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Strained Relations: The Conflict Between the Harper Conservatives and the Federal Bureaucracy

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Abstract

A series of highly publicized confrontations between the Harper Conservatives and senior government officials, as well as their direct intervention in the operation of arms' length agencies, elimination of advisory bodies and rejection of expert advice, have led many observers to conclude the Harper government is at war with its public service. These developments raise a number of broader questions. Is the Harper government's troubled relationship with the federal bureaucracy merely a continuation of a trend established by previous Conservative governments, based on suspicion, mistrust and a deep-seated conviction that the public service is biased in favour of the Liberal Party? Or does it reflect a significant departure from the norm, grounded in differing values and beliefs about the appropriate role of government and public servants? Using empirical evidence and a comparative methodology, this paper will examine the record of the Mulroney and Harper governments in light of five fundamental principles of a modern merit-based bureaucracy – neutrality, anonymity, professional expertise, rules-based decision-making, and arms'-length relationships – in an effort to determine whether the Harper Conservatives are indeed taking a qualitatively different approach to the bureaucracy and the machinery of government.

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“The reality is that we will have for some time to come,, a Liberal civil service...”

*Conservative Party leader Stephen Harper
January 17, 2006*

Introduction

When Stephen Harper and the Conservative Party came to power in 2006 public servants were already wary of his new government. This was hardly surprising given Harper’s comments at the end of the election campaign, when he not only suggested the public service was not neutral, but openly accused senior officials of being Liberal ‘hacks’.

Former senior mandarin Arthur Kroeger called Mr. Harper’s remarks “extraordinary” and predicted a “rocky” relationship between the new government and its bureaucrats. (Ottawa Citizen, 2006) Kroeger’s words were echoed by the heads of major public service unions such as Nycole Turmel of the Public Service Alliance of Canada (PSAC) and Michele Demers of the Professional Institute of the Public Service (PIPS), who expressed surprise that Harper would make such a comment even before taking office. Similarly an anxious Michel Smith, director of the association of senior public service executives (APEX), declared “They may mistrust us, but what I bought into as a public servant is to serve the government of the day and we have a long track record to demonstrate we are a non-partisan public service.” Smith continued “I hope Mr. Harper would take time to build that relationship and get a sense of what it is like to govern, because his people have no experience in governing.” (Ottawa Citizen, 2006)

Harper’s comments were particularly surprising given that he had not campaigned against the public service as Brian Mulroney did. In fact, until the conclusion of the 2006 election Harper had not mentioned the public service at all. This was in sharp contrast to the enthusiastic campaign Mulroney conducted against bureaucrats in 1984, when he promised to deliver “pink slips and running shoes” to a large number of federal employees he described as overpaid and underworked, in addition to being hostile to Progressive Conservatives.

In spite of these early indications of trouble brewing, the Harper Conservatives’ actual management of the federal bureaucracy since 2006 has confounded supporters and critics alike. At the very least it would be fair to say that no one anticipated the extent of the changes that would be implemented by Harper, especially in a minority government situation, or the ruthlessness of some of his interventions to stifle dissent. Even more important, virtually no one foresaw how the prime minister and his government would simply ignore the bureaucracy most of the time, plunging it into irrelevance. As one observer concluded, work has “ground to a halt” in much of the public service. (Theilheimer,2010) Relations between this Conservative government and the federal bureaucracy are not simply rocky but nearly non-existent. Not surprisingly, several surveys have demonstrated public service morale is at an all-time low.

Some would argue this state of affairs was predictable. The degree of tension between bureaucrats and their current political masters may be greater than expected, but the inability of the Conservatives to work well with their officials is not surprising based on previous experience. Yet there is also considerable evidence to suggest that the approach taken by the Harper Conservatives is significantly different from their Progressive Conservative predecessors. The purpose of this paper is to examine the record to date to determine whether the Harper Conservatives' handling of the public service is merely a repeat of past practice with minor variations, thus supporting the conventional wisdom, or whether a number of new factors are at play which, taken together, may represent a qualitatively different approach to the federal bureaucracy.

The paper begins with a brief overview of the relationship between earlier Conservative governments and the public service. It then moves to an in depth comparison of the Harper and Mulroney records, based on five key characteristics of a classic merit-based modern bureaucracy: neutrality, anonymity, arms'-length relationships, rules-based decision-making and professional expertise. It concludes with some observations about the similarities and differences that emerge from this analysis and suggestions for further research.

The Historical Context

There are two obvious reasons for the conventional view that Conservative governments inevitably have troubled relationships with their officials. First, given lengthy periods in opposition the party's elected members have not been familiar with the machinery of government, as Michel Smith pointedly noted. As a result, they have tended to view bureaucratic delays caused by standard operating procedures as procrastination or even deliberate intransigence. Second, with so little experience working with a merit bureaucracy, Conservatives have been inclined to view public servants as biased in favour of the Liberals with whom they have worked for so long, a sort of guilt by association.

