



Bureaucrats in Uniform

The Politicization and Decline of the Royal Canadian Mounted Police

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Executive summary

The Royal Canadian Mounted Police advertises itself as Canada's national police service, an organization of excellence, and a world leader in integrated policing. By and large, general surveys of public opinion indicate that the RCMP is widely respected by Canadians. In contrast, there have been several studies, as well as occasional public complaints, showing that the RCMP is in crisis and is drastically underfunded. Accounts vary as to the nature of that crisis, the extent to which the organization is underfunded, and the reason that it is underfunded.

Among the most serious reasons advanced for the current problems in the Force is that it has become politicized in the sense that it responds directly to political instructions. This is especially serious because the RCMP is above all a "guardian" institution, like the Canadian Forces and the courts of law. Once the police take political direction, the rule of law is subverted. And the rule of law, it hardly needs be mentioned, is a pillar, perhaps the very foundation, of constitutional democracy.

In this Fraser Institute Digital Publication, we examine the evidence provided by judicial inquiries and reports and by other scholarly and journalistic investigations of the RCMP. The sources include testimony before the Gomery Commission, the first *Report of the Gomery Commission*, several reports of the Auditor General, the *Report of the Hughes Commission*, and several other analyses of the federal police. Whatever the impact of underfunding, it seems clear that politicization is a greater problem, not only for reasons noted above but because it has meant a decline in the core competencies of the Force, namely the enforcement of federal laws. That is, the RCMP as an institution appears to be less capable today than it was in the past as well as less capable than it proclaims itself to be. It is this last problem, the disconnect between image and reality that is at the heart of the current problems with the federal police.

Political and administrative institutions can fail but they can also be restored. The first step in restoration, however, is acknowledging that there is a problem and what the problem is. Most of this publication provides documentation of the problem. We conclude by indicating several administrative steps that can be taken to restore the RCMP to its proper purpose. One way or another, however, it is our contention that de-politicization is the key to halting the decline of the RCMP.

Introduction—image and reality

... a mountain of evidence points to an unusually close relationship between the Prime Minister and the RCMP. This alone suggests that all may not be well with Canada's federal police force.

W. Wesley Pue, Professor of Law and Nemetz Chair
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Despite the growing perception of many informed individuals that the Royal Canadian Mounted Police (RCMP) is in a state of crisis, it remains one of Canada's most revered institutions. In recent years, a succession of mishandled cases and scandals have tarnished the Mounties' image and credibility, retired senior officers have complained of political interference, corruption, and mismanagement, and several books have portrayed the federal police force as being in serious trouble. More recently, the Auditor General [Canada, Auditor General, 2005/April] has drawn attention to serious defects in the provision of contracted policing services in Canada outside Ontario and Quebec and the effects contract policing has had on federal policing. [1] Generally speaking, the RCMP is criticized for incompetence and a lack in integrity, especially in the senior ranks. As we shall see, the response to these criticisms from senior management has been to deny or evade responsibility and to redouble work on the public-relations front.

In one sense, this is a perfectly rational managerial response insofar as the sterling image of the RCMP is well attested in public opinion polls. A 2001 national opinion poll found that 94% of Canadians have a favourable view of the RCMP, followed by 93% for the Canadian Forces (CF), another institution that is widely respected in spite of declining credibility among the well-informed public [Pollara, 2001]. In the same Pollara survey, 61% viewed the RCMP "very favourably," compared to 48% for the CF. Local polls across Canada consistently show high public support for the RCMP, particularly in the field. A 1997 Angus Reid survey found that 83% are either "somewhat confident" or "very confident" in the force, slightly behind the 86% rating for local police, [Angus Reid, 1997] which in many cases also means the RCMP [Alberta, Department of Justice, 2003]. Among Albertans, the survey found that 94%

[1] "Contract policing" refers to the provision by the RCMP of policing services to the provinces (other than Ontario and Quebec), to the territories, and to municipalities, aboriginal communities, and three international airports. "Federal policing" refers to RCMP enforcement of federal laws including national security, money laundering, and organized crime.

feel either “somewhat confident” or “very confident” in their local police, while 90% feel “somewhat confident” to “very confident” in the RCMP, as do 92% of British Columbians and 74% of Quebecers [Angus Reid, 1997]. In Alberta, a 2002 survey by the province’s Solicitor General found that “the vast majority were satisfied with RCMP policing in their community” (85% satisfied), with little change since 1997 in the level of satisfaction with policing (87% were satisfied in both 2000 and 1997). When it comes to dissatisfaction, the reason most cited was a “lack of manpower, presence and visibility in the community” [Alberta, Solicitor General, 2003: 36].

The most obvious explanation for the divergence between support in the general population and criticism from the informed population is that most Canadians, most of the time, have little contact with the police. There is, moreover, a good case to be made that RCMP contract policing in small communities is likely to be at least as good as it would have been had such communities been required to provide their own police services. That is, a local RCMP detachment in Quesnel or Lac La Biche is probably better trained and more competent than a hypothetical Quesnel or Lac La Biche town police service would likely be. Whether that is true for larger communities such as Burnaby or Red Deer is much more questionable [Red Deer Advocate, 2005; Palango, 1998: 231]. Whether it would be true if, as in Ontario and Quebec, a British Columbia Provincial Police or an Alberta Provincial Police (both of which once existed) provided contract policing to provincial towns, villages, and rural areas can be argued either way. It is not self-evident that RCMP contract policing in Quesnel or Lac La Biche is superior to OPP policing in North Bay or Madoc.

In any event, it seems clear both that the general public supports the RCMP and that there is compelling evidence that a great deal is wrong with the Force. A generation ago, Jeff Sallot wrote a highly critical analysis of allegedly corrupt and excessive methods used by the federal police [Sallot, 1979]. Paul Palango’s book, *The Last Guardians* [1998] contained considerable critical analysis. Interestingly enough, however, he opened his discussion by stressing the importance of the image of the Mounties to Canadians:

No democratic country in the world seems to love and revere its police force as much as Canadians do the RCMP. For some, the force may well be the last shining symbol of all that is good and right about Canada from sea to sea to sea. In an age where it is virtually impossible to believe in anything ... the Mounties appear to be the only pure-hearted, independent guardians left, an indomitable public institution with a pristine image. [Palango, 1998: 1]

Moreover, as we shall see in detail below, the RCMP is very much aware of its own symbolic significance and how it shapes public perceptions. We would be the last to underestimate the importance of symbolism in politics: symbols provide the chief

vehicle by which a people constitutes itself as a collective body capable of historical action. At the same time, symbols need to refer to reality if they or the body politic to which they give meaning, are to endure. One of the arguments we will make is that image and reality have grown increasingly divergent in recent years.

If this is true, and given that Canadians strongly support the image and symbolism of the RCMP, it is surely questionable whether this support for an icon of the country will continue in the face of increasing evidence of problems in the Force, many of them unacknowledged and unaddressed but nevertheless self-inflicted. Consider only the following headline-making issues over the past few years: faulty training or procedure resulted in the fatal shooting of four young RCMP officers at an Alberta farm near Mayerthorpe; the breach of RCMP security at 24 Sussex Drive; the inability of the RCMP to cope with terrorism in the post-9/11 environment; the bungling of the Bre-X stock fraud case; the failure of the Air India bombing prosecution; the APEC affair; RCMP involvement in political patronage and power struggles in Quebec; and an overall, publicly acknowledged, incapacity to grapple effectively with organized crime. All these well-known problems have contributed to a tarnished reputation among experienced officers and knowledgeable Canadians. It is only a matter of time until the general public becomes aware of the large distance between the Force as it is and the Force as it is widely perceived to be. To take but one example, when the four young and inexperienced Mounties were murdered outside Mayerthorpe in March, 2005, Commissioner Zaccardelli said they died helping keep Canada drug-free. It is true that a grow-op was found on the property but, in fact, the officers were on a mission to repossess a truck [Palango, 2005]. Drug-busting, no doubt, has greater PR appeal than a repo job [Cosh, 2005].

Politicization of the RCMP

Probably the most serious concern of experienced officers is the politicization of the RCMP, which may always have been present but has been said to have increased dramatically during the 1990s. The most worrisome symptoms were the Airbus scandal, the behaviour of the RCMP at the 1997 APEC meeting in Vancouver, and the entanglement of the RCMP in the Quebec sponsorship scandal. In the latter case, the force was *itself* the recipient of illegal federal dollars and was criticized (not for the first time) by the Auditor General. In 2003, as we discuss in detail below, millions of federal sponsorship dollars were “laundered” through Quebec advertising firms and bank accounts into RCMP public-relations exercises, the financial records of which were then destroyed. Journalists such as Paul Palango had earlier noted a change in the ethos of the Force [Palango, 1994; 1997] and drawn attention to the question of politicization. Senior officers such as Assistant Commissioner Robert H. Head [1999],

who retired in 1991 after 38 years as a Mountie, have also detailed the decline based on their own personal experiences in the Force. [2] In June, 2005, an editorial in the *National Post* remarked on the “obvious politicization” of the RCMP. Concern regarding the behaviour of the RCMP has also been raised in Parliament. In 2001, for example, Kevin Sorenson, then Solicitor-General critic for the opposition Canadian Alliance, remarked: “Canadians must have confidence that the RCMP can do its job. That includes investigating the government in suspected cases of wrongdoing without fear of interference or reprisal. APEC is not an isolated incident. There are other examples, such as the Airbus affair, that suggest the government may have improperly interfered with, or instructed, the RCMP [*Hansard, October 22, 2001*].

