffy – a little more than \$100,000. Along the way, the whole silencing operation went off the rails. The problem was that the three Tory senators never accepted responsibility for their actions. They chose to not easily be dismissed by the prime minister who appointed them. Matters sharpened considerably last month when Harper decided to press the Senate for a vote to indefinitely suspend the three appointees that had come to cause him so much embarrassment.

The expense side of the scandal deepened considerably as a result of Duffy's statement ([text here](#)) on October 28 to the special session of the Senate convened to vote on the suspensions. Duffy's lawyer then made subsequent revelations.

Protected from libel action by the rules of Parliament, Duffy suggested that Harper lied to Parliament and to the Canadian people when he said that his chief of staff, Nigel Wright, acted on his own initiative to make the Conservatives' 'Duffy problem' go away. Last spring, Duffy said, Prime Minister Harper demanded that he pay back the \$90,000 that the Senate committee said he owed. But Duffy said he didn't have the money, and in any event, he wasn't happy with conceding guilt in the matter. So Harper's chief of staff cut a personal cheque to Duffy for the \$90,000 the Senate wanted repaid.

Duffy's lawyer recently revealed that the Conservative Party agreed at the time to cover the \$13,000 in legal fees that Duffy had racked up in defending himself before the Senate committee.

Duffy's October 28 speech to the Senate revealed the heretofore unknown circumstances of the \$90,000 reimbursement by Wright, namely, that Harper ordered him to 'pay back the money' he owed and put an end to the controversy.

What was subsequently revealed was the payout by Wright. He [quickly resigned](#) when that came out, in May. Harper said at the time that Wright had suffered a temporary lapse of judgment in making the payout and should pay for his transgression. He paid tribute to Wright, saying he had taken the honorable course of resigning. But last Tuesday in the House of Commons, as the questions mount of what Harper knew of the payout, and when, he turned on his former chief of staff, casting him as a wheeler-dealer lacking in morals and hardly better than the three discredited senators that he, Harper, wants to suspend indefinitely for abusing the taxpayers' purse.

Last week was also when Harper introduced the narrative that Wright did not resign – he was "dismissed."

In a sign of new troubles for Harper with his own party, several prominent Conservatives have distanced themselves from the ruthless turn against Wright. Cabinet ministers Jason Kenney and Peter Mackay as well as other prominent Tories have come out in strong defense of his reputation.

Harper's efforts to deflect the expense scandals surrounding all three of the senators he appointed in 2009 – Duffy, Pamela Wallin and Patrick Brazeau – have ensnared him in a swamp of deception and lies. He stands exposed as a deceiver and manipulator – for many, even, as an outright liar. He says he never tried to cover up the reimbursement to Duffy for his false housing and travel expense claims. But Duffy's convincing account of the matter delivered to the aforementioned session of the Senate as well as other documentary records

that have emerged say otherwise. And it's still not clear if the now painfully drawn-out effort by Harper and the Tory brass to suspend the three senators will pass in a Senate vote. Several Conservative senators have said they will vote no.

Nigel Wright, the Karl Rove-type former chief of staff and a rising neo-conservative star, is now reportedly doing voluntary penance in an Ottawa soup kitchen and has so far kept a stony silence. *Toronto Star* columnist Chantal Hébert has recently speculated that Wright could destroy Harper's reputation in an instant if he were to go public with details that would contradict Harper's increasingly contradictory narrative. But blind loyalty runs deep among at least some of the neo-conservatives.

As we saw at the Tory convention this past weekend, the Conservative Party hierarchy has become more deeply enmeshed in the controversy. The original idea that was discussed there was to have the party pay off all of Duffy's expenses. But the directors of the party fund used for such purposes balked when they learned that the amount would not be \$32,000, as initially reported to them, but \$90,000. Graciously, the fund did agree at the time to cover Duffy's legal expenses.