Historical evidence to support the view that Conservatives see the public service as 'the enemy within' can be found in the diatribes of John Diefenbaker in the middle of the last century, as he railed against the perfidy of the Ottawa elites and a public service peopled with Liberal supporters intent on thwarting his objectives. (Martin, 2010)

Twenty years later, the short-lived Clark minority survived just long enough for his Foreign Affairs minister, Flora MacDonald, to arrive at a similar conclusion. In her seminal criticism of senior officials in her department, Macdonald accused them of trying to confuse her with too much information and too many options in order to prevent her from implementing some aspects of her agenda, and most notably the problematic Conservative election promise to move the Canadian embassy from Tel Aviv to Jerusalem. (MacDonald, 1980)

MacDonald's critique was met with a spirited defence of the neutrality and objectivity of deputy ministers and other senior bureaucrats by none other than Mitchell Sharp, himself a former top

bureaucrat and then a Liberal cabinet minister. Sharp's rebuttal focused on the distinction between the 'amateur' politician and the 'professional' public servant, stressing the need for a close working relationship in order to avoid mistakes, but also highlighting the crucial distinction between adviser and decision-maker. "I asked questions and listened to their answers. Sometimes I agreed, sometimes I didn't" Sharp wrote, but "In the end I made my decisions and they carried them out." Moreover, Sharp argued that a change in the party in power actually heightens the importance of expert advice. "It is precisely in those circumstances that an experienced senior civil service would be most valuable, one that could guide a new government in the implementation of its innovative policies and enable it to avoid the administrative pitfalls of which it might not otherwise be aware." (Sharp, 1981) For Sharp, therefore, MacDonald's criticism of her advisers was unfounded because her real problem lay with the pitfalls inherent in her government's campaign pledge, which her advisers had correctly identified, rather than in an overabundance of choices.

MacDonald's treatise was nevertheless seen by other Conservatives as a cautionary tale. Years later, former Stanfield and Davis adviser Hugh Segal – who briefly served as Brian Mulroney's Chief of Staff near the end of his mandate – was still writing about the need for a Conservative government to avoid the "trap of letting civil service elites dilute vital commitments..." (2011)

With the arrival of the Progressive Conservative government of Brian Mulroney in 1984, the defensive mind set was in evidence from the beginning. Several long-serving and well-regarded senior mandarins, including deputies Ed Clark and Ian Stewart, were unceremoniously dismissed from their posts. New positions of Chief of Staff were created for each ministerial office, as a partisan counterbalance to the 'tainted' advice ministers were likely to receive from their deputies. Yet many of these posts were filled by partisans with little or no relevant expertise. At the same time Mulroney had made good on his commitment to hire as many Conservative friends and advisers as possible within his own office, regardless of their lack of relevant skills and experience. And, in an unprecedented move, senior Tory adviser Dalton Camp was appointed not to a position within the Prime Minister's Office (PMO) but to a newly-created post of 'senior adviser to the cabinet' within the Privy Council Office. As a *Globe and Mail* editorial pointed out, Camp would have regular access to cabinet meetings and be paid for out of public funds "in an unmistakable invitation to help the Conservatives win the next election. And to do so, Mr. Mulroney has sanctioned the flagrant politicization of the Canadian civil service." (Aug 27, 1986).

In the initial months and years of his first term in office, Mulroney's government lurched from one policy disaster to another, highlighting the very problems of inexperienced politicians which Sharp's article had foreseen. (Jeffrey, 1990:48-62) Mulroney, however, was able to learn from his mistakes. By the end of his first term in office he had replaced several longstanding friends in PMO with outside experts. More significant was his decision to impose order on his operation by 'seconding' two senior public servants, Derek Burney and Marc Lortie, to PMO. Although this move also caused considerable consternation in terms of the ongoing concern about politicization of the public service, it did in fact bring order to his government and allowed him to pursue a number of policy objectives through to completion in his second term. (

Aucoin, 1988; Campbell 1989) Indeed, Mulroney came to rely heavily on several senior mandarins in order to implement some of his key initiatives, including the Free Trade Agreement and the GST. Although it ultimately failed, Mulroney often noted publicly that he considered the efforts by Norman Spector, (Secretary to the Cabinet for Federal-Provincial Relations) on the constitutional reform file to have been outstanding.

But these individual examples of rapprochement did not affect the Mulroney government's overall negative view of the public service. In particular, the Progressive Conservatives' embrace of the principles of New Public Management led to a number of structural changes in government, including deregulation, privatization and downsizing. A minister of privatization was actually created to oversee much of this activity. Of the 61 crown corporations inherited by Mulroney in 1984, some 23 had been sold off by the time he left office and more than 50,000 jobs had been transferred to the private sector. (McDermid, 1993).

Similarly the number of full-time, permanent positions within the public service declined by 15,000 between 1985 and 1990. These were partly 'compensated' for by the hiring of term and part-time employees, although there was little correlation between the areas in which lay-offs and hirings occurred. Many of the new positions were connected with the implementation of the GST, and hence involved primarily the recruitment of professional auditors. For most career public servants who suddenly found themselves and their programs declared redundant, this was cold comfort.