These concerns, and the widely-perceived need to review contract policing in Alberta, were sufficient for the provincial 2001/2002 MLA Policing Review Committee to recommend that the government consider resurrecting the Alberta provincial police force as one option for providing future police services [*Alberta, MLA Policing Review Committee, 2002*]. Alberta’s mayors continue to demand a review of budget priorities that hinder policing in their communities [*Wood Buffalo, 2004*]. In 2003, Cooper and Koop recommended that Alberta conduct a full-scale review of “the costs and benefits of restoring a provincial police force” and encouraged public discussion of “several options for police services, particularly outside of Calgary and Edmonton” [*Cooper and Koop, 2003: 17*]. So long as 94% of Albertans express their confidence in the RCMP, it is unlikely that the government would lead the way in changing existing policing arrangements. Indeed, the Auditor General’s *Report* on contract policing indicates that the RCMP and the Government of Alberta alone have a “formal agreement on their [policing] priorities” [*Canada, Auditor General, 2005/April: 9*]. She did not indicate whether this was a response to discussions about canceling the RCMP contract when it comes up for renewal. Indeed, perhaps an Alberta Provincial Police and similar police organizations in other provinces are not necessary. On the other hand, if the decline of the RCMP is as serious as many informed observers indicate, Canadians will soon be compelled to acknowledge the problem, take steps to deal with it, or ignore it and contemplate living with further deterioration. It is our view that a provincial police force in the larger provinces would go a long way toward making the politicization of the federal police impossible—though of course the provinces might repeat the mistakes of the Government of Canada. First, however, it is necessary to acknowledge the existence of mistakes and understand the consequences they have had for federal policing.

[2] Mounties, like US Marines, are never “former” Mounties. Accordingly, it is customary to refer to retired RCMP by their ranks.

Breadth and budgets

The RCMP advertises itself as “the Canadian national police service ... unique in the world since it is a national, federal, provincial and municipal policing body.” Its “commitment” is to provide a “total federal policing service to all Canadians and policing services under contract to the three territories, eight provinces ... approximately 198 municipalities and, under 172 individual agreements, to 192 First Nations communities.” In keeping with current fashions in government and policing self-promotion, the force also describes itself as being “heralded world-wide as an organization of excellence and a leader in integrated policing” [RCMP, 2005g]. One-quarter of all police in Canada are RCMP officers. As of 2003, there were 59,494 police officers in Canada [Statistics Canada, 2003]. Of these, about 16,000, or over 25%, were uniformed RCMP peace officers [RCMP, 2005a]. The RCMP budget was approximately \$1.2 billion in 2000/2001, with an additional \$64 million added for antiterrorism work since 9/11. The 2000 budget promised \$584 million in additional funding but in 2004 Canada’s security agencies—including the RCMP and the Canadian Security Intelligence Service (CSIS)—were bracing for additional cuts of more than \$100 million [Godfrey, 2004]. Thus, it is arguable that the RCMP budget remains under siege even in the aftermath of 9/11 and in the face of evident funding shortfalls.

It is a common complaint that the RCMP is overstretched. The comparison is often made to the United States, which has about 100 specialized federal law enforcement agencies with power of arrest such as the FBI, Secret Service, Bureau of Alcohol, Tobacco and Firearms, the National Parks Service, Drug Enforcement Administration, and Immigration and Naturalization Service. In contrast, Canada has but one federal police force. As Paul Palango noted, the RCMP is “an extraordinary hybrid whose 15,000 officers try to do everything that the 100 US police agencies do—and much more” [Palango, 2005: A13]. Their duties include enforcing a range of federal statutes, from customs and excise, immigration, taxation, to bankruptcy and drug laws. The Mounties guard Canadian borders, patrol the Arctic, and in some places simply issue parking tickets. They are the provincial police in eight provinces, the territorial police in all three territories, and the municipal police in 200 towns and cities across Canada. When they are not dealing with major crime or protecting visiting heads of state, they are helping old people cross the street in Fort Macleod, mediating disputes on a native reserve at Cumberland House, or posing for tourists on Parliament Hill [Palango, 1997: 10]. Unquestionably, therefore, the RCMP has many different tasks to perform.

Within the RCMP, the 16,085 uniformed police constitute 71% of the force’s “on-strength establishment” of 22,557. But this total also includes 2,650 “Civilian Members” and 3,867 “Public Servants” [RCMP, 2005a]. The distinction is important because the status of almost 6,500 civilian members is a source of ongoing tension within the force. Civilians were originally introduced to perform clerical and support work to

allow peace officers to concentrate on police work. However, tensions have persisted because civilian members and public servants have different employee benefits than peace officers. Moreover, the latter cannot go on strike. It is no surprise, then, that the unions want everyone in the RCMP to be a public servant whereas senior management prefers as few unionized civilians as possible. Such tensions between civilian and uniformed members have their parallels in other institutions, such as the Canadian Forces, where Parliamentary reports have concluded that the intrusion of civilian values has had a negative impact on the professional operation of the uniformed component [SCONDVA, 1999].

Moreover, the large number of non-uniformed RCMP headquarters staff has had a demoralizing effect on front-line police. According to Assistant Commissioner Head, “[a]t a time when budgets are tight and staff reductions are taking place, it certainly must be frustrating for Force leaders to know that some 217 full time ‘advisors to the Minister’ are located within the confines of the Department of the Solicitor General” [Head, 1999: 8]. According to Head, there are four or five such civilians occupying positions akin to “both government watchdogs and government lapdogs.” The inherent conflict can be good neither for morale nor policing effectiveness. Analogous problems exist within National Defence Headquarters where the effect has also been malign [Granatstein, 2002: 373–74; 2004: 216].

RCMP, Inc.

In keeping with the corporate-style thinking adopted throughout government, civilian “experts” have been deployed to provide the RCMP with a Mission Statement. This is the result: “Proud of our traditions and confident in meeting future challenges, we commit to preserve the peace, uphold the law, and provide quality service in partnership with our communities.” As with any successful corporation, the RCMP has a “Vision” statement as well, which is to:

- ⌘ be a progressive, proactive and innovative organization;
- ⌘ provide the highest quality service through dynamic leadership, education, and technology in partnership with the diverse communities we serve;
- ⌘ be accountable and efficient through shared decision-making;
- ⌘ ensure a healthy work environment that encourages team building, open communication, and mutual respect;
- ⌘ promote safe communities;
- ⌘ demonstrate leadership in the pursuit of excellence.

To complete the corporate livery, the Mounties are also committed to several “core values:” “Recognizing the dedication of all employees, we will create and maintain an environment of individual safety, well-being, and development” [RCMP, 2005b].

Clearly it is reasonable to conclude that the RCMP has directed considerable resources towards presenting and maintaining a well-buffed and positive public image. Marking anniversaries has become one of the favoured vehicles for so doing. The centennial anniversary of the founding of the Northwest Mounted Police was celebrated on an unprecedented scale and proved such a success that anniversaries are now seen as key opportunities for sending a positive message to the public [Dawson, 1998]. In 1998, a drill Staff Sergeant deemed to have the appropriate public relations skills was found at the training Depot in Regina, brought to headquarters in Ottawa, given an officer’s commission, and tasked with overseeing the force’s 125th anniversary celebrations [Palango, 1998: 287]. The spectacular success of the celebration was considered by several observers of the Force to be the triumph of showy public relations over genuine substance. For some, it was the expression of considerable anxiety within the Force over the future of federal policing.

Media coverage of the RCMP tends to be unsystematic. A few recent stories, however, illustrate the problem. There is a four-year backlog in fingerprint analysis and (unlike the situation on TV shows) much of it is still conducted without the aid of computers [Gordon, 2005b]. There is, likewise, an unacceptable backlog in DNA case analysis. In response to allegations by two recently retired RCMP officers who worked in the forensics lab that matters had been made worse by a bureaucratic trick that simply (and arbitrarily) reclassified “urgent” cases as “routine,” Commissioner Zaccardelli claimed there was “no backlog in terms of DNA analysis” because the Mounties’ laboratory was “world class” [Canada Wire, 2005].

On the other hand, there have been a few recent instances where judicial commissions of inquiry or old-fashioned research has documented in great detail the effects of politicization of the federal police. That such a change amounts to institutional corruption (and perhaps, on occasion, personal corruption as well) is evident if one reflects on the fundamental premise of constitutional government: the rule of law, including the law of the constitution. We shall see, however, that politicians as well as senior management of the RCMP, whether deliberately or merely because they are ignorant of constitutional principles, are oblivious of the rule of law. Indeed, on occasion they have substituted, on their own political initiative or in response to political direction, the perverse opposite: that law is the command of the prince—in this instance the executive, chiefly the prime minister and his office.

