

Governmental Secrecy in Canada: An Update

Compiled by Stanley Tromp, March 2010

Many writers from across the political spectrum say that the current Conservative Prime Minister is applying a steadily tightening chokehold on information, “the oxygen of democracy.” The policy reversal on *Access to Information Act* reform is only one sign of this trend, whereby it appears that, more than the Prime Minister realized or would have wished, the style has often become the substance, detracting from and colouring the message.

As Ian Brown wrote in the *Globe and Mail*, “Mr. Harper is running the most hands-on, centrally controlled federal government in living memory, a government so Harper-centric and so micro-managed by the Prime Minister's Office it feels literally patriarchal.”¹ (See the troubling six part *Toronto Star* series *Secret Capital*, May 2008 www.thestar.com/News/Canada/article/429906)

Examples appear throughout the report *Fallen Behind: Canada's Access to Information Act in the World Context*, and yet many others could be noted:

- 1) In the election campaign of 2006, Mr. Harper made eight pledges for *ATI Act* reform, including granting the Commissioner the power to order records released, adding a harms test and a general public interest override for all exemptions, changing the cabinet records exclusion into an exemption, and obliging public officials to create records of their actions. If passed, these changes would have mainly raised Canada's antiquated *ATI Act* up to the best global FOI legal standards. Yet none of these measures were passed (except a portion of one, on entity coverage), and they have been deferred indefinitely for further study.
- 2) Prime Minister Harper barred reporters from the lobby outside the House of Commons chamber where they would formerly question ministers, and his office stopped advertising the time and location of cabinet meetings. The PM sharply curtailed the number of prime ministerial press conferences, and even when these occurred, his office demanded reporters submit their names for approval on a list, before they would be permitted to ask the PM a question. He tries to limit the numbers and kinds of questions reporters ask, and has adopted the Bush White House strategy of favouring friendly questioners. There was also an uproar over a new control-oriented media centre in Ottawa

¹ *In Harper's regime, Big Daddy knows best*, by Ian Brown. *Globe and Mail*. May 13, 2006

3) On Parliament Hill, access to Mr. Harper and his cabinet has been so restricted that it has become a source of levity among reporters. The Hill Times carried a story on how the PM goes to great lengths to avoid reporters by taking the freight elevator and exiting out the back door.²

4) Instead of decentralizing power as promised, Mr. Harper has funnelled more and more control straight into the Prime Minister's Office. The PMO now pre-approves everything Tory ministers and MPs do in their political lives. They have been ordered to speak less to the media, and banned from discussing the government's plans. The PMO vets even MPs' letters to small-town newspapers.³ Ministers who break these rules are sternly rebuked by the Prime Minister, in public.

5) The Privy Council Office has such strict control over the Tory government's messaging that it pre-approves and revises comments attributed to federal ministers, does "severe" edits on departmental press releases and even vets words that are to come out of the mouths of university officials, according to documents obtained by Canwest News Service through an *ATIA* request.⁴ Laurence Martin wrote that the Harper government prevents the publishing of departmental studies, especially ones that don't reflect well on its law-and-order philosophy.⁵

6) In April 2006, to avoid bad press, Mr. Harper banned the media from filming the return of the bodies of four Canadian soldiers who died in Afghanistan, despite the fact the military and several of the families had wished for cameras to be present. The CBC had discovered through an *ATIA* request that the PMO had overruled their wishes. At the funeral of one captain, her father gave a stirring eulogy saying the young woman died to protect Canada's freedoms, not to restrict them.⁶

² *Government keeps public in the dark, critics warn; Canadians denied information to which they are entitled*, by Richard Brennan. Toronto Star, April 7, 2008

³ *'Message discipline' often springs leaks, experts caution PM*, by Campbell Clark and Bill Curry. Globe and Mail, March 18, 2006

