



In a matter of seconds you could know more than the person beside you.

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What are they doing in there?

Andrew Coyne
National Post

It's an old story, but a good one: Emerson is visiting Thoreau in jail, where Thoreau is serving time for refusing to pay his taxes in protest at the War with Mexico. "Henry," Emerson exclaims, "what are you doing in there?" His friend simply replies, "What are you doing out there?"

We recall this episode in view of the impending court martial of Keith Martin, MP. Seeking to draw attention to the Liberal government's use of its majority to quash his private member's bill, and to the procedural precedent that makes it virtually certain no future private member's bill can ever come to a vote without the government's blessing, Mr. Martin chose the most dramatic gesture he could think of: He picked up the Mace, symbol of Parliament itself, the Parliament whose impotence he meant to decry.

Mr. Martin does not have a habit of doing this. He is not some yahoo, given to boorish fits and theatrical displays, unlike many other members I could name. He is a decent, conscientious MP, whose worst crime is to be a bit naive. He did not threaten anyone with the Mace, or damage it in any way. He did not prevent the House from proceeding. The whole affair was over inside of about five seconds.

Nevertheless he is accused of gross contempt of Parliament, the most serious charge on the books. He could be suspended from the House for some time: weeks, maybe months. That's certainly what the government is pushing for. After all, his actions were in breach of parliamentary convention. And there is nothing, nothing this government takes more seriously than parliamentary convention.

Mind you, there is a degree of ambiguity in what it considers a breach of convention. It is not a breach of convention, for example, when ministers, caught lying to Parliament or having overseen departments in spectacular disarray, refuse to resign. It is not a breach of convention when ministers routinely contradict each other on important matters of government policy, in defiance of the doctrine of Cabinet solidarity. It is not a breach of convention for ministers to accept secret payments from undisclosed interests to finance their undeclared leadership races.

Similarly, it was not a breach of convention for the government to invoke closure no fewer than 75 times. It was not a breach of convention to ram through major restrictions on civil liberties with barely three days of debate. It was not a breach of convention for MPs to vote themselves a stupendous pay raise just before the House rose for the summer.

It was not a breach of convention for the Minister of Defence to shut down an independent judicial inquiry into the Somalia affair. It was not a breach of convention for the Prime Minister to refuse to testify before the APEC inquiry, or to stonewall the Krever inquiry. It was not a breach of convention to phone the president of the Business Development Bank of Canada. It was not a breach of convention to set up a secret parallel network of Liberal party officials to dish out government grants in Quebec.

It was not a breach of convention to refuse to bring in a budget for 18 months, or to distort the public's finances out of all recognition by means of a broad array of accounting

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tricks, including the secretion of billions of dollars in off-book accounts. It was not a breach of convention to attempt to suppress the Auditor-General's report before the last election, to threaten the Information Commissioner's staff, to present legislation that would muzzle the Privacy Commissioner.

And, last, it was not a breach of convention to dispose of all but a handful of private member's bills without even putting them to a vote, nor was it a breach of convention to ignore the convention that those few bills that are deemed votable are to be allowed a free vote.

None of these were breaches of convention -- or if they were, no penalty was attached. But to touch the Mace! Ah, for that Mr. Martin is deserving of the severest penalties. After all, not to punish him would be to concede that he had a point.

To be sure, Mr. Martin is guilty of an offence against parliamentary rules, and will have to take his lumps. No doubt he was prepared for that. Indeed, I dare say that was his point. By enduring the penalty he hopes to highlight the injustice of the regime it enforces, in the best tradition of civil disobedience.

So the question is not what Mr. Martin will do. Nor is there any doubt how the Liberals will act: they will hang him by his thumbs, pour encourager les autres. No, the question is what Mr. Martin's caucus colleagues will do.

The Reform party, latterly the Alliance, has traded for years on its "commitment" to Parliamentary reform. Yet in the clutch, its MPs have done precious little about it. They have submitted to virtually all of the abuses listed above with barely a peep. They have retreated under fire on any number of related issues, from pensions to pay to Stornoway.

So now one of their number has had the guts to take a stand and pay the price, on a matter of principle. What will their reaction be? Will they stand with him, or abandon him? Will they say, if Keith Martin does not take his seat in the House, neither will we? Or will they once again submit to Liberal bullying, and acquiesce in his humiliation?

Will they say to him, from the comfort of their Commons seats, what are you doing out there? Or will they look at each other and say, what are we doing in here?

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