

Rumors only, here

by Tom Riley
for Canadian University Press

OTTAWA (CUP) — The City of rumors. Listen carefully on any given day and you will pick up some tidbit.

A cabinet shuffle in the making, who is going to get what post, the latest government scandal is about to break, millions have been wasted by a department, legislation will come soon on something or other, Trudeau is resigning, and so and so has been posted to such and such, and a thousand variations of the same theme—facts without foundation. All very vague as rumors are wont to be.

But, now there is a growing movement to impede the flow of rumors and start replacing them with facts providing a healthy flow of information for intelligent assessment of a situation or problem by a member of the press, a member of Parliament or some vested interest group or citizen.

Asking for information sounds simple and natural enough. It appears to be a basic right.

In fact, it is not, for in Ottawa (and in provincial and municipal governments) information is withheld on a grand scale. The bureaucracy is enshrouded in a veil of secrecy and does not have to give up information.

Indeed, it cannot, because it is estimated that 80 per cent of government documents are classified. This immediately brings them under the venue of the Official Secrets Acts and any bureaucrat violating the Act risks imprisonment of up to 14 years. Of course, the SAME Act also acts as a good umbrella under which to withhold information.

Let any citizen try to get a report or document that a government or civil servant decides it doesn't have to release. That person will be met with a stone wall of silence.

Opposition MPs, and surprisingly enough, government backbenchers have as much difficulty getting information as any citizen. Cases of this appear almost daily in Hansard.

Information freely given is one thing. Information carefully selected and channeled by the government is propoganda.

A shocking state of affairs because in any healthy democracy analytical criticism from opposition MPs is essential to the sound and smooth running of Parliament. It is the lifeblood of the democratic system. The solution to all this, say private citizens' groups, major associations across Canada and MPs from all political parties, is a strong, viable Freedom of Information Act such as those now existing in the USA and Sweden.

The prime mover behind the call for a Freedom of Information Act in Canada is Conservative MP and former opposition house leader Gerald Baldwin (Peace River), who has been fighting for an Act for a decade. In 1974, his private members Bill C-225 was introduced to the House of Commons and then referred for study to the Joint Commons-Senate Committee on Regulations and Other Statutory Instruments.

Replying in the House to the government's small mention of more open access to government documents in the throne speech recently, he said, "the rights we seek to obtain by legislation of this kind are not extravagant or improper. It was said hundreds of years ago that a people which means to govern itself must have the power that knowledge brings.

"It is their money that is taxed from them and spent by others; it is their property, their privileges, their well-being that is affected. Nobody, not even the prime minister...acquires extraordinary gifts by being sworn into cabinet. No civil servant, no matter how high his rank or his experience, automatically obtains the mystique and the gift of divine wisdom."

Baldwin points out the reason people are annoyed and angry with the

policies on such programs as decentralization, bilingualism and wage and price controls is not because people reject the principle of the programs outright, but rather because people are fed up with the government secrecy which hides facts and motives. This kind of control leads to arrogance on the part of the government and prime minister and infuriates people.

Baldwin has often pointed out that when legislation does come it will be important that it contain a clause for independent judicial review. This would provide a form of recourse for the citizen who requests a document or report but is denied it on the ground of confidentiality.

The right of appeal to the court or independent review board with the power of a civil court would take control out of the hands of those who seek to withhold information and give it to an impartial body.

This view is in contrast to that of Mitchell Sharp, former president of the Privy Council and the minister who, before his resignation from the cabinet, was responsible for questions on freedom of information legislation.

Sharp says he favors an Information Ombudsman who would gather up all the facts in an appeal and take them to the minister with recommendations. The minister would make the final decision with no further appeal allowed.

Sharp counters criticism that he is proposing a weak act by saying the ombudsman's decisions would be made public and the minister would have to go along or face a torrent of publicity and questions in the House every day.

This sounds great in theory, but in reality many a minister has faced an onslaught of questions in the House and heavy attack and criticism from the press in cases such as the Sky Shops affair and the Judges Affair. This has not necessarily moved them to divulge more than they choose.

So, the advocates go on to say, what is needed is an Act with teeth, one which will stand as a piece of model legislation and won't need to go back to the House of Commons to fight the long fight for amendments as was the case in the United States.

There, the Act was passed in 1966 but the spirit was violated and citizens in general did not have their requests met because of loopholes. Though, amendments were passed in 1974 and since that time thousands of requests for information have been granted.

It has resulted in such things as the revelation of president Richard Nixon's hate list which contained the names of thousands of Americans earmarked for harassment because they somehow did not fit into the president's scheme of things. Many students radicals and the groups they belonged to in the sixties were on that list. There were also numerous church groups such as Martin Luther King's Southern Christians and the innocuous National Council of Churches.

Conservative MP James Balfour, commenting on the American legislation, said prior to the 1974 amendments there were thousands of classified documents which are now generally available. He stressed that a citizen has the right to open access to government documents.

Balfour went on to point out the case of a group of men now formed in Ottawa called the DM 10, the deputy ministers council.