⁴ *Ministers' 'quotes' edited by non-elected Privy Council: Documents reveal Harper government's messaging strictly controlled, including department press releases*, by Margaret Munro. The Vancouver Sun, Sept. 15, 2008

⁵ *Democracy Canadian-style: How do you like it so far?* The Globe and Mail. Dec. 17, 2009

⁶ *Military officials resisted casket policy*, by Alexander Panetta. The Globe and Mail, July 3, 2006

7) Early in 2008, a government-appointed panel on the future of the military mission in Afghanistan, headed by John Manley, bluntly criticized the Prime Minister for allowing an "information deficit" to develop. They urged the government to immediately address the problem by, among other things, expanding the circle of public servants and ambassadors who can talk about the mission and by providing "franker and more frequent reporting on events in Afghanistan" to Canadians.

The Information Commissioner said the Manley panel's criticism on the Afghan file could be applied elsewhere: "They are saying Afghanistan, but you could extrapolate that to foreign affairs, to the RCMP, to the Mahar Arar affair ... all the way down the line." The criticism by the panel - which included Derek Burney, a former chief of staff to Tory Prime Minister Brian Mulroney, and Paul Tellier, a former clerk of the Privy Council - was seen as significant because it gives third-party validation to complaints by the media, opposition MPs and others about Mr. Harper's tight lid on information.⁷

8) In secret, then Defence Minister Gordon O'Connor signed a new NORAD continental defence agreement with the Americans – renewing it for an indefinite term and expanding to include naval operations - and parliament was allowed to debate it only after the fact. News of the deal came from Washington, and Canadian public servants were not allowed to talk about it. (Similarly, Trade Minister David Emerson told Canadians there was no deal with the Americans on softwood lumber hours after it had actually been finalized.)

9) In 2008, Mr. Harper's aides refused to confirm whether the Prime Minister talked with Mexican President Felipe Calderon. But Mexican officials released a page-long news release not only confirming the two leaders spoke but providing highlights of the topics they discussed.⁸ The PMO also has sometimes not informed the public about visits by foreign statesmen, such as Haiti's president.

10) The government rejected an *ATIA* request for the mysterious Middle East report written by Liberal-turned-Conservative MP Wajid Khan. It did so on the basis that records in the PMO, and other ministers' offices, are not covered by the access law.

11) In 2008, Ottawa moved to centralize control over the drafting of Canadian embassies' reports on the human-rights records of foreign countries. Foreign Affairs officials have sent new guidelines to embassies that order them to make a

⁷ *Government Openness Scrutinized; Complaints Double; Lack of access to information cited by Norma Greenaway. National Post. Feb. 4, 2008*

⁸ Brennan. *op.cit*

"sharp, clear distinction" between sections of the report to be made public and those that will be classified. Meanwhile the United States and many other countries issue public human rights reports with relatively unvarnished assessments.⁹

12) The Conservative government has exempted contracts with Parliament and Canada's spy agency CSIS from oversight by a new Ombudsman's post that was central to the 2006 Conservative election campaign. The government slipped the exemptions in May 2008 in regulations that empower the contract procurement Ombudsman under the *Accountability Act*. Opposition MPs were taken by surprise at the exemptions.¹⁰

13) Even civil servants involved in policy development have complained about the government's zeal for keeping things close to the vest, according to a study by the Ottawa-based Public Policy Forum. "The problem in Ottawa ... is that government has not been effective or forthcoming in communicating their agenda to officials," the forum said in a report of September 2007. "Efforts to work around the bureaucracy and to guard information (have) increased, while there seems to be less willingness to accept public service advice," the report said.¹¹

14) In the new Canada, even *fiction* has not escaped the censor's eye: in April 2006, an Environment Canada scientist published *Hotter Than Hell*, a science fiction novel about global warming set 50 years in the future. He was instantly prohibited from promoting the book because Mr. Harper's government was quietly cutting its Kyoto Accord budget by up to 80 per cent that week. "I obviously not only hope, but expect, that all elements of the bureaucracy will be working with us to achieve our objectives," the prime minister explained.¹²

15) In April 2008 there was a charge from Auditor-General Sheila Fraser that the Tories were even trying to silence the officers of Parliament, herself included, who are supposed to be independent watchdogs. She had learned about a draft proposal for a new communications strategy - or, as precision might have it, set of gag laws.