Nowhere has this problem been made more clear than in testimony by senior RCMP given before the Commission of Inquiry into the Sponsorship Program and Advertising Activities presided over by Justice John H. Gomery. This inquiry has exposed to public scrutiny many aspects of contemporary governance in Canada,

including aspects of the policing practices and administrative ethos of the federal police. It is, therefore, a useful place to begin this discussion. Following the analysis of testimony before the Commission, as well as some brief remarks in the first Gomery *Report*, we shall consider other evidence regarding the decline in core competence of the RCMP and indicate the reasons for it. No doubt the inadvertent (or deliberate) withholding of resources from the federal police by the federal cabinet played a role. But equally important was the politicization of the Force. Whether the former was a preliminary step to the latter it is impossible, at present, to say. In conclusion, we describe the pattern of decline and indicate what steps might usefully be taken to reverse the trend.

The glare of Gomery

Testimony before the Gomery Commission showed beyond doubt that the RCMP violated the *Financial Administration Act* and the fundamental principles of the constitution and of Parliamentary government, that monies intended by Parliament to be the responsibility of one minister of the Crown were in fact spent without appropriate documentation or justification on behalf of another. Moreover, it seems clear that neither senior management of the RCMP nor their political superiors either understood or, if they understood, cared, about constitutional forms and proprieties. It is also clear from what might be called the emotional flavour of the testimony by senior RCMP that they are on very close terms with the executive and that they are willing to use that intimacy for what are, in effect, bureaucratic public-relations exercises. This is not a picture that gives ordinary citizens great confidence in the integrity of the federal police.

Even before the details of the RCMP's involvement with the sponsorship program were substantiated in oral testimony before the Gomery Commission, the Auditor General's 2003 *Report* on the program drew the connection between the preoccupation of today's Mounties with image and celebration, as exemplified in the 125th anniversary events, and their willingness to engage in irregular administrative practices [Canada, Auditor General, 2003/April]. [3] The focus of the Auditor General's *Report* was not, obviously, on the RCMP but it does establish the broad context within which several dubious or illegal practices and institutional changes have taken place. In broad terms, the Auditor General found that approximately a quarter-billion dollars had been expended by the executive with no Parliamentary oversight, in violation of the *Financial Administration Act* and associated regulations, with little value for money, poor documentation, no analysis of results, enormous commissions to communications firms, and ineffective oversight from the Ministry of Public Works and Government Services, which was charged with administering the program. In short, the sponsorship program turned into the sponsorship scandal once the details became public.

The sponsorship program

The sponsorship program effectively began in November 1997 with the creation, within the Department of Public Works, of a new Communications Co-ordination Services Branch (CCSB) partly in response to concerns over the visibility of the Government

[3] References to testimony given before the Gomery commission will be by volume and page. This is oral testimony and is, on occasion, grammatically questionable. We have silently corrected a few obvious mistakes and inserted punctuation where required but have generally left the transcript untouched and unimproved.

of Canada, especially in Quebec, and over the perceived effectiveness of federal government programs for which a concerted and coordinated federal communications strategy was seen as an appropriate remedy. [4] With respect to the RCMP in particular, the Auditor General noted that CCSB contributed over the next two years some \$3 million in sponsorship funds to “the 125th event” or “the 125th” as the celebration of the 125th anniversary of the founding of the Mounties was called. The reconciliation of funds is found in table 1.

Table 1: Reconciliation of total dollars for the 125th anniversary of the Royal Canadian Mounted Police (RCMP)

RCMP received in cash	\$530,000	
	\$1,174,000	\$1,704,000
Commission paid to agencies to transfer funds		
<i>Gosselin Associés</i>	\$140,880	
<i>Lafleur Communication Marketing</i>	\$64,500	
<i>Media/I.D.A. Vision</i>	\$39,000	\$244,380
Production of goods and services to RCMP		
<i>Lafleur Communications Marketing</i>	\$967,750	
<i>Gosselin Associés</i>	\$114,160	\$1,081,910
Total paid by Communications Co-ordination Services Branch (CCSB), Department of Public Works		\$3,030,290

Source: Canada, Auditor General, 2003/April: ch. 3, 19.

The Auditor General drew attention to the following facts:

- ⌘ Commissions were paid to private agencies to transfer funds between two branches of government, the CCSB and the RCMP.
- ⌘ Although \$1.7 million in funds was received directly by the RCMP, there was only one written agreement, for \$800,000, between the police and Gosselin Communications, which was the representative of the Government of Canada.
- ⌘ In return for this money, the federal police agreed to provide “visibility opportunities” for the Government of Canada, including the Canada “wordmark,” which they were already required to display under existing policies and regulations.

[4] The most thorough analysis is in chapter 4, “Origins of the Sponsorship Program,” of the first report of the Gomery Commission [[“Gomery Commission,” 2005](#)].

- ⌘ An internal “administrative review” by the RCMP concluded that the federal police had received sponsorship money by way of the Gosselin and Lafleur agencies but could not provide assurance that expenses had complied with applicable procedures, policies, regulations, and laws. Nor could this RCMP review provide assurance that either sponsorship funds or expenses had been properly recorded for financial reporting purposes.

It should, perhaps, be pointed out that the RCMP undertook this internal review *after* they determined the Auditor General was doing an audit of the sponsorship program, which suggests that they may have suspected something was wrong. Or, as RCMP Commissioner Zaccardelli stated in testimony before the Gomery Commission, “when it came to our attention that the Auditor General was doing a review of certain contracts under the Sponsorship Program ... when we heard about that, we realized that we had participated in the Sponsorship Program so we immediately ordered a review ourselves to see, well, what exactly did we do” [*“Gomery Commission,” 2004: 50, 8843*]. We discuss below “what exactly” the RCMP did.

The Auditor General’s *Report* of 2003 drew attention as well to several “anomalies.”

- ⌘ The RCMP in Quebec, “C” Division, opened a non-government bank account to accept deposits and disburse payments in violation of s.17 of the *Financial Administration Act* and s.3 of the Receipt and Deposit of Public Money Regulations (1997), which specifies that all public money must be deposited to the credit of the Receiver General of Canada.
- ⌘ All transactions in this “C” Division account were recorded in a manual book-keeping system rather than the electronic corporate system of the RCMP as a whole; by the time the books were examined by the Auditor General, some of the supporting documents had been destroyed so transactions through this bank account could not be verified.
- ⌘ Communications Co-ordination Services Branch (CCSB) paid nearly \$200,000 to Lafleur Communications Marketing, which then subcontracted the work to its own subsidiary, Publicité Désert, Inc., without competition but charged a 12% to 15% commission to subcontract in effect to itself. The RCMP spent \$65,000 of CCSB sponsorship funds, which it received by way of Lafleur and Media/IDA Vision, to purchase goods from Lafleur, which then subcontracted the work to Publicité Désert, again charging a commission for the transfer and the subcontracting. However, there was no written contract between the RCMP and Lafleur, which violated both Treasury Board regulations and RCMP policies.
- ⌘ Both CCSB and the RCMP purchased similar goods from Lafleur.

- ⌘ The RCMP diverted sponsorship funds for operations. In a very confused transaction, discussed in detail below, the federal police seemed to have purchased six horses and two horse-trailers with sponsorship funds.
- ⌘ The CCSB had no business plan for the 125th, no visibility plan, and no “post-mortem” report detailing the value of the event. Indeed, there was very little documentation at all for the \$3 million spent. [Canada, Auditor General: 2003/April]

In response to the Auditor General’s report, the RCMP acknowledged the facts presented, including the contravention of the *Financial Administration Act*. The police added, however, that their administrative review concluded this was simply a mistake, not a deliberate act of impropriety or criminal fraud. The RCMP denied paying any commissions to the agencies, though the Mounties acknowledged they knew commissions had been paid. The Auditor General concluded that most of the costs were incurred for the 125th, and that these were “costs that the RCMP should have been expected to cover from its own appropriations or by seeking supplementary appropriations if necessary.” Instead, appropriations provided by Parliament to Public Works “were used to subsidize the RCMP’s operating expenses,” which, obviously, was not the intent of Parliament when it made appropriations to Public Works. (We shall discuss the constitutional principle involved below.) Moreover, there was simply “no reason why CCSB did not transfer the funds directly to the RCMP and save \$244,380 in commissions” [Canada, Auditor General, 2003/April: 20]. From this understated *Report* it seems obvious that, in the view of the Auditor General, if the Mounties had something to celebrate they should do it, if not on their own dime, then at least on their own appropriations from Parliament rather than on money appropriated to, and intended for, another Department, namely Public Works. One senses as well a certain incredulity on the part of the auditors that the Mounties were not suspicious or even curious about the commissions paid to the agencies to transfer money around inside the government. As testimony discussed below from senior RCMP before the Gomery Commission indicated, this incredulity was justified. It turns out that the RCMP was prepared to cover up what they knew to be an inaccurate statement by creating a media “talking point” that suggested, falsely, that the federal police knew nothing of the commissions paid to the advertising firms. The implication made in this “talking point” was inaccurate; senior RCMP knew it was inaccurate and misleading and admitted under oath that they knew it.

