

tions? What do we mean by a fair trial, and can any trial be made absolutely fair? What are the sources of prejudice to an accused, and how likely is it that they can be eliminated? Does fairness require all information about criminal proceedings to be banned? What, then, would remain of open justice?

In *R. v. Vermette*, the Supreme Court of Canada held that it should not be assumed that publicity in the form of a politician's remarks had compromised the accused's right to a fair trial. To decide that question, the court said, it should not "rely on speculation." There, the suggestion that it would be impossible to select an impartial jury was "a matter of speculation."

In Homolka's case Judge Kovacs spoke of the "exceptional circumstances" that prevailed at the hearing. Even so, he could only speculate that publicity might create a risk of prejudice to Paul Teale's impending trial. And that, in his view, was enough.

Again, the problem is a lack of balance and nuance in resolving the fair trial-free press conflict. We cannot assume that publicity *per se* prejudices a fair trial. Yet it remains unclear what circumstances must be present to displace the presumption in favour of open justice.

CONCLUSION

Like our American friends, we in Canada also have our absolutes. In the instances discussed above, instead of balancing, our courts simply invoke. And once invoked, values like equality and fair trial too often mark the end, rather than the beginning, of the analysis.

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NATIONAL AFFAIRS

WHY PRESTON MANNING SHOULD NOT HAVE TO SUBMIT RECEIPTS

by Patrick J. Monahan

The recent controversy over Preston Manning's \$31,000 expense allowance represented the first major political stumble for the normally sure-footed Reform party leader.

Manning professed to be totally taken aback by the controversy. After all, the practice of major political parties covering the expenses of their leaders is well accepted in Ottawa, and seems perfectly justifiable in principle.

What Mr. Manning seemed to have conveniently forgotten is that he had built his career by exploiting the belief that politicians in Ottawa are fat cats and opportunists. It was Preston Manning who had made such a show of handing back the keys to his government car last fall, apparently signalling that, finally, here was a politician fit for the task of cleaning up the capital.

Too bad that none of the reporters at the "car keys" photo-op thought to inquire as to how Mr. Manning planned to get himself around town. Had Manning been asked this question, reporters would have discovered that, while he had forsaken his government limo, he was prepared to accept a car allowance from the Reform party.

Manning might have attempted to distinguish the party's car allowance from the government-supplied limo on the basis that the allowance

was paid for by party funds, rather than tax dollars. But that argument simply wouldn't wash, since the party moneys were themselves accumulated through tax credits granted to Reform party supporters.

Alternatively, Manning might have pointed out that providing him with a car made sense because it made for a more efficient use of his time. If Manning had to worry about taxis or car pools, he would be diverted from his main task, which is to criticize the government on behalf of his constituents.

A perfectly valid and sensible argument. It is precisely on this basis that the taxpayer provides *all* the party leaders with cars and drivers. Forcing the prime minister to forsake his limo and take the bus might seem to some taxpayers to be a smart money-saving move. But it's actually a false economy, since the cost in terms of lost time far exceeds the tiny savings associated with the sell-off of the government's limo fleet.

The problem for Manning was that he had foreclosed this perfectly sensible argument by his staged stunt with the car keys. The moment he handed back the keys to his government car, he was committed to the view that supplying cars to politicians is a waste of tax dollars.

That's why Manning got caught with his hands in the cookie jar when he turned around and accepted a taxpayer-financed car allowance from the Reform party. Having self-righteously suggested that government-supplied cars are a waste of tax dollars, Manning could not then accept a car that was paid for—even indirectly—by the same taxpayers.

Double standards are deadly. It's these kinds of mistakes that tend never to be forgotten. If Preston Manning ever again tries to criticize

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"Preston Manning's Receipts,"
continued from page 107.

some politician for living high off the hog, he will only succeed in reviving memories of his own ill-conceived attempt to preach one standard while acting according to another.

COMPOUNDING THE ERROR

Preston Manning's expense allowance wasn't just a problem for the leader. How were the other Reform MPs going to respond when they found out that their leader was accepting party money, *without having to provide receipts*? Sure, Manning says he needs the money to cover expenses. But \$31,000 for dry cleaning and parking? How do we know that Manning isn't wearing his shirts an extra day and pocketing some spare change?

Into the breach stepped Calgary Reform MP Stephen Harper, champion bean counter. The problem with the expense allowance, according to Mr. Harper, was that Manning wasn't required to provide receipts. We need *written proof*, Harper insisted, that Preston's shirts really have been laundered before we fork over any party dough.

The party executive circulated a memo rapping Harper on the knuckles, but implicitly acknowledged the validity of his point by announcing that Manning would henceforth begin providing receipts. Harper eventually emerged as the apparent hero of the piece. Other Reform MPs rallied to his defence. Even Manning was reduced to the lame observation that Harper's only mistake had been to air his grievances in the press, rather than behind closed doors.

Mr. Manning better make sure he's got a big shoe box for all those receipts. Pick up a magazine to read in the airport while waiting for the plane? No problem, Mr. Manning. Just make sure the receipt for \$2.50 finds its way into your trusty shoe


box and is filed with party headquarters so you get your cheque for \$31,000 at the end of the year.

Sometime next year, some enterprising reporter may ask how much it is costing the Reform party to keep track of Mr. Manning's receipts. And the reporter will be surprised to find out that the cost of the tracking system far exceeds the total amount of the expense allowance itself. Chalk it up as another victory for economy in government.

This brings us back to the real lesson of this episode, which threatens to be lost amid the mountain of receipts for shoe shines and haircuts that will soon be accumulating at Reform party headquarters. Contrary to received Reform party wisdom, the vast majority of the nation's politicians are not in the business to make a fast buck. They're just Canadians who are willing to make a contribution to the public life of this country, often at tremendous personal and financial cost.

If anyone ever doubted that fact, they need look no further than the compelling evidence supplied by Preston Manning himself. Despite a salary as party leader in addition to his normal MP salary, he still needs a special expense allowance to cover his dry cleaning bills.

So, please, let us hear no more from Preston Manning or the Reform party about the alleged sumptuous lifestyle and personal fortunes of the country's MPs. Instead we should turn our undivided attention to the real and pressing problems facing this country.

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QUEBEC REPORT

BIG BROTHER

by Alain Noël

"A SURVEILLANCE SOCIETY IN GESTATION"

Early last year, Quebec was nominated for the "Big Brother Award" by a new and relatively unknown international organization called Privacy International. Quebec did not "win," but was nonetheless singled out as the "prototype of a surveillance society in gestation."

What struck Privacy International was the extent to which the government could stock and use personal information. Quebec's extensive computer files, medicare cards with a picture, and welfare controls were mentioned as indicative of a state that could monitor citizens closely and with impunity.

The Quebec government and most editorial writers rejected the attack as overblown, explaining that a welfare state that provides generous services, including free health care, must necessarily have major computer resources. Senior civil servants added that the law prevents the Quebec government from matching or combining files maintained by various departments or agencies, even though this restriction poses major costs in terms of duplications. Institutional protections are also provided by the Access to Information Commission, the Human Rights Commission, the ombudsman, and the auditor general.

However exaggerated, Privacy International's critique struck a sensitive chord. A poll conducted by Ekos Research in late 1992 suggested that Canadians worried almost as much