⁹ *Critics blast Ottawa plan to control rights reports*, by Campbell Clark. The Globe and Mail, Aug 13, 2008

¹⁰ *Contracts with CSIS, Parliament exempt from Ombudsman's eye*, by Tim Naumetz. Globe and Mail, May 20, 2008

¹¹ *Secret Capital: Parliament Frozen Out. Parliament losing power, author says*. By Bruce Campion and Joanna Smith, Toronto Star, May 29, 2008

¹² *In Harper's regime, Big Daddy knows best*, by Ian Brown. The Globe and Mail, May 13, 2006

The Privy Council Office, an arm of the Prime Minister's Office, would apparently be vetting her releases to the media.¹³

16) Mr. Harper has steadfastly refused to disclose the campaign donors for his 2002 Alliance Party leadership run. (However to its credit the Conservative Party of Canada did release the donor figures for its 2004 leadership selection process.) His party initially failed to report more than \$530,000 in donations for its 2005 convention.¹⁴

17) The lack of transparency has drawn criticism from opposing figures including Senator Pat Carney, who held several cabinet posts under Tory Prime Minister Brian Mulroney. In an interview with the CBC upon her retirement from the senate, she told of calling Mr. Harper to express her concern about his control of communications over the caucus and cabinet.¹⁵

18) In February 2010, interim Information Commissioner Suzanne Legault launched a special investigation of how an over-zealous political aide to a minister got bureaucrats to "unrelease" a document already on its way to Canadian Press via the ATI process. The report, which revealed inefficiencies in the Public Works department's real-estate operations, was politically embarrassing. (Months later an edited version was released.)

19) In a case now in Federal Court, the Canadian Security Intelligence Service is trying to keep secret the names of those who helped forerunner spy agencies keep an eye on T.C. Douglas, the left-wing Saskatchewan premier (1944-61) now revered as the father of medicare. CSIS claims that disclosing investigative methods within the 1,142-page file on Douglas – with some of the records 75 years old - might cause harm to current national security. If that claim is upheld, Canada will be revealed to be far behind the nations of the former Communist bloc Eastern Europe, where names of those who informed on their neighbours to the secret police are now public.¹⁶

20) The federal government refused to release briefing books prepared for the minister tasked with making the government more accountable. Manitoba MP

¹³ *Info control spinning out of control*, by Lawrence Martin. The Globe and Mail, May 5, 2008

¹⁴ *So much for the new governing morality*, by Lawrence Martin. Globe and Mail, May 21, 2007

¹⁵ *Proudly raise the flag for freedom of information*. Editorial. Winnipeg Free Press, April 20, 2008

¹⁶ *Canadian democracy is oxygen-starved*, the Montreal Gazette, 14 February, 2010

Steven Fletcher was sworn in as the minister of state for democratic reform in October 2008. The Winnipeg Free Press made a request for the briefing books prepared to help Fletcher learn his new portfolio. After a six-month delay, the newspaper was told its request would not be honoured, because it contained advice to cabinet. Briefing books are often released through access requests, albeit with small portions withheld, and this marks the first known occasion of one being denied completely.¹⁷

21) The Supreme Court of Canada will consider a 10-year-old legal dispute over whether the public should have access to the private agenda books of the prime minister. In December 2009, the court granted leave to appeal to the federal information commissioner, who is seeking to release the daytimers of former Liberal prime minister Jean Chretien in response to an Access to Information Act applicant. The outcome could determine how much of the prime minister's life should be shielded from public view. The Conservative government is continuing this PMO secrecy tradition of the Liberals.