Regarding the question of commissions to advertising agencies unjustified by reasonable services, apparently some questions were asked by the RCMP but no answers were forthcoming. In June 2004, Andrew McIntosh reported in the *Calgary Herald* and other CanWest Global papers that as long ago as 1998, Odilon Émond, Assistant RCMP Commissioner and Commanding Officer of “C” Division (Quebec),

had raised questions concerning the costs and commissions paid to the several Montreal advertising agencies [McIntosh, 2004]. Assistant Commissioner Émond had seen the payment records but did nothing by way of investigation. Indeed, for the next two years, until the internal administrative review at the Public Works Department raised the issue in October 2000, the entire government bureaucracy including the RCMP was officially ignorant and publicly silent. Moreover, McIntosh reported that as early as 1997 Assistant Commissioner Émond had “direct and ongoing contact” with Jean Lafleur of Lafleur Communications. In a letter of August 13, 1997, Assistant Commissioner Émond asked for Lafleur’s assistance in gaining “one or more sponsorships” to pay for green fees and dinners for 288 players in a golf tournament at the Elm Ridge Golf Club on Île Blizzard, near Montreal. Jean Lafleur then contacted VIA Rail, Canada Post, and the Business Development Bank, all of which figured prominently in the sponsorship scandal. According to McIntosh, Assistant Commissioner Émond “not only had close ties to advertising executives and political appointees of the Liberal government, he was involved in overseeing two separate unapproved, non-governmental bank accounts, not one as previously thought” [McIntosh, 2004: A7]. According to McIntosh, then, it would seem that the first step towards the entirely inappropriate use of Public Works money for RCMP purposes began when a senior RCMP officer stepped into a grey area, namely using sponsorship funds from Crown Corporations to pay for a private RCMP function. This is a grey area because the money was used to entertain the Mounties, not pay for their operations. The distinction was emphasized in the testimony by senior RCMP officers before the Gomery Commission so that they, at least, saw such soliciting of funds as both legal and legitimate.

Testimony before the Gomery Commission

Let us now consider directly the testimony given before the Gomery Commission. In the early days of the work of the Commission, the Auditor General and several senior members of her staff, including Shahid Minto, who supervised the audit of the sponsorship program, provided testimony. During the course of Minto’s remarks, he was able to elaborate on the nature and significance of the many anomalies noted in the original *Report*.

He began by indicating to Commissioner Gomery that “we have ... not analyzed the merits of the event that RCMP had, the event that CCSB decided to contribute. We do not question the actions of any of the contractors. We are dealing strictly with the actions of public servants here” [“Gomery Commission,” 2004: 2, 207]. That is, the Auditor General’s staff was less concerned about whether the expenditures were prudent than they were about whether they followed the rules that govern the constitutional, legal, and regulatory forms prescribed for such spending.

First irregularity

The first irregularity Minto brought to the attention of the Commissioner was described as follows:

MR. MINTO: The RCMP 125th anniversary funding from Public Works was handled with two distinct organizations within RCMP. One was the Quebec branch and one was at headquarters. So if you go to the next document ... you will find the Memorandum of Agreement signed between the RCMP and the Government of Canada represented by Gosselin Communications Stratégiques Inc., GCS.

MR. [Neil] FINKELSTEIN [Gomery Commission Co-counsel]: So the RCMP is negotiating with the Government of Canada through the medium of Gosselin Communications?

MR. MINTO: Yes, I would say Public Works is negotiating with RCMP through the medium of Gosselin Communications.

MR. FINKELSTEIN: Right. Okay ...

MR. MINTO: ... There are some unusual things in this Memorandum [of Agreement], sir. [["Gomery Commission," 2004: 21, 208–11](#)]

Among the unusual things that attracted Minto's curiosity was the absence of any concern at Public Works for the additional benefits that the Government of Canada would get for paying the Mounties to display the Canada "wordmark," which, as noted above, they were already required by law to do. It was equally unusual for the Mounties to agree to do for Gosselin what they were compelled to do on their own by law. Minto said,

Really, the RCMP is not like a Crown corporation. It is within the government framework. At the end of the day, you could have done a general voucher and transfer. If you decided to transfer the money, all you had to do was enter the department settlement voucher and just transfer the money over, if you think it's the right thing to do. That would have saved a lot of commissions, for one thing, and a lot of paperwork. [["Gomery Commission," 2004: 2, 212–13](#)]

In other words, while it was at least intelligible for Gosselin to maximize its profits, it was negligent and improper *both* for Public Works and for the RCMP to collaborate with Gosselin in this way.

Equally unusual was the clause in this Memorandum of Agreement whereby the RCMP gave the Government of Canada the right to renew its sponsorship of the 125th and a right of first refusal for the "next" 125th anniversary and the clause whereby, in the event of a disagreement between the RCMP and the Government of Canada, both parties agreed to arbitrate. Judge Gomery observed: "This is called arbitrating with yourself. That is basically what we are saying."

MR. MINTO: Yes. I mean, I am sorry, sir, I am at a loss to explain ...

THE COMMISSIONER: Well, you are asked to make sense out of something that is nonsensical.

MR. MINTO: Well, this is a document that really doesn't reflect the way the money is flowing, with the substance of the transaction. But this was a document that was required, I guess, to move the money, to transfer the money over and that's what happened. It's a question of—in [section] 11, you talk about bankruptcy and insolvency. You know, what were you going to do if one of the parties goes bankrupt?

Fifteen (15) says: "Nothing in this agreement links the parties as partners or co-contractors ..." So the Government of Canada and the RCMP are not linked as partners. So it was unusual, but this was the document we found. [["Gomery Commission," 2004: 2, 214–15](#)]

Minto was drawing attention not only to superfluous commissions paid to Goselin but to the peculiarity of the RCMP signing an agreement that contemplated arbitration, insolvency, and so on, when such provisions were obviously absurd: the RCMP is not going to go broke, they obviously were a department of government, which thus "links" the federal police to the government, and so on. Even so, the RCMP solemnly agreed to this "nonsense," which indicates either laziness in their legal department because it was not noticed or incompetence because it was not understood. Either way Minto was baffled.

Second irregularity

The second major irregularity concerned not RCMP headquarters and their unusual contracts, but "C" Division. Here Media/IDA Vision transferred half a million dollars from Public Works to the Quebec branch of the RCMP:

MR. MINTO: Media Vision after deduction [of] commission—sent over half a million dollars.

MR. FINKELSTEIN: Okay.

MR. MINTO: This money was put into a separate bank account by the "C" Division of RCMP, which was in Quebec. The problem with this bank account, sir, was that it was not a government bank account. Yesterday, if you recall, when we started talking, we said that all public monies have to be deposited to the credit of the Receiver General of Canada. Clearly, these were public monies. They were to be spent for a public purpose. The signing authority on these bank accounts were RCMP officers or people in contract with them and they made a number of payments. We will get into a couple of them later, I think, in examples, from this. They spent a whole lot of money from here.

Unfortunately, when the auditors tried to verify the records, we were told the records had been destroyed through some administrative error. People had destroyed the records. Now, this again is a contravention of the *Financial Administration Act*. You have to keep the records. You have to keep the records for a number of years, and these are financial records and [by law] they could not be destroyed.

THE COMMISSIONER: These are RCMP records?

MR. MINTO: We believe they are ...

MR. FINKELSTEIN: But you are saying it wasn't only a separate bank account. It was a separate accounting system to account for that bank account?

MR. MINTO: That is right. And what is interesting is at the end when all the expenses had been paid, there was a surplus of about \$83,000 left in this bank account. That was then turned over to the RCMP and offset against other daily expenses, operating expenses. So you know, here we have, if you go back to the history for a minute, the money came from Public Works as Vote 1, which is their operating vote, and it went to the communication agency, went to the bank account. They used expenses. We didn't have all the records. It was not recorded in their proper [i.e., main, electronic, central] accounting system and, at the end of the day, Public Works appropriations were used to offset RCMP expenses in addition to all the expenses that they were using through the bank account [for the 125th]. [["Gomery Commission," 2004: 2, 216–20](#)]

In other words, this was not a minor, but a systematic, bookkeeping error on the part of the federal police.

Bank accounts aside, this practice by the RCMP was a clear and obvious contravention of a fundamental formality that sustains Parliamentary government, namely that Parliament provides, through appropriation, public funds to specific ministries for specific purposes. Just as it would be a gross violation of the principles of responsible government for money appropriated for health care to be spent systematically on tanks, likewise, money appropriated to Public Works must not be spent on RCMP operations. However, it was, and it was done without a proper paper trail.

Specifically, sponsorship money, money from the Department of Public Works, seemed to have been used to purchase six horses and two trailers. The purchase of the trailers was straightforward: a cheque from the private bank account controlled by the RCMP into which sponsorship money was deposited was made out to TrailerCorp. A second cheque was paid from this same account, the so-called "125 Account," to the Receiver General with a memo notation: "re: purchase six horses." This led to some interesting testimony a few months later, which we discuss below, Finkelstein raised the pertinent question: "Why is the RCMP paying the government for horses?" After all, the Receiver General is not in the horse business.

