

The Hamilton Spectator

Clark finally gets what he had coming

Mon Aug 10 2009
Page: A11
Section: Opinion
Byline: Andrew Dreschel
Column: Andrew Dreschel
Source: The Hamilton Spectator

The moment Councillor Sam Merulla fingered Councillor Brad Clark as the person who circulated a confidential tape recording from Mayor Fred Eisenberger's office, you knew it was just a matter of time before Clark got his comeuppance.

After more than a year of waiting, that moment finally arrived last week when the city's interim integrity commissioner officially reprimanded Clark for violating council's code of conduct.

The reprimand is hardly Clark's political death knell. That's up to Ward 9 voters in next year's election.

But it's a deeply embarrassing public caning that raises serious questions about Clark's reputation, judgment and political integrity.

Frankly, it looks good on the Stoney Creek councillor.

Back when he was first cornered into admitting he was the culprit who distributed the allegedly stolen tape from the mayor's office, Clark claimed to be on the side of the angels.

He maintained he gave a digital file and transcript of the tape to a Hamilton Community News reporter and councillors Merulla and Scott Duvall out of "compelling public interest."

His move put the mayor in a tight spot because the recording was of an off-the-record conversation Eisenberger had with me in which he disclosed some confidential information.

Clark suggested he wanted to show the public that Eisenberger was politically hypocritical: On the one hand, the mayor was criticizing confidential leaks at City Hall; on the other he was doing it himself.

"This is whistleblowing," Clark claimed.

Merulla became involved when Clark asked him to pass the recording on to other reporters.

Instead, a skeptical Merulla outed Clark. He believed Clark's real motivation was to embarrass Eisenberger in order to advance his own political agenda.

That's exactly the same conclusion the integrity commissioner, George Rust-D'Eye, came to.

In essence, Rust-D'Eye makes the same points observers made when this story first broke last summer.

If Clark's motivations were pure, why did he surreptitiously leak the information about the mayor's conduct to the media rather than take his concerns to the city clerk or solicitor?

If Clark was safeguarding the public interest, why did he willfully break the very rules he accused the mayor of breaking by leaking the same information to the press?

The answer is plain: Clark was acting for personal political purposes. He was out to get the mayor. In sum, his behaviour smacked more of cheap opportunism than protecting the public interest. The fact is, Clark's ethical pedestal first began to crumble after Rust-D'Eye's earlier investigation into the mayor's behaviour concluded he had in fact contravened the code of conduct.

But Rust-D'Eye recommended no disciplinary action be taken because Eisenberger was trying to counter misinformation about a personnel matter, a step consistent with the mayor's duty to protect the public interest.

That's why council voted 8-4 not to censure the mayor.

But this time council has no say in the matter because Rust-D'Eye is acting as the integrity commissioner, not an independent investigator as he was when he probed Eisenberger's conduct.

And under the city's new bylaw, the integrity commissioner has the power to impose penalties without council's approval.

Rust-D'Eye could have docked Clark's pay. He didn't because all the issues around the confidential leak have long been resolved.

Instead, he simply rebuked his behaviour and, incidentally, confirmed Merulla's original analysis.

It's more than a little ironic that in the end Merulla turned out to be the real whistleblower and Clark, not the mayor, the political hypocrite.

Andrew Dreschel's commentary appears Monday, Wednesday and Friday. adreschel@thespec.com
905-526-3495

© 2009 Torstar Corporation