The Federal Court had ruled in 2008 that the disputed 2,000 pages of records are under the control of the Prime Minister's Office, and therefore exempt from the ATIA. The government argues that documents held in ministerial offices do not fall under the same public scrutiny as those kept in government departments.¹⁸

22) The Harper government has not lived up to its campaign promise to be transparent when it comes to access to information legislation, says the man who led the inquiry into the Liberal sponsorship scandal. The result is *ATIA* applications that are delayed for up to two years, said retired justice of the Superior Court of Quebec John Gomery, the keynote speaker at the national convention of the Institute of Public Administration of Canada being held in Fredericton. "The current government ran for election in 2006 on a platform promising integrity, accountability, and transparency," he said. "On the transparency issue its promises have simply not been fulfilled. I do think the record of the current government is very bad."¹⁹

23) In June 2009, Information Commissioner Robert Marleau abruptly resigned for "entirely personal and private" reasons, just over two years into a seven-year term, raising doubts about the pace and direction of reforms to Canada's *access to*

¹⁷ *Accountability minister's briefing books off limits*, The Ottawa Citizen, 13 February, 2010

¹⁸ *Top court to rule on PM's private agenda books*, Calgary Herald, 18 December, 2009

¹⁹ *Harper's transparency promise unfulfilled, former judge says*, Fredericton Daily Gleaner, 27 August, 2009

information laws that he was spearheading. He was disappointed that his efforts to open up Ottawa found no advocates in the Conservative government. There is "no one minister, no one parliamentary secretary on the government side that is taking this on," he said. "It takes political guts. It takes political vision."²⁰

24) In a dramatic and unprecedented showdown in Ottawa, Privy Council officials ended months of stonewalling on June 26, 2009, and handed over documents requested by the federal information commissioner. The disclosure of files came only after Robert Marleau threatened to have his staff enter the PCO and seize the paperwork themselves.

At the heart of the dispute was Mr. Marleau's investigation into public complaints that the Privy Council office was frustrating several ATIA requests. (The PCO supports the Prime Minister's Office and cabinet.) In particular, he was looking at 150 cases that involve "administrative" issues - complaints that could include the PCO's demand for photocopying costs and time extensions. To probe the complaints, his staff needed the files in question. But the Privy Council had rebuffed the commission's requests for the documents, some dating back many months.²¹

25) In a scathing 156-page special report of February 2009, the Information Commissioner said "serious flaws" in the way Ottawa delays *ATIA* requests has plunged the system into a "crisis" situation. "The poor performance shown by institutions is symptomatic of a major information management crisis throughout government," he said. "Access to information has become hostage to this crisis and is about to become its victim."

Robert Marleau was particularly critical of the Prime Minister's directives that have created a "stranglehold in the centre on communications" and made Ottawa's "tendency to withhold information" even worse than it was before. He added there are currently "no consequences" for those who ignore their obligations under the access-to-information law because it "has no teeth."²²

26) During Right to Know Week in September 2008, a 393 page report sponsored by several Canadian newspaper associations was released: *Fallen Behind*:

²⁰ *Ottawa chided for lacking 'guts'; Departing information czar bemoans lack of openness*, Toronto Star, 29 June, 2009

²¹ *PCO blinks, gives documents to information watchdog*, Toronto Star, 27 June, 2009

²² *A law in name only*, The Brandon Sun, 28 February, 2009

Canada's Access to Information Act in the World Context.

<http://www3.telus.net/index100/foi>

The report confirmed what most commentators had long stated - that Canada's 1982 ATIA is woefully outdated when compared to the FOI statutes of most other nations. (This point was vigorously denied by the Justice Minister in 2009.) The ATIA also fails to conform to most key FOI recommendations from at least ten global political organizations, such as the Commonwealth Secretariat, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), and the United Nations Development Agency (UNDP).