THE COMMISSIONER [i.e., Justice Gomery]: I guess we can assume the horses had already been purchased?

MR. MINTO: That is the information we were given, that the horses had already been purchased and ...

MR. FINKELSTEIN: By the government?

MR. MINTO: By the RCMP with government funds, I presume. The Quebec Division was really paying the Headquarters for the purchase of the horses [using money from Public Works]. [*"Gomery Commission," 2004: 2, 236–37*]

For the next few months the Commission received testimony from several witnesses, none of whom had anything to say about the RCMP. On December 14, 2004, Commissioner of the RCMP, Giuliano Zaccardelli, took the stand to account for the anomalies uncovered by the sponsorship program audit.

Testimony by RCMP Commissioner Giuliano Zaccardelli

The first substantive issue raised by Commission co-counsel, Neil Finkelstein, concerned the purchase of the six horses. According to Commissioner Zaccardelli, the RCMP first purchased the horses with their own money "and then we received money from the Sponsorship Program, which was directly put into the Consolidated Revenue Fund" administered by the Receiver General [*"Gomery Commission," 2004: 50, 8835–36*]. This is essentially what had been deduced from the testimony of Minto and the discussion between Gomery and Finkelstein. By no means, however, could it be called an ordinary transaction.

Sometime later that day, Rick Dearden, lawyer for the Auditor General, asked Commissioner Zaccardelli:

MR. DEARDEN: I am not trying to catch you off guard or trying to embarrass you. But I want to try to understand, what do you mean you purchased these horses from your own funds?

MR. ZACCARDELLI: Well, again, I wasn't there at the time. To the best of my understanding, what I have been told and the documents I have seen is, the horses were actually purchased with internal funds, RCMP funds. So we bought the horses. Then we received the money through the Sponsorship Program, but that sponsorship money, relative to the horses, did not come into our internal funds. It was rerouted directly back into consolidated revenue. So we actually never got the money for the horses. The trailers, we actually—*that*, we used sponsorship money. But for the horses—but we didn't know that at the time.

The problem, as both Dearden and Gomery proceeded to point out, is that the cheque from the "125 Account" of "C" Division to the Receiver General said in the memo line "Achat chevaux (6)"—re: purchase of six horses.

MR. DEARDEN: So we have this cheque for the horses but my point and my confusion, and perhaps there is an easy explanation, is the funds that are going into the Receiver General are sponsorship funds. The \$46,000 coming out of the monies that were put into this bank account from sponsorship funds. So it doesn't really matter where it is going, Receiver General or to who[m]ever sold the horses, I think, Commissioner. The fact is that the six horses still appear to be purchased with money that came from sponsorship funds. Am I wrong on that?

MR. ZACCARDELLI: Well, there might be people more knowledgeable in this, but if I can maybe—I am not saying you are wrong but if I can enlighten you a little bit ...

MR. DEARDEN: So the cheque is cut for \$46,000 to the Receiver General, yes, but it is for the purchases of six horses, and that cheque is honoured on a bank account that is using sponsorship funds, is the way I see this ... But am I making sense, Commissioner, that sponsorship monies from Public Works get transferred into a separate bank account that is opened up by your Quebec Division, and for the 125th Anniversary—so sponsorship funds are the deposit. Those deposited monies are used to buy trailers, as we saw in the previous page, and to buy horses. So you are using sponsorship funds somehow, even though they go back to the Receiver General to buy horses, is the way I read these documents. But again, I'm not trying to trip you up here or put you on the spot. Maybe somebody who is coming on tomorrow can explain what they told you happened here. I appreciate you were just told that you used your own non-sponsorship funds, but that is not jiving with this cheque.

MR. ZACCARDELLI: No. Well, the way I would read this ... [["Gomery Commission," 2004: 50, 8863–66](#)]

And Commissioner Zaccardelli then repeated his earlier statement, prompting Judge Gomery to intervene:

THE COMMISSIONER [i.e., Justice Gomery]: I think we have been over this. I think the solution is going to be found if we could find another cheque in payment of the horses. Not payable to the Receiver General but a cheque payable to somebody who was a horse seller, or person or persons, because, I think, it appears from what Commissioner Zaccardelli is telling us, that the horses were paid for not by this cheque but by another cheque, and the unfortunate problem is that this cheque bears a notation "Achat Chevaux (6)," which leads one to believe that this cheque was in payment of the horses, but on the other hand, I don't think the horses were purchased from the Receiver General of Canada. [["Gomery Commission," 2004: 50, 8866](#)]

Accordingly, all that the RCMP had to do was produce the cheque they used to pay for the horses from whatever horse-dealer they bought them. If such a cheque existed, it could easily be located through the RCMP central electronic financial record. The question left hanging in the air, as it were, was: why was it not produced and made available to the Auditor General?

On other matters, Commissioner Zaccardelli agreed that “it does seem peculiar” that the various agencies received commissions for transferring money from one government department to another [[“Gomery Commission,” 2004: 50, 8837](#)]. The head of the federal police also agreed the establishment of the “125 Account” violated the *Financial Administration Act* but that the police “did not knowingly pay commissions directly or indirectly” [[“Gomery Commission,” 2004: 50, 8838–39](#)] to the advertising agencies that transferred Public Works money. All these statements were also present in the Auditor General’s *Report* and acknowledged by the federal police over the signature of Deputy Commissioner Pierre Lange on behalf of Commissioner Zaccardelli.

Finkelstein then asked the Commissioner why the RCMP did not respond to four points raised by the Auditor General:

that is: the creation of a non-government bank account, the destruction of supporting documentation, that financial transactions were made with communications agencies without a contract and the payment of commissions by the RCMP. Can you tell me why Mr. Lange didn’t deal with those things when frankly they are the most important things in the AG’s report?

MR. ZACCARDELLI: That is a good point you raised, and I don’t know why—I don’t have any personal knowledge of why those points weren’t dealt with, but I do know ...

and here the RCMP Commissioner explained in detail the standard bureaucratic practice of “back-and-forth correspondence” [[“Gomery Commission,” 2004: 50, 8841](#)]. As part of that correspondence, Deputy Commissioner Lange, again writing on behalf of Commissioner Zaccardelli, noted: “The investigator in ‘C’ Division concluded that any discrepancies and minor accounting lapses were due to errors” rather than deliberate fraud. Finkelstein then added:

I take it that you are not adopting Mr. Lange’s characterization of these matters as minor accounting lapses?

MR. ZACCARDELLI: No, they were errors and they shouldn’t have taken place, and any misunderstanding or trying minimization which might be inferred as minor is not correct and I do not adopt that.

Judge Gomery then intervened to remind the RCMP Commissioner of what was at stake.

THE COMMISSIONER [i.e., Justice Gomery]: Just to reassure me a little bit, Mr. Zaccardelli, because you are here representing the national police force, which has a sort of legendary reputation for integrity, and I am sure you don't want to see that reputation tarnished in any way. It seems to me that the expression in a letter written on an RCMP letterhead which refers to minor accounting lapses is sort of an oxymoron. It seems to me that if there is an accounting lapse it is never minor, especially when you are talking about the national police force. Would you agree with that statement?

MR. ZACCARDELLI: I agree with you, Commissioner.

THE COMMISSIONER: That your bookkeeping has to be scrupulous, absolutely scrupulous and beyond reproach, and that you can't permit even the kind of minor accounting lapses that another organization might be permitted?

MR. ZACCARDELLI: I agree, Commissioner. [["Gomery Commission," 2004: 50, 8844-45](#)]

Commissioner Zaccardelli then assured the Gomery Commission that no criminal activity by the federal police had taken place in connection with the sponsorship program and that various administrative lapses had all been fixed.

Neil Finkelstein then discussed how the RCMP dealt with the adverse publicity surrounding their participation in the sponsorship program. He wished in particular to discuss a document of February 10, 2004 "which is not to be released to the public but rather, [was developed] for the purpose of dealing with media inquiries" and was prepared "by communications people in the RCMP" [["Gomery Commission," 2004: 50, 8820](#)]. That is, Finkelstein wished to discuss with Commissioner Zaccardelli the strategy the RCMP developed for damage control and public relations. The "question and answer" or "talking point" document was approved by senior officers, Deputy Commissioner Paul Gauvin of Corporate Management and Comptrollership, and Sylvain Michaud, Director of Corporate Infrastructure Services, among others. One question among these "talking points" asked:

"Were all the PWGSC [i.e., Public Works] sponsorship funds received by the RCMP?" The answer given for dissemination to the public is: "All sponsorship funds provided through PWGSC were received by the RCMP through Gosselin Communications Strategique Inc. and Lafleur Communication Marketing." There is no mention of commissions. Do you see that?

MR. ZACCARDELLI: That is correct.

MR. FINKELSTEIN: And yet the RCMP, by this time, knew that, for example, on the \$1.7 million, \$240,000 had been paid in commissions?

MR. ZACCARDELLI: That is correct, but in terms of—maybe I want some clarification, sir. All the monies that PWGSC sent to us through the agencies came to us. So ...

MR. FINKELSTEIN: But the question—really, it is your department’s question. Your department ...