In addition, a long-standing feud between the Mulroney government and its employees over affirmative action and employment equity programs, and a specific set of cases which had resulted in numerous appeals of unfavourable decisions to higher courts by the government, had badly damaged relations between the politicians and the public service. As one study noted, by the end of the Mulroney era "there was a palpable sense of malaise within the federal public service, a sense that irreversible changes had been set in motion." (Lindquist and Paquet, 1996)

Given this significant record of mistrust and the difficult relationship that endured for nearly a decade under Mulroney, it would certainly be plausible to conclude that the current strained relations between the Harper government and the public service are indeed merely a continuation of past practice. In the following section, the records of the two governments will be examined through the prism of seven fundamental principles of modern bureaucracies in an effort to determine if this assumption can be substantiated.

The Harper Conservatives and the Public Service

Near the end of his first year in office, Stephen Harper responded to CBC reporter Rex Murphy's question about what he had learned on the job. Harper's reply was instructive. "Probably the most difficult job, you know difficult thing you have to learn as prime minister... is dealing with the federal bureaucracy...it's walking that fine line of being a positive leader but at the same time pushing them and not becoming captive to them...I could write a book on that one." After nearly two years in power, and following a succession of high profile clashes between the prime

minister and senior bureaucrats, one analyst concluded “there now seems to be little doubt that Prime Minister Stephen Harper’s government sees itself in a constant struggle with officialdom in Ottawa.” (Delacourt, 2008)

In some respects, the ‘battle’ between Harper’s government and the public service has unfolded in a similar fashion to that of Brian Mulroney, but there appear to be significant differences as well. Nowhere is this more evident than in their approach to the issue of public service neutrality.

(1) Neutrality

Both Stephen Harper and Brian Mulroney expressed concerns about what they perceived to be the Liberal bias of the federal public service before taking office. In Harper’s case, this perception was so all-encompassing that one of his close advisers, Keith Beardsley, once admitted “You could call it paranoia” (Martin, 2010:22). But the response of the two leaders to this concern once they were in power was notably different.

For Brian Mulroney the way to solve the problem of the public service was to win over key players and to infiltrate it with as many Conservative sympathizers as possible. In addition to the senior-level appointments described above, Mulroney’s government made unprecedented use of the provision allowing ministerial staff to apply for vacant positions in the bureaucracy after having served for a specified amount of time in a minister’s office. This provision, which had been in place for some time and was used by senior Liberal staff in the past, became a conduit under the Conservatives for almost anyone in a minister’s office. As a result the flow of political staff into the bureaucracy increased from a trickle to a flood. By the time Mulroney left office in 1993 the sheer number of Conservative operatives in place throughout the public service was a serious cause for concern for the incoming Liberal government of Jean Chretien, who was well aware of the potential problem. However, after considerable debate within the Liberal transition team no action was taken to remove individuals and some – such as former Mulroney adviser Peter Harder – went on to work with distinction in the Chretien administration.¹

A very different approach to the problem of perceived bureaucratic bias has been taken by Stephen Harper during his time in office. First and foremost, he has bypassed the bureaucracy and built up a partisan alternative machinery to advise the prime minister and the cabinet which is now commonly referred to as the “shadow” public service.² Although Brian Mulroney did increase the size and importance of ministerial offices, this was seen primarily as a mechanism to

¹Former Chretien minister Sergio Marchi specifically commented many years later that he had been opposed to leaving Harder in place but soon came to appreciate his capabilities. For a detailed discussion of the broader philosophical debate see Jeffrey, *Divided Loyalties: The Liberal Party of Canada 1984-2008*, 242-4.

²This term has also been used to refer to the small army of term and contract employees that has evolved since the implementation of NMP and it is important to note the distinction.

reward faithful Tories. Those hired often included the young and inexperienced. Nevertheless they were expected to be an alternative source of information about departments for the centre. As one former Harper adviser noted, that earlier system was a two-way street. “What Mulroney did... was different. The aides became part of the team, and it allowed for a feedback loop up to PMO that was able to present PMO with a more balanced perspective on why some #@\$# policy directive couldn’t be implemented.” (Theilheimer, 2010)

The adviser went on to explain that under Harper “there’s a very top-down, authoritarian management structure that permeates the whole bureaucracy...It used to be that ministers could choose their chiefs of staff. Now Harper does...” The result has been a system in which the chiefs of staff do what the PMO tells them. The chiefs, in turn, “dictate policy and procedure down to minute operational levels” within the department, while deputies are unable to arrange meetings with their ministers to discuss policy options. (2010)

Aside from their concerns about the neutrality of individual public servants, both Harper and Mulroney also expressed concern about the federal government’s image. In their view, it had been manipulated by Liberals for political advantage. Indeed, since the Diefenbaker era Conservatives have railed at the selection of a red maple leaf on the Canadian flag, and subsequent party leaders made it clear they considered the use of the flag logo in government materials to be blatant Liberal propaganda. For Mulroney, the solution was to introduce a few rather amateurish changes to government stationary, (for example by converting the red maple leaf to blue on official letterheads) and to install blue Christmas lights on Parliament Hill. Most of his changes were widely mocked and quietly withdrawn.

