

## Why we can't shrug off the Grewal tapes

Our democracy is in peril if appointments are being dangled as bribes to influence votes

**Arthur Schafer**

Freelance

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The achievements of Germant Grewal have not exactly marked him as a political high-flyer. Indeed, as one wag commented about the Conservative MP, "His bum seems firmly nailed to the back benches." Worse, Grewal is believed to be under RCMP investigation, after Joe Volpe, minister of immigration, accused him of offering to help immigrants in return for money. The allegation is not proven, but it has damaged Grewal's reputation.

This is by way of background to Grewal's revelation that he secretly taped conversations with both Tim Murphy, Prime Minister Martin's chief of staff and Health Minister Ujjal Dosanjh.

Here's what we know from the portions of the tapes that have been disclosed so far. In the lead-up to the crucial non-confidence vote, Grewal approached the Liberals, offering to trade his abstention for an ambassadorship. As well, he sought a Senate appointment for his wife, Nina, Conservative MP for an adjacent riding. There is some dispute about whether it was Grewal or the Liberals who initiated the first approach. There is also controversy about whether Grewal was corruptly seeking personal benefits for himself and his wife, or was merely pretending to seek benefits in order to expose Liberal corruption.

Before I turn to examine the evidence contained in the transcripts of Grewal's secret tape recordings, I want to say a little about the seriousness of Grewal's allegations against the prime minister's top aide and the minister of health.

Section 119 (1) of the Criminal Code of Canada makes it an offence to traffick in offices. Any member of Parliament who offers or accepts "any money, valuable consideration, office, place or employment for himself or another person in respect of anything done or omitted ... is liable to imprisonment ... ." So, any attempt to offer a bribe to or accept a bribe from an MP is criminal. This law applies to provincial as well as to federal parliamentarians.

It should be noted that the punishment specified for the purchase or sale of a parliamentarian's vote is severe: "imprisonment for a term not exceeding fourteen years." Fourteen years. That's the same maximum penalty as the law

provides for sexual assault aggravated with a firearm.

Why would the law carry such a heavy penalty for bribing an MP? The answer, I think, goes to the heart of our values as a liberal democratic society.

In the private realm virtually everything is for sale. You can legitimately buy or sell marketplace goods and services of every kind and description; even nature itself (land, forests and lakes) is for sale. There are, however, a few noteworthy restrictions: you cannot buy or sell babies, human gametes (eggs or sperm), or some drugs deemed to be dangerous.

For reasons of public policy, there are some things which we as a society do not believe should ever be commodified.

Human life is prominent on that list and so is the vote of your member of Parliament.

Favouritism and nepotism are both considered legally acceptable in the private realm. Thus, if Paul Martin wishes to appoint his sons as top executives in the steamship company he owns, it's his company and he is entitled to do so. The same would apply, of course, to Frank Stronach and his daughter, Belinda. But, and this is a really important "but," this kind of behaviour is not acceptable in the public realm.

Thus, Paul Martin can appoint whomever he chooses to be the CEO of his private company, but neither he nor his top aide can offer a cabinet post to a member of Parliament in order to buy their vote. The buying or selling of votes or honours or public positions or justice is prohibited.

As we see from the Grewall secret tapes, however, the dividing line between outright corruption and legitimate political negotiation is not always obvious to those who should know the difference.

A close look at the full four hours of Grewal's tapes may give the public a better idea of who, if anyone, was guilty of criminal corruption.

We don't need a courtroom trial, however, to feel indignation and disgust at what transpired.

The tapes reveal clearly that Murphy was actively discussing voting strategy with Grewal in the context of as-yet undefined future benefits.

Was this a negotiation? Murphy is caught on tape suggesting that if Grewall and his wife miss several confidence votes this spring then "We'll have much more detailed ... discussions after that with some freedom."

Murphy now insists that "No offer was made to Gurmant Grewal," which may be technically true -- that will be a matter for Crown prosecutors to decide -- but leaves open some important questions. Was Murphy attempting to induce in Grewal, with a kind of "nudge, nudge, wink, wink," the belief that there

would be a handsome payoff later, if the vote went as planned?

When Grewal offered (or pretended to offer) to sell his vote to the Liberals for a lucrative government appointment, why did Murphy and Dosanjh not denounce Grewal to his face?

The tapes sound, frankly, as if Murphy was speaking in the kind of code employed by conspirators who want to maintain plausible deniability in case the police are wire-tapping their exchange: "If anybody asks the question, 'Was there a deal?,' and we say 'no', we want that to be the truth," Murphy says. Some truth.

Politicians are in a trust relationship with the citizens they govern.

There are special norms that are meant to govern behaviour in the public realm. When the self-seeking values of the private sphere are illegitimately imported into the public sphere, then the public sphere becomes debased.

Public officials have a fiduciary duty to excise their judgment and allocate government offices solely on the basis of what they think is best for the community.

When citizens perceive that politicians are motivated by self-serving interests rather than the public's best interest then the very label "politician" becomes a term of abuse. What should be seen as an honourable vocation comes to be seen, instead, as mere opportunistic careerism. The resulting contempt and cynicism can easily undermine the foundation of democratic society.

Canadians have responded with indignation to the Gomery revelations of wads of illicit money in brown paper bags. How should we respond to the Grewal tapes? The theft of millions of dollars of taxpayers' money is a serious harm. But if government appointments are being used as bribes to change how our MPs vote then the damage to the integrity of Canadian democracy may be greater still. If we respond with a cynical shrug then we will share in the blame for what happens to our democratic system.

Arthur Schafer is Professor of Philosophy and Director of the Centre for Professional and Applied Ethics at the University of Manitoba.

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