MR. ZACCARDELLI: Yes, that is right.

MR. FINKELSTEIN: ... framed the question. So if it is ambiguous, it is from your department. It says: “Were all the PWGSC sponsorship funds received by the RCMP?” Well, we know full well that they weren’t. Some of them went in commissions?

MR. ZACCARDELLI: Well, yes, there were some commissions paid, but ...

MR. FINKELSTEIN: As at this time, the RCMP knew that?

MR. ZACCARDELLI: That is right. But we got all the ones that PW—I am sorry, I can’t—Public Works, all the ones that they allowed to flow through to us net of commissions came to us.

MR. FINKELSTEIN: That is the key, sir.

MR. ZACCARDELLI: That is right.

MR. FINKELSTEIN: All of the PWGSC sponsorship funds didn’t flow through to you. Some flowed to you. Some flowed to the agencies, and you knew that.

MR. ZACCARDELLI: Yes, we did know, yes.

MR. FINKELSTEIN: And so if you were writing this now, you would write, to be perfectly accurate, all of the sponsorship funds net of commissions, wouldn’t you?

MR. ZACCARDELLI: If you want to be totally accurate, yes, absolutely, yes.

MR. FINKELSTEIN: Because you would want to be totally accurate. You are the police.

MR. ZACCARDELLI: Absolutely.

MR. FINKELSTEIN: And similarly, if we take a look at Question 6: “Were the funds provided compliant with applicable policies, procedures and regulations?” The answer is: “Based on available records, the funds provided were used in accordance with applicable sponsorship agreements, policies procedures, and regulations.” Now, we know that the funds were not provided compliant with applicable policies, procedures and regulations, don’t we?

MR. ZACCARDELLI: That is correct.

MR. FINKELSTEIN: So this ...

MR. ZACCARDELLI: That is inaccurate.

MR. FINKELSTEIN: It is inaccurate.

MR. ZACCARDELLI: This answer is inaccurate as prepared here. [[“Gomery Commission,” 2004: 50, 8851–53](#)]

Again Commissioner Zaccardelli promised the Gomery Commission that the RCMP “media people” would be accurate in the future.

The RCMP Commissioner closed his evidence-in-chief with the following remarks addressed to Judge Gomery:

This was a program [i.e., the sponsorship program] that we participated in because part of what we do as an organization is to celebrate the history of the RCMP and our service to communities. And we do that all the time. This program allowed us to enhance that a little bit and that is what we were trying to do, but in doing that, we made some mistakes that should not have been made and we have done everything possible to correct that. [*Gomery Commission*, 2004: 50, 8857]

In other words the Commissioner of the RCMP did not see anything improper in using funds appropriated to one department, Public Works, to undertake the celebration of “the history of the RCMP and our service to communities.” He was apparently oblivious to the basic constitutional improprieties involved although he was aware that, in undertaking this constitutionally inappropriate activity, “some mistakes” were made.

At the risk of repetition and belabouring a point known to any undergraduate exposed to a course dealing with the principles of parliamentary government, cabinet ministers are formally and actually responsible for their own department, not the department of a colleague—notwithstanding the principle of cabinet solidarity, and notwithstanding the possibility of properly documented and justified transfers of funds between departments. This division of responsibility directly reflects the way public funds are allocated or “supplied” by Parliament. Very simply, if the Minister of Defence is voted funds to run the Canadian Forces—to purchase helicopters or frigates, for example—that minister cannot make a side deal with the Minister of Health or of Social Services and use funds allocated by Parliament to the Department of National Defence to purchase new MRI units or fund day-care facilities, even if both ministers agree that day-care facilities are far more important than frigates. Likewise funds voted to supply the Department of Public Works cannot arbitrarily be used to purchase goods and services in the Department of the Solicitor General or its successor, the Department of Public Safety and Emergency Preparedness. Yet they were, and that is constitutionally improper, not least of all because it further blurs already obscure lines of responsibility and leads to the institutional corruption of parliamentary government as a whole, including subordinate agencies such as the federal police.

Testimony by RCMP Assistant Commissioner Dawson Hovey

The next day RCMP Director of Public Affairs, Assistant Commissioner Dawson Hovey, provided his explanation as to why the Mounties were prepared to act outside the constitution. Planning for the 125th began early in 1996; in a memo written in late February Assistant Commissioner Hovey noted:

Given the current fiscal reality, there will be no new allocation of public funds for this initiative. Those managing projects and events will be expected to draw on existing resources and establish community partnership to cover expenses. [["Gomery Commission," 2004: 51, 8879](#)]

That is, financial exigencies during the mid-1990s connected with the general program review undertaken by the Government of Canada meant that it would have been "inappropriate" to divert general revenues to the 125th anniversary events. Asked by Commission associate counsel Guy Cournoyer as to what funds were available, Assistant Commissioner Hovey replied, "we had no funding" [["Gomery Commission," 2004: 51, 8880](#)]. Assistant Commissioner Hovey was advised in November, 1997 by the Commanding Officer of "C" Division, Assistant Commissioner Odilon Émond, who had found Jean Lafleur so helpful in getting sponsorships from VIA Rail, Canada Post, and the Business Development Bank for the Mounties' golf tournament earlier in the year, that "funds for national unity" may be available and that he should contact Chuck Guité. Guité then indicated to the Assistant Commissioner that the government may have some money but that Gosselin Communications would review the RCMP application.

THE COMMISSIONER [i.e., Justice Gomery]: Did he give you any indication of why he [i.e., Guité] was indicating Gosselin rather than any one of the other advertising agencies that might have done that job?

MR. HOVEY: No, and I don't believe I asked, sir.

THE COMMISSIONER: No. I understand that you were looking for funds and your objective was to get the funds and the means were of less importance to you. I am just interested in knowing if he indicated that they had sort of won a competition or that they had been chosen as the government's agent generally or—but the name just came out of the blue as far as you were concerned?

MR. HOVEY: Yes. [["Gomery Commission," 2004: 51, 8889](#)]

Assistant Commissioner Hovey also held discussions with Guité about "putting a hot air balloon up with the image of the RCMP on horseback" [["Gomery Commission," 2004: 51, 8891](#)], and with employees of Gosselin Communications on other matters connected to the 125th. So far as the Assistant Commissioner was concerned, "it was a national unity program with particular emphasis in the province of Quebec." He was, moreover, particularly proud of what the public relations arm of the RCMP, which he directed, could do in that province:

MR. HOVEY: We never missed an opportunity, when we were invited, to send members on horseback to lead parades, to attend community events, to open conferences in La Belle Province. [["Gomery Commission," 2004: 51, 8897-8](#)]

Assistant Commissioner Hovey's position seemed to be: (1) they needed money for the 125th; (2) his colleague, Assistant Commissioner Émond, put him in touch with a source of funds controlled by Guité about which he did not ask too many questions; (3) raising the PR profile of the RCMP in Quebec would, in an unspecified way, assist in maintaining "national unity," notwithstanding the existence of a provincial police force in that province.

If those were the assumptions and sentiments of a senior RCMP, it is understandable why he had no difficulty in purchasing horses and horse trailers for "C" Division with sponsorship funds, though the details about how the money was spent, as the prior testimony of the RCMP Commissioner indicated, were still unclear. The project was initiated by Assistant Commissioner Émond but, because Hovey was responsible for the "Equitation Program," his job was to ensure that the RCMP "got the proper horses." He therefore requested a "member of our equitation staff [to] inspect any horses that were offered for sale to ensure that we got them with the right qualifications, if you will, to ensure they would fit in with the RCMP following the celebrations" [*"Gomery Commission," 2004: 51, 8899*]. He went on to explain that not only was it all right to buy horses if they were properly qualified, trailers were also acceptable because the horses required them. Assistant Commissioner Hovey remarked that the equitation staff also obtained a used truck to haul one of the trailers, but that he was not personally involved in paying for them. He did not indicate that, at the time, he had the slightest notion that anything constitutionally, politically, administratively, or ethically improper was involved.

Looking back, however, he saw matters in quite a different light. Indeed, he then made what can be termed a general confession and acknowledgement of errors:

MR. HOVEY: In hindsight it appears that some of these decisions may not have been appropriate, and I understand that the RCMP has acknowledged our errors, and as the person responsible for the program at that time I accept responsibility for those errors. But I can assure you at the time all these initiatives were undertaken in good faith with an understanding that they were appropriate and proper.

THE COMMISSIONER: Well, Mr. Hovey, I don't want to be too hard on you, but I would like to have you explain to me how the purchase of horses and trailers is going to contribute in any way to national unity? It is hard for me [to understand]. If you knew that the program was to promote national unity, I just have a difficulty understanding how the purchases of horses for the RCMP is going to contribute to that. It must have gone through your mind in some way. So tell me what you were thinking.

MR. HOVEY: Commissioner, I discussed this on several occasions with Mr. Émond. I felt that it was a great thing for Canada. We are a symbol of Canada. [*"Gomery Commission," 2004: 51, 8899–900*]

He added that he had heard that the horses and riders were very well received in Montreal and Quebec City, which clinched the argument so far as he was concerned.