The Harper Conservatives, however, have taken their efforts at an image make to a much higher level, aided by new technology not available to Mulroney. Almost immediately after taking office they altered the websites of the federal government, which not only took on a blue hue but contained images of the Canadian north, with the term “the true north strong and free” embedded in the home page instead of a maple leaf. They also removed information from a number of departmental websites, notably Privy Council and the Finance Department.

These relatively minor changes were soon followed by more significant efforts to politicize the output of the government, first by requiring a reference in all official bureaucratic communications to “Canada’s new government” rather than “the federal government” or “the government of Canada.” In 2006 Andrew Okulitch, a senior government scientist who objected to the use of the terminology, was actually fired, although he was later reinstated.

After two years the “new government” term was dropped, but by the fall of 2010 a new directive from “the centre” required all departments to replace “the Government of Canada” with “the Harper Government” in all federal communications. This time senior bureaucrats in several line departments refused to comply, but official communications from most departments – and especially key areas such as Finance, Treasury Board and Revenue Canada -- fell into line, despite the fact that the new term appeared to violate guidelines issued by the Treasury Board.

Critics argued Harper had stood his concerns about partisanship on their head. Having eliminated perceived Liberal bias, he has now introduced a Conservative one. As Jonathan Rose of Queen's University noted, "It is one thing for journalists or even the public to use the more partisan "Harper Government" but it is another thing for the state to equate the Government of Canada with the leader of the governing party." Similarly former Clerk of the Privy Council Mel Cappe declared "It's not the Harper government. It's the government of Canada... it's my government and your government," a sentiment echoed by political scientist Peter Aucoin, who declared "It's the executive abusing the powers of government for purely partisan reasons." (Cheadle, 2011) Despite this criticism, PMO spokesperson Dimitri Soudas defended the move and the directive was not withdrawn

Another unprecedented scenario unfolded in 2009 when Conservative Mps were photographed handing out giant mock government cheques in their constituencies. The cheques were embellished with the party logo and were 'signed' by the local Mps. On this occasion, however, the public outcry about politicization of government activities forced the withdrawal of the cheques, and both Harper and Treasury Board president Stockwell Day admitted that the actions had been inappropriate. A similar incident occurred in early 2011, when an aide to Immigration Minister Jason Kenney was found to have sent out a Conservative fundraising letter on ministerial letterhead. While this alone triggered accusations of violating public service neutrality, the revelation that the letters were being sent to ethnic communities who would likely have dealings with the department raised the issue to greater heights. (Chase, 2011) Here too the minister offered a formal apology, but lingering concerns about the willingness of the Harper Conservatives to use the tools and machinery of government for partisan purposes remained.

Another use of partisanship by the Harper government has been demonstrated in the case of Marc Mayrand, the Chief Electoral Officer. Appointed by Harper in 2007 after the dramatic resignation of Jean-Pierre Kingsley, he has nevertheless been exposed to relentless criticism and innuendo as his office pursued the so-called "in and out" scandal related to the Conservative's 2006 campaign activities. Attempting to dismiss the serious charges that have been laid against four Conservative organizers as an 'administrative disagreement', Harper and his ministers have been aided by former colleagues and sympathizers who have begun a campaign accusing the Chief Electoral Officer of partisan bias. "Does Elections Canada Have it in for Harper", one opinion piece asked, and concluded that election legislation gives "an awful lot of power to unelected bureaucrats who may have an ideological axe to grind."(Nicholls,2011)

Finally, unlike any previous administration the Harper government has seized control of the communications process and effectively muzzled the bureaucracy at all levels. The widely reported MEP procedures that require public servants at all levels to seek approval for any release of even the most mundane information or discussion of routine procedures, either with the media or the general public, has ground the bureaucratic machinery to a halt.

In short, while the Mulroney government took measures to limit what it perceived to be the potential threat of a biased public service, primarily through infiltration, the Harper Conservatives have not attempted to win over their bureaucratic advisers, nor have they used the

public service as a hiring pool. They have, however, been vigilant in identifying and rooting out any perceived trace of support for their predecessors. Moreover they have introduced a new level of partisan activity to the bureaucracy in an effort to promote their own cause, and to defend their actions. By contrast the approach of Mulroney and Harper in terms of the principle of anonymity appears to have been remarkably similar.

(2) Anonymity

Although there were a number of minor incidents involving a generalized critique of public servants under both the Mulroney and Harper administrations, (and for that matter under the Chretien Liberals with respect to the HRSDC funding debacle), there are two well-known cases which remain textbook examples of the violation of the principle of anonymity in the public service, and both occurred on a Conservative watch.

