

## National Affairs by Claire Hoy ? The right thing?

One of life's unpleasant realities is that, regardless of the reality, people often believe exactly what they want to believe, regardless of the reality. We all do it.

Therefore, I'm guessing a poll of Canadians would show an overwhelming majority believe that former prime minister Stephen Harper either personally instructed or looked the other way when his former chief of staff Nigel Wright wrote that celebrated \$90,000 to disgraced Senator Mike Duffy to help Duffy pay off money he owed for questionable spending.

Even Duffy's lawyer, fresh from winning his client's case in court, recently chirped that it stretches credulity to believe Harper did know about the cheque in advance.

And yet ? yet ? all the available evidence shows that he did not know.

Judge Charles Vaillancourt, who presided over the much-publicized (and politically harmful) trial, certainly criticized Harper's officials, including Wright directly, for their (mis)handling of the case. But his 308-page judgment did not find any fault ? none ? with Harper's handling of the case.

Despite the widespread reportage and partisan attacks assuming Harper's direct culpability, nobody produced a shred of evidence to show that it is true. Not the media. Not the Liberals or the NDP. Not Harper's army of dedicated haters. Nobody.

Yet, everybody knows ? or think they know ? that Harper ordered Wright to dispatch the cheque in the hopes the whole mess would go away, particularly with another federal election in the offing, then dropped both Wright and Duffy when the rubber hit the road. In fact, the record shows that Harper actually went out of his way, at considerable political risk to his own future, to open all the pertinent files on the Duffy matter to the RCMP.

Those files, as Harper's lawyer Robert Staley wrote in a PostMedia opinion piece this week, ?show that (Harper) was not privy to Wright's decision.?

This reality was briefly reported upon early in the proceedings, but quickly discarded by the media and Harper's political opponents because it did not fit the anti-Harper narrative about the control freak who ? with malice aforethought, of course ? dotted every ?I? and crossed every ?t? in the massive administration that he lead.

The facts be damned. Harper, the Machiavellian monster, was in charge and directly responsible for everything. That's that. Period. End of story.

Yet, as Staley points out ? including the fact that Harper, by law, couldn't comment on the matter while the criminal case was ongoing ? it would have been far more politically expedient for Harper to use his immense political power block RCMP access to all those PMO files (much as Jean Chr tien did when he faced a scandal), including the tons of emails which, as it turned out, formed the nucleus of the Crown's failed case against Duffy.

(By the way, I never thought there was a case here. The accusations that Duffy campaigned for the Tories are laughable. Every senator does that. Liberal campaigns forever have been chaired or co-chaired by Liberal senators. Let's get real here.)

?Although this decision (to open the files) was politically inexpedient,? writes Staley, ?it was the right thing to do and was an unequivocal act of integrity and accountability by Harper.?

Staley said the record is clear: Harper believed Duffy was constitutionally qualified to sit as a senator from P.E.I. Anybody who read the rules would know that. Yes, Duffy lived in Ottawa ? as many other senators do ? but because he owns property in P.E.I., like it or not, that meets the written criteria for representation.

?At the same time,? Staley continues, Harper believed that ?Duffy's living expense claims were politically unacceptable and must be repaid, whether or not they were technically permissible under applicable Senate rules.?

It certainly wasn't Harper's decision to lay criminal charges. Political interference would itself be a criminal act. But ? agree or disagree ? Staley says Harper believed that Duffy's actions were not criminal, but instead constituted moral failings which should be dealt with politically.

?Outside of the courtroom, (Harper) stood to account for the ethical behaviour of his organization. Indeed, it is hard to imagine how this responsibility could have been borne more acutely? ? concluded Staley.

Duffy's successful defence was, basically, that he wasn't doing anything that other senators weren't doing. And he wasn't really. He just became a pawn in the anti-Harper hysteria and paid a big price for it.

The facts show that Harper tried to do what he thought was the right thing and he too paid a heavy price. He was crucified in the court of public opinion and painted as the reincarnation of all that is evil and sleazy in politics.

The truth, sadly, isn't likely to change what people have chosen to believe.