27) In September 2008, Canada's Information Commissioner upheld a Canadian Newspaper Association complaint that government practices of tagging requests for information as "sensitive" create "unfair and unjustifiable delays in the processing of those requests," and has urged government departments to stop holding up information.²³

The finding marks the conclusion of an unprecedented three-year investigation into 21 government departments triggered by a complaint from the Canadian Newspaper Association in September, 2005, alleging that "secret rules and procedures (...) contravene the (Access to Information) Act, (and) result, more importantly, in unfair and unjustifiable delays in the processing of media requests for government information to which the public has a right in our democracy."

28) In May 2008 the Canadian Association of Journalists awarded Prime Minister Harper its "Code of Silence Award" for 2007. "Harper's white-knuckled death grip on public information makes this the easiest decision the cabal of judges has ever rendered," said CAJ President Mary Agnes Welch. "He's gone beyond merely gagging cabinet ministers and professional civil servants, stalling access to information requests and blackballing reporters who ask tough questions. He has built a pervasive government apparatus whose sole purpose is to strangle the flow of public information."²⁴

29) The *Globe and Mail* asked why federal agencies were taking so long to release information under the ATI Act. The paper filed requests with about a dozen federal agencies seeking an explanation. The answer took two-and-a-half

²³ *Government Unfairly Slows Access to Information Commissioner Concludes.* <http://www.cna-acj.ca/en/news/news-releases/government-unfairly-slows-access-information-commissioner-concludes>

²⁴ *Psst... Harper Wins CAJ secrecy award.* CAJ, May 25, 2008. <http://www.eagle.ca/caj/>

years to come. E-mails between Treasury and the Privy Council seem to confirm what information officers in several departments had confided to *The Globe* - bottlenecks exist, the result of orders that the Privy Council review information requests.²⁵

30) Laurence Martin of the *Globe and Mail* reported that the Conservatives might be preventing record access by discouraging record creation. “The bureaucrat was at the Department of National Defence, where the Afghan detainee affair has brought controversy, some of it prompted by journalistic prying through access laws. “I get a call from the Privy Council Office,” he said. “They're setting up a conference call. The first thing that's said is ‘No note-taking, no recordings, nothing. We don't want to see anything in writing on this.’ ... That's the way they develop policies now and, for my money, it's scary.” There is conflicting information on how widespread the practice has become.²⁶

31) Geoffrey Stevens wrote in October 2009 that Harper “presides over what is arguably the most closed, most secretive federal administration in the last 50 years.” As one example, he wrote, the public safety minister, Peter Van Loan, wanted Parliament to accept a package of anti-crime measures that, taken together, would keep more convicts in federal institutions for longer periods of time. Asked about the impact of the measures on Canada's prison population, Van Loan refused to disclose the government's estimates, saying the numbers are a cabinet confidence.²⁷

32) The Harper Conservatives are continuing the long tradition of keeping secret the expenses details of members of parliament, which amounted to about \$128 million in the 2008-09 fiscal year. The Board of Internal Economy, a secretive and powerful committee of eight MPs - four each from the government and the opposition - keeps watch over their colleagues' bills. In March 2009, they agreed to cover the legal expenses for six lawsuits brought against MPs for defamation, libel and employment disputes. The board won't say who's being sued, what prompted the lawsuit or how much the legal defences are costing taxpayers.²⁸

²⁵ *Pattern of delay: Ottawa's information denial.* *The Globe and Mail*, Feb. 3, 2010

²⁶ *Is this the answer to access requests? Stop keeping records?* *The Globe and Mail*, Feb. 25, 2010

²⁷ *Harper government is marked by hypocrisy.* *The Guelph Mercury*, Oct. 19, 2009

²⁸ *Our MPs' spending secrets; Canada's 308 members of Parliament claim almost \$128 million a year in personal and office expenses spending that's risen 42% since 2000.* *Toronto Star*, June 20, 2009

By contrast, the House of Representatives in Washington now plans to post members' expenses online each quarter, and similar pre-emptive plans are developing in New Zealand. In Britain, misspending by MPs revealed in 2009 cause a major scandal, with twenty cabinet ministers and backbenchers planning to resign or retire as a result; Scotland Yard launched a criminal investigation into some claims.