The first occurred in 1991, and was arguably the final blow to the implementation of the Mulroney government's NPM "principles" for managers under its Public Service 2000 initiative. (Johnson 2006). When it was revealed that a senior Iraqi diplomat publicly involved in the Gulf War campaign had been granted landed immigrant status in Canada, critical public opinion led the prime minister and the two ministers directly involved, Joe Clark and Barbara McDougall, to disavow all knowledge of the decision and lay the blame squarely on their mandarins. Worse still, as the public outcry continued the government took the decision to allow a parliamentary inquiry to examine the matter. In public hearings all of the officials involved were publicly exposed and severely criticized, with devastating consequences for their careers and for the morale of the public service. (Sutherland, 1991)

Public opinion polls showed Canadians overwhelmingly supported the bureaucrats and viewed the government's story with skepticism to say the least. Moreover a number of experts intervened publicly to criticize the government's actions to great effect. As political scientist Kenneth Kernaghan wrote in an open letter in the *Globe and Mail* of June 19, 1991, "...the tradition of anonymity is essential to the effective functioning of the bureaucracy. It is startling and depressing to see that even long-serving politicians either don't understand or don't care about what is proper conduct between elected officials and public servants."

Despite the negative fallout from the Al Mashat affair, the Harper government followed the same pattern when it reacted to another public relations disaster. In this case it was revelations that Afghan detainees who had been handed over to the Karzai government by Canadian forces were likely tortured, in violation of UN commitments. After an initial attempt to deny all knowledge of the charges, both Harper and his ministers of Foreign Affairs and Defence proceeded to publicly criticize the competence and veracity of a well-regarded senior official, Richard Colvin. The government's attempts to paint Colvin as a rogue bureaucrat who was "spouting Taliban lies" were met with stunned disbelief not only among his colleagues in the Canadian foreign service but also within the international community. Open letters critical of the government's approach soon followed from European counterparts and aid agencies officials who had worked with Colvin. In an unprecedented development, more than a dozen former Canadian ambassadors also penned an open letter to the Harper government in which they denounced the

personal nature of its attacks on a “dedicated” and “highly competent” employee, and warned that “The Colvin affair risks creating a climate in which officers may be more inclined to report what they believe headquarters wants to hear, rather than facts and perceptions deemed unpalatable.” (Toronto Star, Dec.8,2009)

In the end, lengthy wrangling and procrastination on the part of the government in the House of Commons was followed by a surprise decision to prorogue parliament rather than comply with rulings of the speaker. (Ultimately, the government’s handling of subsequent rulings upon the return of parliament led to a citation for contempt of parliament, and the calling of a federal election.)

In addition, the Harper government has not hesitated to dismiss public servants who run afoul of governmental plans, despite an election promise to protect whistleblowers, and in many cases the individuals in question have been publicly identified and vilified by the government. Often there has been a concerted attempt to paint the individuals as both incompetent and unstable, as in the case of several Agriculture Canada and Environment Canada officials who were concerned about the government’s plans to bypass various safety rules and regulations. A case in point was the dismissal of biologist Luc Pomerleau of the Food Inspection Agency, who had expressed concern about the government’s plan to let the meat industry regulate itself. A similar story emerged when it was learned that the medical records of a man critical of the government’s treatment of veterans had been shared among departments and then leaked to the media.

Among the most blatant cases was that of Linda Keen, the President of AECL whose decision to shut down the Chalk River nuclear plant over safety concerns led to her dismissal in 2006. Although it was clear that her firing was the result of a dispute over the best course of action, Harper not only criticized her publicly but argued that partisan bias had influenced her decision-making. “Since when does the Liberal Party have a right, from the grave through one of its previous appointees, to block the production of necessary medical products in this country?” he mused. (Martin, 2010: 128) As a variety of experts have noted, the government’s decision to terminate her employment might have been defensible, but the subsequent attempts to paint the career public servant as a ‘Liberal appointee’ who was deliberately challenging the government on partisan grounds were not.(Bratt, 2009)

The Keen case also has raised numerous questions concerning the Harper Conservatives’ approach to arms-length agencies and parliamentary watchdogs, positions specifically created to provide a source of independent advice and/or to avoid the appearance of political interference in regulatory or quasi-judicial decisions in particular.

(3) Arms’-length Relationships

Like Keen, the vast majority of individuals heading such bodies are career public servants with recognized expertise in their field. While some are protected by mandates that make them difficult to remove – a standard procedure in ensuring objective management of these bodies without fear of partisan interference – others, such as the post of President of AECL, are vulnerable because of their classification as appointments “at pleasure”. Historically, this has not

been an issue of great significance, as most new governments did not consider the incumbents to be a threat, and in any event would have been loath to engage in obvious partisan tactics by removing individuals before their term expired. In many cases, the cost of severance packages also would have been seen as prohibitive, especially from a political standpoint.

Nevertheless the Mulroney government, which arrived in power in 1984 on a promise to eliminate patronage and base such appointments exclusively on merit, became well-known for the excessive emphasis on partisan connections displayed in its myriad appointments to boards and agencies. As journalist Stevie Cameron wrote, after three years in power “If (Mulroney) has a single friend who hasn’t been appointed to a board, commission or agency...that friend deserves to be annoyed.” (1997) Of primary concern, however, was not simply the partisan ties of appointees but their frequent lack of relevant background or expertise. (Jeffrey, 1990:33-39).