Like his boss, Commissioner Zaccardelli, Assistant Commissioner Hovey saw nothing wrong with spending money appropriated to another department on RCMP operations and of course had no idea that documentation regarding planning, funding, and financing had been destroyed. When asked by Rick Dearden, counsel for the Auditor General, whether he could recall any conversations with Assistant Commissioner Émond regarding who might pay for the horses, whether it would be “C” Division using money from the “125 Account” or “A” Division, that is, headquarters, using money properly appropriated to the RCMP, his memory failed. It should also be noted that no one, not the RCMP witnesses, not Commissioner Gomery, and none of the many lawyers present wondered about the propriety of using the national police for the political purpose of promoting “national unity,” one of the most protean terms in Canadian political discourse. Given the fact that Quebec sovereigntists are represented in both the provincial and national legislatures by parties other than the Liberals, supporting “national unity” by means of the RCMP is not merely political in the sense indicated above, it is also partisan.

Testimony by RCMP Assistant Commissioner Odilon Émond

The next RCMP officer to testify was Assistant Commissioner Odilon Émond. He confirmed the previous testimony that the Mounties were told to plan for the 125th but they had been given no budget. As CO of “C” Division, Assistant Commissioner Émond appointed a committee to manage the event. Asked by Commission counsel how the RCMP became involved with Lafleur Communications, the Assistant Commissioner provided the following account.

For many years the RCMP had held a spaghetti dinner and a golf tournament to raise money for a foundation supporting research into children’s diseases. The golf tournament raised about \$4000 in “a good year” but by integrating this tournament with another, called the “Classique Pierre Lalonde” they could make \$100,000. The amalgamated event took place in the spring of 1997.

MR. ÉMOND: As we went along, we had reached, I think, \$65,000. We were \$30,000 or \$35,000 short of reaching the goal, and I called Jean Carle, whom I knew through my previous functions with the RCMP, when I was Director of Protective Policing here in Ottawa.

I asked Jean Carle then if he knew of some partners or someone who could help us in reaching our goal and covering this \$35,000 deficit. Jean told me he would put me in touch with someone, and that was Mr. Lafleur, but I don’t remember if it was me who contacted Jean Lafleur of Lafleur Communication or if he contacted me, but one thing is certain, that we did talk and later I had

confirmation from Mr. Lafleur that my \$30,000 or \$35,000 deficit had been covered, and the companies that had participated as sponsors were VIA Rail, BDC, Canada Post and, although I am not sure of this, I believe Communication Lafleur also joined in with some donation.

The Assistant Commissioner added that he “had no idea where Mr. Carle might direct him to find the money,” though he was “certain” that he had been in touch with Jean Lafleur regarding the \$30,000 shortfall. Nor was he aware that, far from being a donor to the golf tournament fundraiser, Lafleur Communications received a commission for collecting from VIA, BDC, and Canada Post on behalf of the RCMP [*“Gomery Commission,”* 2004: 51, 8909–15]. In later testimony, Assistant Commissioner Émond acknowledged that he had played golf “two or three times” with Jean Carle [*“Gomery Commission,”* 2004: 51, 8952–53].

In the fall of 1997, as preparations for the 125th began, and still without financing, Assistant Commissioner Émond returned to Jean Lafleur and again asked him for help. They had lunch alone and he explained the 125th to Lafleur who explained that Public Works had money and that this department “had retained the services of Lafleur Communication to promote national unity in Quebec. That was our first meeting” [*“Gomery Commission,”* 2004: 51, 8917]. Additional meetings followed, some with Chuck Guité as well as Lafleur in attendance. [5] Eventually they arrived at a budget forecast of between \$700,000 and \$800,000.

MR. ÉMOND: So, the activities, and this is what I said at the time, should promote the Royal Canadian Mounted Police and, of course, do that with the funding coming to us with the Canadian unity sponsorship. The RCMP is a symbol of Canada. In my view, I think ... in my idea, we met these goals and all these activities ... the committee sat down together and planned the budget. I repeat, it was a budget. As for activities, I was shown a document and we might have had \$150,000 or \$200,000 in overtime, but in fact, what was spent was perhaps 125 or nothing at all, depending on the case. But a budget was drawn up and it reflected an amount of about \$700,000 to carry out the activities that were wanted. [*“Gomery Commission,”* 2004: 52, 8920–24]

Lafleur Communication, he said, was to handle publicity and the RCMP would deal with events planning, logistics, and so on [*“Gomery Commission,”* 2004: 52, 8926–27]. He said he was not aware of the fees paid to Lafleur Communications nor to Gosselin Communication for assistance during the 1998 ice storm.

[5] Guité seemed to have a friendly relationship with the RCMP. At one point in the spring of 1998, he was asked to “take the salute during a short ceremony prior to the Musical Ride performance” [Weston, 2005].

Guy Cournoyer then asked Assistant Commissioner Émond about his opening a separate bank account to manage the money for the 125th. He did so, he said “to keep everything very clean” even though it was customary, he said, to establish a separate account only for privately financed social events that did not involve public funds. Assistant Commissioner Émond agreed, it was an “infraction” of the *Financial Administration Act* but no one seemed to notice or even care that opening such an account was improper: “it was an error ... an error I would call an honest mistake.” It happened because there was no budget in place and the RCMP “did not want to mix that [sponsorship] money with the regular money, the money from the regular budget” [*“Gomery Commission,” 2004: 51, 8935–36*]. That is, Assistant Commissioner Émond was perfectly well aware that the regular appropriations to the RCMP from Parliament went into one budget, “the regular money,” or “the regular budget” and that the sponsorship money was something else. Instead of following the *Financial Administration Act*, of which as CO of “C” Division it is reasonable to assume the Assistant Commissioner would have intimate knowledge, he followed instead the procedures he had used so successfully in managing the sponsorship funds for the golf tournament: he opened a non-government bank account. He did so, he said, from “a desire to keep our hands perfectly clean” [*“Gomery Commission,” 2004: 51, 8935–36*]. No one asked him to explain his concern about what, at least by implication, “dirty” money might be.

The next major item discussed was the \$107,268.55 spent on the six horses, two trailers, and, perhaps, one used truck. Asked to explain the circumstances of the expenditure, Assistant Commissioner Émond replied:

MR. ÉMOND: I had identified ... when I say, “I had,” I mean the committee and I as a member of it had identified a need for horses. We wanted ... we identified a need for six horses, including riders and equipment, etc., to promote the 125th celebrations and also Canadian unity. We felt that, in order to achieve our objectives, these horses were a necessary or indispensable tool. And, in fact, the results we subsequently obtained were extremely positive. So, here is what happened.

Assistant Commissioner Émond proposed to his colleague, Assistant Commissioner Hovey, who was in charge of the Musical Ride, that if “A” Division, Headquarters, could spare six horses, “C” Division would provide the riders. Unfortunately the horses were unavailable.

So, my reaction was to look and to consider the possibility of purchasing more mature horses that would fit the definition ... within the framework of the RCMP, to get them trained, prepare them and transfer them to “C” Division for the duration of the 125th celebrations. The funding was as follows. In any event, Dawson Hovey’s regular budget did not permit ... I no longer remember the

specific details of our discussions, but it was clear that Headquarters did not want to pay for the horses out of its budget. So, I had a discussion ... I remember a discussion with Chuck Guité also to the effect that I wanted to pay for the horses with funds from the Sponsorship program. How were the funds distributed, by Gosselin Communication or Lafleur Communication? Mr. Commissioner, I cannot tell you which communications firm was involved but I know that I wrote "C" Division wrote a cheque on the funds received from the Sponsorship program payable to the Receiver General as reimbursement for the horses and the trailers. So, if I remember correctly, the cheque was for \$47,000 for the horses and one hundred and some thousand dollars ...

COMMISSIONER: But, Mr. Émond, that question was raised yesterday. Obviously, you did not purchase horses from the Receiver General of Canada. The cheque in question, the \$46,000 for the horses, was payable to the Receiver General of Canada. He is not the one who sold the horses. Someone else sold them. Who sold the horses?

MR. ÉMOND: Okay. What I want ... [["Gomery Commission," 2004: 51, 8941-2](#)]

At this point in the proceedings Sylvain Lussier, representing the Attorney General of Canada, interrupted to indicate he had some pertinent documents to file. Before so doing, however, Judge Gomery asked:

You say that these horses were needed for the 125th celebrations. Am I to understand then that, after the celebrations were over, the horses were no longer needed?

MR. ÉMOND: No. After the celebrations ended, the horses returned with the musical ride and, currently, to date, according to my information, these horses are still in service.

COMMISSIONER: Very good. So, it is a long-term purchase. It was not a purchase for the celebrations. This was a purchase for the RCMP's inventory of horses.

MR. ÉMOND: You are correct, Mr. Commissioner, it has become a long-term purchase, but originally it was specifically for the events of ...

COMMISSIONER: Yes. Very good ... [["Gomery Commission," 2004: 51, 8942-3](#)]

The implications of the words of Assistant Commissioner Émond were, quite simply, that money from Public Works was used to purchase capital equipment—horses, trailers, and perhaps a used truck—for the RCMP. The analogy with Public Works purchasing a tank for the army was clear enough. It also seemed to be clear to Commissioner Gomery that all this talk about "national unity" and promotion of the 125th in Quebec was window-dressing.