33) Canada's Foreign Affairs Department has systematically prevented the release of hundreds of thousands of pages of records on everything from the mission in Afghanistan to the NATO briefing materials Maxime Bernier left at his girlfriend's home, Canwest News Service has learned. Two legal experts say the Department of Foreign Affairs and International Trade violated Canada's *Access to Information* law when it decided to systematically charge "preparation fees" before responding to ATI requests. The Commissioner's office is investigating complaints over the policy.

An official with the department, however, said it is applying fees within the bounds set by the federal *Access to Information Act*. Although other departments charge "preparation fees," usually for paper-based records, DFAIT is the only major federal government department insisting "preparation fees" be paid for routine computerized records before it will release censored versions of those records. Someone making a request could pay hundreds of dollars to "prepare" the records only to receive documents that have been completely blacked out.²⁹

34) Some of Canada's large commercial airlines required government inspectors to sign confidentiality agreements to comb over company documents to assess a controversial new oversight system, Canwest News Service learned. Inspectors will be conducting in-depth assessments of the safety management systems at Canada's large airlines. The new safety system - a first in civil aviation - puts more onus on airlines in managing safety risks in their operations, and is now fully phased in at Canada's large commercial carriers.

The Transport department declined to name the airlines. The media and labour unions had complained about proposed amendments to the aeronautics and FOI laws that would have resulted in a sweeping ban on the release of company reports of air safety problems. (The legislation died when the 2009 federal election was called.)³⁰

²⁹ *Foreign affairs violating disclosure laws, say experts.* Calgary Herald, Feb. 17, 2009

³⁰ *Air safety risks may be withheld; Confidentiality agreements could limit information.* Nanaimo Daily News, Feb. 25, 2009

35) Commissioner Paul Kennedy issued a damning report on the RCMP's conduct surrounding the tragic Taser death of Polish traveller Robert Dziekanski at Vancouver airport. Rather than ordering the RCMP to immediately fix the problems cited by Kennedy, the government allowed the Mounties to try to bury the report.

As well, the military police complaints commission was given \$5 million by the Harper government to investigate allegations of torture of Afghan detainees. So far, the commission is spending all the money fighting attempts by the Harper government to shut down the commission's probe.³¹

36) In January 2009, three groups - the Canadian Newspaper Association (CNA), Canadian Taxpayers Federation (CTF) and BC Freedom of Information and Privacy Association (FIPA) urged Prime Minister Harper to follow President Barack Obama's lead on transparency. On his first day in office, President Obama issued a directive to all agencies to adopt a presumption in favor of openness for FOI requestors.

“With billions of taxpayer dollars about to be spent on fiscal stimulus, transparency on how those dollars are spent is absolutely vital,” said the CNA release. “Without a viable access to information regime, taxpayers are left in the dark. Opportunities for waste and mismanagement abound when media and the public can't see what the government is doing.” Information Commissioner Marleau noted that information on the \$64-billion stimulus spending plan in Canada may be of dubious value if it takes the government years to release it.³²

37) In May 2008, the Harper government closed down a database that was an electronic list of every *ATIA* request filed over many years to all federal agencies, claiming it was too costly and little used; The registry, created in 1989 was known as CAIRS, for Co-ordination of Access to Information Requests System, and it had allowed ordinary citizens to identify millions of pages of once secret documents that had become public, and request them.

CAIRS was originally designed as an internal government tool to manage the flow of often embarrassing information. Particularly sensitive requests from news media or opposition politicians would often be red-flagged for special handling that frequently delayed release. But requesters soon began to mine the database to

³¹ *Suddenly, our PM is slapstick Steve.* Ottawa Sun, Dec. 13, 2009

³² *Without transparency, billions in stimulus could be wasted.* Canada NewsWire, Jan. 23, 2009

discover obscure documents, fine-tune the phrasing on new requests, and even to do statistical studies.