In response to the Mulroney excesses, the incoming Chretien government established a more open and transparent appointments process, creating a Director of Appointments in PMO (Penny Collenette) and advertising positions in the Canada Gazette. Mulroney appointees who were considered inappropriate or incompetent were gradually replaced through attrition, and those deemed successful – such as former Conservative Transport minister Benoit Bouchard as head of the Canadian Transport Commission – were actually reappointed. Although few would deny that a significant number of appointees under Chretien had ties to the Liberal Party, his appointments also included a record number of women and minorities, and in general were non-controversial because they possessed the requisite expertise.

Conversely, in what appears at least superficially to be a return to the Mulroney approach, the Harper Conservatives during their short time in government have removed from office or failed to reappoint an unprecedented number of senior officials in charge of various regulatory bodies or other arms’-length agencies, as well as several officers of parliament or so-called parliamentary ‘watchdogs’. However in Harper’s case the rationale appears to have been quite different. While Mulroney once again saw the positions at boards and agencies as patronage opportunities, he did not typically interfere in their operation. Harper has clearly perceived most of these arms-length bodies to be either irrelevant, wrong-headed or posing an active threat to the implementation of his agenda.

Harper’s solutions, therefore, have been to remove committed individuals, and frequently to replace them with individuals who, regardless of partisan affiliation, actually oppose the mandates of their respective organizations, thereby neutralizing them. Hence his firing of the incumbent and appointment of a known opponent of the Wheat Board to the position of Chair, and a similar set of perverse appointments to the board of the commission on reproductive technology. Appointments to the Parole Board produced similar results, with one recent study noting that the percentage of applicants granted either day parole or full parole has fallen steadily each year since the Conservatives came to power, with more of their appointees in place over time. (Ottawa Citizen, Feb. 24, 2011) Perhaps the most well-known example of this strategy has been the appointment of board members hostile to the existing management and granting decisions of the Centre for Rights and Democracy – an agency created by the Mulroney

government in 1988 -- a move which has provoked widespread outrage and has left the agency embroiled in controversy.

Given the apparently ideological motivation for much of his government's interventions, it is hardly surprising that another alternative method has been adopted, following the advice of noted New Right Republican adviser and Harper acquaintance Grover Norquist. This approach has been to 'starve the beast', by decreasing or eliminating funding entirely for agencies and other bodies whose agenda does not conform to that of the Conservatives. The most frequently cited example is the Charter Challenges Program.³ Another more recent victim of such funding cuts is the Forum of the Federations, a research organization established during the Chretien era which is widely viewed as having been eliminated by Harper for that very reason.(Siddiqui, *Toronto Star*, November 28, 2010) Other examples include the withdrawal of funding for three crucial regional offices of the Human Rights Commission and the entire subsidy for the National Association of Women and the Law.

Ironically, Harper began with a pledge to handle appointments differently. Among his first acts was to create a Public Appointments Commission under the Federal Accountability Act he introduced. However when the Alberta businessman whom Harper had chosen to head the Commission was rejected by the parliamentary committee vetting the process, Harper refused to nominate anyone else and the commission was stillborn. He then proceeded to nominate a number of individuals to positions which his new government had just created, including the Parliamentary Budget Officer (Kevin Page) and the Veterans' Ombudsman (Pat Strogan), both of which had been campaign promises. Yet when it became apparent that the two would become thorns in the side of the government by pursuing their mandate aggressively, these individuals became the object of sustained and highly public criticism.

In the case of the PBO, which Harper could hardly disown having called repeatedly for such an office to be created while he was in opposition, the solution was to refuse to provide adequate funding, to bury the office within the Library of Parliament, and to ensure that relevant departments such as Finance and Treasury Board did not provide material requested by the PBO in order to fulfil his mandate. In Strogan's case, lip service was paid to concerns raised in his reports but little was done to resolve the issues before his three-year term expired, leading a frustrated Strogan to describe his post as "window-dressing."

Meanwhile a number of highly public confrontations between Harper and existing watchdogs, such as the Privacy, Access to Information (ATI) and Official Languages Commissioners, led to increased speculation about the Harper government's commitment to the principle of arms-length relationships. This concern was reinforced when Chief Electoral Officer Jean-Pierre Kingsley suddenly and unexpectedly resigned in 2006, shortly after clashing with the

³ Introduced by Trudeau as an expanded version of an existing official language support program, it was immediately eliminated by Mulroney and reinstated as one of his first acts by Jean Chretien, so that Harper's cancellation of the program was in fact entirely predictable.

government over the Conservatives' possible violations of the Elections Act in the preceding election.