These are ten men who have been appointed to make decisions on the economic program that is to be instituted after the end of wage and price controls (if and when that day comes). Balfour pointed out that the decisions these men make will have a profound effect on the country as a whole. Yet, these men are meeting in secret. They are not calling in business people and experts from industry, the professions and the unions.

Opposition members are trying to squeeze answers out of the government on the Dm 10, but, as often happens, the heat of the day passed and other issues

have come to the fore. The council, as far as can be determined, still meets.

Ray Hnatyshyn, another Conservative MP and current deputy House leader of the opposition, pointed out that it will take a while to move to complete openness in government because of the Canadian concept of ministerial responsibility. It means the onus is on the minister for whatever happens in his or her department. The minister in turn is responsible to parliament.

However, Hnatyshyn favors a strong Act with judicial review and says it will benefit not only the public but also civil servants and opposition parties in the House. It will be important, he stressed, to all these groups that they know there is a judicial review and will have recourse in the case of a rejected request.

One benefit of such an Act, he said, would be increased accountability and responsibility of civil servants who will no longer make arbitrary decisions knowing they could be subject of public scrutiny.

Liberal MP Mark McQuiggan has been an advocate of freedom of information for years. He says, to quote an old maxim, knowledge is power. This point raises an interesting concept: that through freedom of information people will become better informed and take a more active role in national affairs, whether personally or through an association, group or union.

McQuiggan went on to say one of the major benefits he could see in such legislation was people would no longer feel that vital information was being withheld from them.

Another major point, which advocates say is central to the issue, is that secretiveness creates a situation where

people fill in the data for themselves resulting in all kinds of weird ideas and opinions about the government of the day.

A freedom of information act would also benefit the government because they would no longer be blamed, says McQuiggan, for the mistakes of the bureaucracy. He also stressed that any information law there would have to be exemptions. On this point no quarrels. The only question will be what are the exemptions. These will have to be clearly defined.

These are but a few of the views of members from the Hill. Monique Bégoin, now a minister of state, has said she has problems getting information and favors a law.

Postmaster-general Jean Jacques Blais, former member of the committee studying freedom of information, favors an information ombudsman because he says it will preserve the adversary system so integral to parliamentary democracy.

Senator Eugene Forsey, co-chair of the statutory instruments committee, perhaps summarized the feelings on the issue when he said, "It is time for the civil servants to disgorge."

Conservative MP Robert McLeave, the other co-chair, said last May he thinks this issue "will be the hottest ever to come down the political track." Perhaps, but right now it seems a bit lukewarm. The ball is in the government court.

The advocates really don't want to have to wait until after an election on the hope the Conservatives will win. After all, after a few whiffs of power and taste of ministerial responsibility, they too may feel the pressure of secrecy and begin to waver.

Trottier's skid-row

This story was written by Justin Loughry of the McGill Daily and Gerry Pascal, chairperson of the Montreal Committee for Detoxification Centres and manager of Benedict Labre Hospitality House.

MONTREAL (CUP) — Edgar Trottier's death belongs no longer to headlines about the anguish of the powerful and the famous. There is a more compelling story to be told about Rene Levesque's tragic *faux pas* two months ago.

The records show that less than 48 hours before his death, Trottier was detained by police for drunkenness. He spent Friday night in a police station jail cell only to be released the next morning, unrecovered from his "drunk." Like any alcoholic in the midst of a drinking bout, Trottier returned immediately to the bottle, passing most of the Saturday in the Lucerne Taverne.

Late in the afternoon he arrived at the Queen Mary Veterans' Hospital, heavily intoxicated and physically deteriorated from not eating. He badly needed a period of "drying out."

Trottier remained at the hospital until 3 a.m., when the staff apparently found him sufficiently unruly to justify calling the police. The police removed Trottier, taking him to the Salvation Army, which they found closed.

Trottier was then driven to a place near Cedar and McDougall, where by dawn he lay inert, in the middle of the street, hapless prey for any but the most careful motorist.

The story of Trottier's last hours is repeated many times each week in the lives of the men and women of Mon-

treil's skid row. "Disaffiliated individuals," the sociologists call them. They roam the streets of downtown and the "main" (St. Lawrence Blvd.), sleeping in doorways, or, if particularly fortunate, near the warm air vents of some building like the Hydro-Quebec facility.

Mired in poverty, unemployment, and a myriad of psychological problems, "les clochards" suffer almost every type of oppression this society offers. They have no work, no money, no hope. The lion's share come from desperate socio-economic backgrounds, most have little formal education, possess no skills and bear crippling psychological and physical scars from their years of deprivation.

It is not surprising that society refuses to address the plight of these people; their problems so often stem from economic and political inequities that only radical social change can resolve. But it is astonishing that we deny people like Trottier the most basic treatment which a human being needs.

The facts of the case indicate that the problems of skid row have been cruelly ignored in the province. The most attention men and women get here in Montreal is when mayor Jean Drapeau wants to "clean up the street" during a spectacle like last summer's Olympics. Then many find temporary shelter in local jail cells. Of course, there is always a messy incident like Trottier's death which reminds us temporarily of the problem.

The question of the premier's guilt is ultimately a shallow one. Much more compelling is the indictment of a society where Trottier could not get the most basic care he needed.