38) With rare unanimity, a joint committee of MPs and senators decided in June 2009 to put the outspoken new Parliamentary Budget Officer (PBO), Kevin Page, in a political straitjacket. Page made waves by exposing holes in the government's deficit estimates and casting doubt on Ottawa's financial tally for the war in Afghanistan.

MPs and senators are peeved that Page publicizes his findings on the web for all to see, rather than deferring to parliamentary committees that want the right to hold information back from the public eye. Page was then threatened by the parliamentarians that his office would be starved of promised funds unless he agrees to their confidentiality terms.³³

39) A dramatic reduction in Canadian media coverage of climate change science issues is the result of the Harper government introducing new rules in 2007 to control interviews by Environment Canada scientists with journalists, says a newly released federal document. "Scientists have noticed a major reduction in the number of requests, particularly from high-profile media, who often have same-day deadlines," said the Environment Canada document.³⁴

"Media coverage of climate change science, our most high-profile issue, has been reduced by over 80%." The analysis reviewed the impact of a new federal communications policy at Environment Canada, which required senior federal scientists to seek permission from the government before giving interviews. In many cases, the policy also required them to get approval from supervisors of written responses to the questions submitted by journalists before any interview.

40) A series of government e-mails shows an arms-length investigatory body was told that the Prime Minister's Office wanted it to "hold off" on releasing a safety report into the high-seas death of Laura Gainey. The e-mails - which the Opposition argues show inappropriate interference in the independent agency - surround the release of the report by the Transportation Safety Board into Gainey's death after she was swept overboard from a tall ship in December 2006.

On Sept. 12, 2009, four days after the Prime Minister called the Oct. 14 election, a ministerial aide wrote, "My Chief of Staff has just been told by PMO to hold off on the release of the report until after the election." Lawyer Michel Drapeau, an

³³ *Parliamentary cover-up*. Toronto Star. June 20, 2009

³⁴ *Scientists 'muzzled' by Tories' media policy*. By Mike De Souza, Canwest News Service, March 15, 2010

Ottawa-based legal expert on public access to government information, said the prime minister's officials shouldn't give orders to an investigatory body.³⁵

41) Health Canada is telling contractors who handle the release of departmental documents that they must consult with Health Minister Leona Aglukkaq's office to ensure that "sensitive records are treated appropriately." In a contract offer, Health Canada says it intends to hire a consultant to help catch up on its severe backlog of *ATI Act* requests. Among the qualifications for the job, the notice says, is the need to check with top government officials before releasing information to the public³⁶

42) British scientist Trevor Ogden who oversaw a report on the dangers of the chrysotile variety of asbestos says he believes Ottawa tried to suppress his work to protect the Quebec industry that mines the cancer-causing mineral. He headed an expert panel that Health Canada assembled in late 2007 to study the cancer risk of chrysotile. The report has been ready since March 2008, but became available only since April 2009 after *ATIA* requests from the media.

Health Canada didn't publish the report on its website, the usual practice for scientific studies that it funds, but said anyone who asks for a copy will be given one. Canada and other developed countries use little asbestos, and many nations ban it because of the health and liability risk. Most of Quebec's production is exported to the developing world for use as an inexpensive additive to strengthen cement building products. Ottawa has spent nearly \$20-million since 1984 promoting the mineral abroad.³⁷

43) Prime Minister Harper has gagged the person he appointed to investigate last summer's killer listeriosis outbreak, forbidding her to speak to the media or the public, while denying her important tools she needs to get to the bottom of the problem, say critics. An audit of Canada's meat-inspection system conducted by the United States Department, conducted only weeks before the listeriosis outbreak, found that a Maple Leaf Foods meat-processing facility in Laval, Que., was not ensuring proper cleaning and sanitation at the plant.