Concern increased with the dismissal of Alan Leadbeater, the Deputy Information Commissioner, after he had made remarks in which he noted the government's failure to strengthen the Access to Information legislation as promised during the election campaign. Successive negative international assessments of Canada's ATI standing, as well as the Commissioner's annual reports, described an ever-increasing degree of government intervention in the access to information process, a situation exacerbated when the access to information registry (CAIRS) was dismantled due to the government's failure to renew its funding. In 2009, only two years into a seven-year term from which he could only have been removed with great difficulty, ATI Commissioner Robert Marleau resigned in protest, after tabling a scathing report in which he described persistent "stonewalling" and interference by ministerial staff and the PMO in opposition to his efforts to obtain information.

In quick succession Peter Tinsley, the chair of the Military Complaints Commission, and Paul Kennedy, the chair of the RCMP Public Complaints Commission, were also dismissed by the Harper government. As these moves were taken despite the fact that military and RCMP funding had been increased by the government, and issues related to security in general had been given a high priority, observers were left once again to conclude that it was the decisions of the independent agencies that the government had not appreciated.

A further confirmation of that view came in 2010 when the government clashed openly with the Chair of the CRTC, Konrad von Finkelstein, even though he too had been appointed by Harper to replace a 'Liberal' appointee. Disputes arose over the agency's refusal to grant Quebecor a top category broadcasting license, and also over its decision to allow internet providers to charge usage fees. At one point the government declared it would overturn the CRTC decision, but this option proved unnecessary when the CRTC announced it would review its own decision. Although Finkelstein was not removed, it was made clear that his reappointment was not likely. Meanwhile the opening of a vacancy at the deputy chair level allowed the Harper government to appoint a close friend of the prime minister's communications director, Dimitri Soudas, another move which caused considerable consternation in bureaucratic circles as the individual in question did not appear to have any relevant expertise and was a former ADQ provincial member. (Bailey, 2011)

One consequence of this high degree of interference with the management and operation of various arms'-length agencies has been their decreased credibility and legitimacy. Another has been the reluctance of competent and well-qualified individuals to consider accepting an appointment. With crucial decisions facing agencies such as the CRTC, the implications could be significant.

(4) Rules-Based Decision-Making

In October 1986 Prime Minister Mulroney intervened in the awarding of a government contract. It was a fateful move which eventually led to the defeat of many of his western Mps in the 1988

election, and ultimately contributed to the creation of the Reform Party. The contract was for nearly \$1.4 billion for long-term maintenance of the government's aging fleet of CF-18's. Instead of going to Bristol Aerospace of Winnipeg, which not only had by far the lowest bid but also had been selected as the winner by a panel of experts, Mulroney personally decided the contract would be awarded to Canadair in Montreal for purely political reasons. With his government dependent on seats in Quebec for its majority, Mulroney made it clear that he would deliver whatever largesse possible to that province as a priority. Mulroney even defended the move by arguing that Quebec needed the business, (although the government's own records indicated the province had already received a disproportionate amount of federal contracts) and seemed oblivious to the consequences of such an unprecedented display of political largesse, including the implications for national unity.

This overt intervention in the internal and well-established process for awarding government contracts was another of the Mulroney government's counterproductive moves that discredited their efforts to reform the public service. At the same time it raised widespread concerns in the private sector about the legitimacy of the bidding process in general. The F-18 contract, however, was neither the first nor the last of this type of intervention. The awarding of a contract for the building of new navy frigates would later be used as by Mulroney a political bargaining chip in his efforts to acquire the support of New Brunswick premier Frank McKenna for the Meech Lake Accord.

Under the Harper Conservatives either no such interventions on government contracts have occurred, or at a minimum they have not become public knowledge. However a very similar set of interventions has taken place with respect to the rules established for determining grants to non-governmental agencies (NGOs) in a variety of fields. Once again, as with the appointment and/or removal of governor-in-council appointees, the primary motivation appears to have been ideological rather than political. The most well-known and widely criticized interventions have occurred in the field of international development assistance, where a number of well-established volunteer organizations have seen their funding abruptly cut off. A case in point is KAIROS, an ecumenical human rights advocacy group that received funding from CIDA for years. Although its directors had received assurances from officials that their application had been vetted and approved for the next fiscal year, they were suddenly informed in late 2009 that their group no longer met the required criteria for funding. Several other groups received similar explanations as their funding was reduced or eliminated. Concerns about government intervention in the grants process were expressed almost immediately, and in the case of Kairos they were heightened by comments made by Immigration Minister Jason Kenney in Israel, where he declared the government was being vigilant about withdrawing support for groups who criticized that country or supported Palestinian rights groups.

In an escalating public relations crisis, the government attempted to reinforce the notion that rules were being followed and the groups in question had been appropriately handled by bureaucrats, who had not recommended they be supported. When it eventually transpired that the minister herself had intervened after the fact to countermand the positive recommendation of her senior advisers on Kairos, the entire aid community along with other organizations receiving

government grants raised obvious concerns about the process and the need for openness and transparency. “This is not about a particular decision”, one critic reiterated. “No one is questioning the government’s right to set the criteria and decide as it sees fit. But without a rules-based system on which to evaluate applications, the system will deteriorate into chaos.” (NUPGE, 2010)

In this respect the behaviour of the Harper government appears to be both unprecedented and unrelated to the typical concerns of Conservatives in the past. In a similar fashion, the final principle of a modern bureaucracy to be examined in this paper – the provision of expert and processional advice – appears to be one which has caused the most difficulty for the Harper government.