Anachronistic Senate and Authoritarian Rule

Harper's problems with the Senate go well beyond the immediate circumstances that have landed him in hot water. The institution is an undemocratic anachronism that is increasingly alienated from a public now schooled in the revelations of the courageous whistleblowers of Wikileaks and Edward Snowden. Many Canadians, probably most, increasingly recoil from the ugly face of capitalist rule which the whistleblowers have exposed. Canadians expect accountability and transparency from government. The image of a Senate filled with patronage appointments (sometimes of losing candidates in federal elections) and in which senators load up on dubious expense claims is increasingly repellent.

Harper once railed against the appointed Senate, musing about 'reforms' such as making it an elected body. A wing of his party is deeply committed to nostrums of Senate reform. Yet once in power, he seamlessly continued the long Liberal Party tradition of patronage appointments. Worse for him, he played loose with the constitutional tradition that senators are there to represent the interests of the provinces and should be appointed accordingly, including that they reside in their respective province. This is the precise origin of the Duffy-Wallin-Brazeau expense scandal.

More specifically, the scandal coincides with growing opposition to the increasingly authoritarian practices of federal governments in Canada. They have dramatically cut social spending on housing, education and other services. Under the Conservatives, more and more power has been concentrated in the office of the prime minister. For many, Harper cuts a particularly unattractive figure as autocrat. Also, the Tories have institutionalized the practice of using 'omnibus' legislation to push through sweeping attacks on democratic rights, environmental protection, social services and a host of other government programs that many Canadians hold dearly.

The Conservative convention in Calgary revealed an increasingly restless right wing among his party membership. It is unhappy with the social policy leash on which Harper has kept it since the party was first being elected in 2006. Harper wants the most unpopular of his reactionary ideology and social policy to be brought forward at a time of *his* choosing, not that of his right wing base. This convention passed resolutions in favour of restricting a

woman's right to choose abortion, further outlawing assisted suicide, and sweeping attacks on the salaries and benefits of public service workers and the right of their unions to function free of government harassment, including how they fund themselves. Harper does not disagree with all this. But he is deeply aware that it is out of step with a large body of the Canadian population.

The loosening of Harper's grip on his office is likely prompting his right wing base to tug harder on their leash, which will only increase the party's headaches and public image challenges.

Harper is far from down and out for the count. He has several options up his sleeve to deal with his mess in the Senate, including convening a national referendum in favour of an elected senate. That would reposition him nicely as a Senate 'reformer.' He could even propose outright abolition of the body, though that seems unlikely given its long and important tradition as an outlet for patronage.

A factor working in Harper's favour is the tepid opposition he faces in Parliament. The Liberals are the king of Senate patronage and have nothing by way of 'Senate reform' to offer. The NDP has long voiced the notion of Senate abolition, but it does little to campaign and educate on the issue. Its position could easily be undercut by a referendum for an elected body. One can just imagine Harper on the referendum campaign trail - 'The NDP says it doesn't like an appointed senate. They should join me in creating an elected one; if they don't they are hypocrites.'

What's more, the NDP is keeping a studied silence on Harper's rough (and unconstitutional) proposal to suspend without salary or benefits the three appointees that have given him such headaches. His proposal would deny them their supplemental medical benefits, among other measures.

On the two fundamental policy issues that Harper is likely to trumpet in the next federal election - globalized trade and investment deals, and increased fossil fuel extraction - the Liberals and NDP are in agreement with much of it. Both support the 'Energy East' tar sands pipeline proposal, the oxymoronic notion of 'safe' oil by rail transport, and creation of a huge, liquefied natural gas industry in British Columbia.

The Liberals share the Conservative government's enthusiasm for the troubled Keystone XL tar sands pipeline. They want a tar sands pipeline to the BC coast (though recognize that Northern Gateway is "the wrong location"). Leaders of the BC NDP repudiated their leader earlier this year when he voiced opposition during the provincial election campaign to the other, for now less controversial, tar sands pipeline - Kinder Morgan's Trans Mountain.

So there remains much political renewal to be done in Canada if democracy, the political left and all those being targeted by the Harper Conservatives - women, unions, First Nations, young people - are to emerge strengthened by all we've learned of the Senate imbroglio.

Here is a [timeline](#) of the Senate expense scandal and fallout in Canada. •

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