³⁵ *Emails show safety board was told to 'hold' report.* By Michael Tutton. Telegraph-Journal, Saint John, N.B., April 4, 2009

³⁶ *Health Canada wants access requests vetted by minister; researchers vexed; Critics decry politicization of information.* By Glen McGregor. The Ottawa Citizen, March 6, 2009

³⁷ *From Motive questioned in failure to disclose asbestos study.* By Martin Mittelstaedt. The Globe and Mail, April 22, 2009

“We owe our friends at the USDA a debt of gratitude. They publish the only detailed information about safety and sanitation practices at Canadian meat plants that's available to Canadian consumers,” wrote Bob Kingston is a CFIA inspection supervisor on leave to act as national president of the Agriculture Union, PSAC.³⁸

44) As international concern about growing crops for fuel mounted over 2007, the Harper government tightly managed the message on Canada's controversial \$2-billion biofuel program. Rather than having federal program managers and researchers speak for themselves, government communication staff have been compiling answers to media queries and forwarding them to ministers' offices and the Privy Council Office (PCO) for approval, according to documents released to Canwest News Service under the *ATI Act*.

"We need to have both the technical response, but with the [government] messaging," one senior bureaucrat wrote to in an e-mail to communications staff regarding one media query on biofuels.³⁹

45) The federal government was contributing part of the money for an International Polar Year Arctic research project, announced in July 2007. Through an *ATIA* request, Canwest News discovered that, for this project, the Privy Council Office (PCO) took drafts of remarks prepared by federal government agencies, then "massaged" them furiously, cutting out information on the research project (which covers important areas like the changing ocean ecosystem and shrinking ice cover) and the scientists doing the work.

Instead, the PCO inserted the names of the federal Conservative politicians making the announcement. Even the remarks to be delivered by the university's vice-president of research were vetted by government minions. For good measure, the phrase "Canada's new government" was inserted - a full 18 months after the government had taken office.

The PCO asked for new "quotes" to be concocted to bring the announcement in line with what Harper had said earlier on the Arctic. On this event, an editorial in the *Regina Leader Post* averred that, "Today, politicians are uncomfortably aware of being monitored by backroom "spin doctors" working for a government that either places little faith in senior ministers or is so insecure about its image as to

³⁸ *Like telltale crumbs, food safety is being swept under the rug; Only Canadian info available is from the U.S., thanks to Harper gag order.* By Bob Kingston, *Edmonton Journal*, Feb. 10, 2009

³⁹ *Tories keeping tight control of biofuel message, documents shows.* By Margaret Munro. *National Post*, Sept. 15, 2008

invent quotations and monitor everything said about it. . . . such an obsessive lust for control of the political message is a sad sign of our times.”⁴⁰

46) In 2007 a secret Tory handbook on obstructing and manipulating Commons committees was leaked to the press. The 200 page handbook, obtained by *National Post* columnist Don Martin, reportedly advises chairs on how to promote the government's agenda, select witnesses friendly to the Conservative party and coach them to give favourable testimony. It also reportedly instructs them on how to filibuster and otherwise disrupt committee proceedings and, if all else fails, how to shut committees down entirely. Some of those stalling tactics have been on display.

The previous Liberal regime also tried to control the conduct of committees, by ordering its own backbenchers what to do and say there, said a veteran NDP MP, but not to the extent of the Tories.

Liberal House Leader Ralph Goodale said the manual demonstrates that the government is in the grip of a prime minister who has "a kind of control fetish" in which there can't be "one comma or one sentence or one word uttered without his personal approval." William Johnson, a biographer of Stephen Harper, said that "the government has subverted Canadian democracy."⁴¹

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⁴⁰ *An obsession with total control*. Editorial, Leader Post, Regina, Sask., Sept, 16, 2008

⁴¹ *'Obstruction' handbook leaked*. Toronto Star, May 18, 2007