(5) Expertise

As indicated above, the Mulroney government came to appreciate the expert advice which bureaucrats could provide, especially on those subjects where the government wanted to launch major policy initiatives. In a fairly dramatic deviation from this earlier behaviour, the Harper government has consistently demonstrated a flagrant lack of appreciation for expertise which has left many in the public service both astonished and frustrated. Having prepared for the arrival of a government with markedly different policy priorities, the public service has found itself not simply unappreciated but marginalized from any serious policy debate. (Martin, 2010;)

The lack of regard for public service expertise has been manifest in a variety of ways since the Harper Conservatives came to power. First and foremost, it has been obvious in the determination of the “centre” to pursue policy choices regardless of bureaucratic concerns. The determination to ignore legal input from the Justice Department as the government continued to pursue the Khadr case through the courts has resulted in numerous resignations of frustrated legal advisers. Similarly, the various decisions to pursue “law and order” policy objectives such as the introduction of new criminal code measures or the construction of super prisons – in the face of near unanimous expert opinion that such measures are unnecessary, counterproductive and impossibly expensive – has led to widespread disaffection among rank and file bureaucrats as well as senior mandarins. Similarly the new government’s palpable disdain for the entire Foreign Affairs department has led to mass resignations, in spite of the fact that it has been reluctantly forced to recognize the validity of earlier warnings concerning issues ranging from the impact on trade of the government’s criticism of China’s human rights record to the desirability of building bridges to third world countries in the run up to the (failed) attempt to secure a seat on the Security Council.

However nothing the government had done to date could have prepared the public service for the unprecedented assault on “knowledge-based decision making” that was evident in the decision to cancel the long-form census of Statistics Canada. Yet the outpouring of national and international expert criticism, to say nothing of the near unanimous requests for its restoration by groups as diverse as the business, environmental and ethnocultural communities, could not turn the government from its allotted course. Perhaps the only indication that the government was concerned about the political impact of its decision came when Industry Minister Tony Clement

implied that the head of the agency, Munir Sheikh, had agreed with the decision and believed it would not harm the quality of data collected. When Sheikh did the only thing possible to preserve his expert reputation and resigned, the government blinked temporarily but soon returned to its theme of reducing unnecessary government intrusion into the lives of average Canadians.

Similar government moves have gone under-reported, such as the decision to appoint an economist as the National Librarian and Archivist. Daniel Caron's subsequent introduction of a new business plan for the organization, in which documents with "business value" would be maintained but others would be systematically eliminated, has led many observers including Penni Stewart, President of the Canadian Association of University Teacher, to conclude that the Harper government is organizing a concerted assault on access to knowledge itself. (Stewart, 2011).

This Canadian version of the Maoist cultural revolution, in which expertise is routinely derided in favour of anecdotal evidence, has arguably introduced an entirely new element into the already tense relationship between the Conservative politicians and their bureaucrats. In a remarkable turn of events it has led several public service unions to call for a return to "knowledge-based decision-making" and exposed the Harper Conservatives to significant international criticism.

Conclusion

This brief comparison of the relationship between the public service and the Harper and Mulroney governments in terms of several basic bureaucratic principles has revealed a number of similarities. At the same time, it has suggested that the motivation for much of the Harper government's behaviour has been ideological rather than political. As such, it has been more intensively applied and less flexible or subject to change, and arguably could be considered to reflect a qualitatively different view of the public service as implementers rather than collaborators.

Although space and time have not permitted an examination of two other relevant areas of interaction, namely transparency and accountability, the existing literature on the Federal Accountability Act would suggest that once again the Harper government has chosen to proceed with a much more limited relationship to the bureaucracy in which prevention and control are the key factors.

Another interesting avenue for future exploration would be the two Conservative governments' respective approaches to cutbacks in the public service, arguably the most negative feature of the Mulroney government's relationship with its employees. This is particularly significant given that the Liberal government of Jean Chretien actually reduced the overall size of the public service by far more, with much less negative fallout. To date, the Harper government has actually seen a significant increase in the total number of federal public servants, largely through

the increases in the military and the RCMP, a point which Harper himself has often made in a somewhat defensive fashion. At the same time, total full time positions in low priority departments such as the Environment have declined, and the growth in part-time and contract personnel (the second definition of “shadow public service”) has reached alarming proportions.

Without doubt, the Harper government has displayed an unprecedented lack of interest in the day to day operations of the public service to an extent that was neither anticipated nor welcomed by its senior advisers. As a result, large sections of the bureaucracy remain virtually unoccupied and largely fettered. Most have never experienced an era in which all policy development occurs in a top-down fashion, and few will be prepared to remain for a significant period of time if this situation does not change.

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