Before Sylvain Lussier filed the evidence pertaining to the purchase of the horses, Guy Cournoyer asked Assistant Commissioner Émond to expand on his discussions with Chuck Guité.

MR. ÉMOND: Before the purchase, before the decision was made about how to proceed and so forth, I wanted to see if, by taking funds from the Sponsorship program, we would ... if [it] would meet the objectives of the Sponsorship program. The response I obtained was yes and I was told “It is not known how this will be done, either through Gosselin or Lafleur Communication.” And I do not remember if it was done through Lafleur or Gosselin, but that is the discussion I had with Mr. Guité and it was limited to that, Mr. Commissioner. [[“Gomery Commission,” 2004: 51, 8945–46](#)]

Sylvain Lussier then produced the invoice and electronic paper trail for six horses, Graph Ten, Damascus, Coal, Dhimas, Bill, and Rosie, five of whom were “still alive and residing in the stables here in Rockcliffe and are used to train RCMP riders” [[“Gomery Commission,” 2004: 51, 8946](#)]. The documentation showed the horses were purchased by the RCMP.

With the tabling of these documents, the matter seemed to be closed. Later that day, however, Assistant Commissioner Émond was cross-examined by Rick Dearden, acting for the Auditor General, regarding the horses. He read an email from Doug Legault, otherwise unidentified, to RCMP Chief Superintendent André Thouin. Because “A” Division did not have any horses available, “as a result, M. Émond arranged for outside funding to allow the purchase of six horses and two trailers to transport the horses to events throughout Quebec.” Dearden’s focus was on the “outside funding,” which referred to money from the sponsorship program, not money from outside the government [[“Gomery Commission,” 2004: 51, 8971–72](#)]. Justice Gomery then summarized the long and involved account of the six horses:

THE COMMISSIONER: Thank you, Mr. Dearden. I will say that I am satisfied that I know now how the purchase of these horses was effected. It was effected—the purchase was made by the Crown for the RCMP. The six horses were purchased and then the Crown, if you want to call it the Crown, the Receiver General of Canada, received a cheque from the funds which had been given to the RCMP celebrating its 125th Anniversary, and an equivalent amount was put back into the Crown’s funds. Now, whether that means that the RCMP purchased the horses or whether the RCMP borrowed money to buy horses and then reimbursed the money from sponsorship funds, I don’t know how we are going to qualify that as a legal transaction. But it is obvious how the funds were used.

MR. LUSSIER: If I may, Mr. Commissioner. The funds were paid out of the appropriations of the RCMP who thought that it would reimburse itself with sponsorship funds. Through timing error, it was not able to reimburse itself and put the money back into the consolidated revenue fund. So in essence, through an error, it did the right thing.

THE COMMISSIONER: It turned out in the right way. Of course, we are not talking about the horse trailers, which was irregular from “A” to “Z” [*“Gomery Commission,”* 2004: 51, 8976–77].

In the first *Report* of the Commission, Justice Gomery concluded that the RCMP had agreed with the findings of the Auditor General and had “taken steps to comply with government policies in the future” [*“Gomery Commission,”* 2005: 235]. Presumably “policies” would include complying with the legal obligations set out in the *Financial Administration Act* and the law of the constitution. Gomery added:

It [i.e., the RCMP] wishes to clarify one finding: the six horses acquired at a cost of \$46,530 in December 1997 to supplement its Musical Ride capacity, were not directly purchased with sponsorship funds, but from available funds resulting from the RCMP’s normal appropriations. However, the cost of the horses was later reimbursed to the Crown in 1998 from the bank account maintained by the organizing committee in Quebec to hold and administer funds advanced to it by PWGSC [i.e., Public Works].

Gomery then added his own finding:

The practical result is the same: sponsorship funds were used to finance the cost of acquisition of a capital asset—an asset that continued to exist long after the celebrations of 1998/1999 had ended—which is a clear violation of the appropriations process and the Transfer Payments Policy.

The RCMP regimental ball

The RCMP regimental ball, held in conjunction with the 125th, would ordinarily have been a private occasion paid for either by the persons attending or from RCMP appropriations. But it, too, came to be involved with the sponsorship program. Some \$30,000 worth of wine was purchased from France to be resold “in order to generate funds to finance the celebrations.”

MR. ÉMOND: How to do this? ... There was no money for the ball because it was a special event that we did not want to ... and the directives at the time were to not allow the use of public funds for something that I considered ... that was

considered a social event. A ball was to ... it is true that it was also to promote the RCMP's activities and Canadian unity, but nevertheless, we wanted the funding to come ...

COMMISSIONER: Perhaps you can explain to me the link between the ball and Canadian unity?

MR. ÉMOND: The ball was considered a social activity or private function for the RCMP. Events were such ... the scope of the ball was such ... The publicity surrounding the event meant we reached ... there was enormous visibility for the RCMP and, in fact, as I explained earlier, as a Canadian symbol, the visibility was there. The Prime Minister was there. This event was also used to launch the 125th Anniversary stamp by Canada Post. So, Mr. Ouellet launched it. Lafleur Communication was involved in launching the stamp. I know this because apparently they had the mandate to promote this stamp. The distinction is there. But, originally, it was a strictly private or social event, but the presence of the Prime Minister, the dimensions it took on, meant that it became a very important event that occurred during the 125th celebrations. [["Gomery Commission," 2004: 51, 8949–50\]](#)]

In short, what began as a private event privately paid for became eligible for sponsorship funds directed at the 125th when Jean Chrétien and André Ouellet decided to attend. The Assistant Commissioner allowed as he was "surprised" at the amount spent on the ball from the 125th budget: \$170,000. He was surprised as well at other items billed by Lafleur Communications in connection with the RCMP ball. Specifically he indicated his "dissatisfaction" at the 17.65% commission paid to Lafleur for commemorative pins. He did nothing about it, however, after he was told that the rates had been set by Public Works [["Gomery Commission," 2004: 51, 8953–54\]](#)]. In other words, a senior manager of the RCMP and occasional golfing partner of Jean Carle oversaw the spending of Public Works money on an RCMP party the cost of which—\$170,000—surprised him, as well it might. He was also "dissatisfied" at the amount Lafleur Communication was paid to organize the party. One might have thought that a senior Mountie would be more than a little suspicious, but not Assistant Commissioner Émond. He accepted at face value the assurance from somebody or other that since all this was acceptable to Public Works, there was nothing more to be done.

Testimony by Chief Superintendent André Thouin

The next day, December 16, 2004, the final two RCMP witnesses appeared before the Gomery Commission. The first was Chief Superintendent André Thouin who was Director General of Public Relations at RCMP Headquarters during the 125th. He reiterated the point made by his colleague, Assistant Commissioner Hovey, that he had to operate in the context of a \$400,000 salary budget cut, which meant that money would

be tight for the 125th. Moreover, he was new to the job and much of the work for the 125th had already been begun. “When I arrived,” he said, “all I had to do was jump on the bandwagon” [*Gomery Commission*, 2004: 52, 9002]. He knew that Gosselin Communications was involved but never met Gilles-André Gosselin. He did, however, meet with Wendy Cumming about the sponsorship program.

The first major problem the new Director General had to deal with was the withdrawal of money by Public Works for the “March West,” the reenactment of the original deployment of the federal police into the Northwest Territories in 1874.

MR. THOUIN: We were, I must say, in a state of shock because we had been assured that we would receive funding and, consequently, the money that was ... that had been given to the RCMP for the 125th anniversary may have been used to cover certain expenses that has already been incurred, Mr. Commissioner, for March West. [*Gomery Commission*, 2004: 52, 9006]

The Associate Counsel for the Commission asked Chief Superintendent Thouin if he discussed this problem with Chuck Guité.

MR. THOUIN: Okay. So, I was informed by Mr. Burchill, and a few days went by. The March West opening ceremonies were coming up very, very quickly... and so, at the beginning of May, on May 4, I ... because the information that had been sent to me by Mr. Burchill at that time was based on a conversation he had had with Ms. Cumming, and I ... [*Gomery Commission*, 2004: 52, 9007]

Judge Gomery interrupted the Chief Superintendent and began a complicated discussion of undated and almost illegible notes that he had taken concerning individuals with whom he had spoken about the funding cancellation for the March West. Chief Superintendent Thouin agreed that the option of appealing the decision to the Minister or to the Prime Minister’s Office had been discussed by Assistant Commissioner Allen Burchill, former CO of “H” Division, who was working on the 125 Committee, and Wendy Cumming of Gosselin.

COMMISSIONER: So, what you wrote appears to be ... and correct me if I’m mistaken ... appears to be a summary of the discussion Mr. Burchill had had with Ms. Cumming, and he told you that he had found out from her ... that she had said that, indeed, there had been a lot of requests and that there was a lack of funds available for these sponsorships.

MR. THOUIN: Yes, to the best of my knowledge.

COMMISSIONER: Alright. Please go on.

MR. THOUIN: So, we have: “Changes. Pressure. Gagliano. Jean Pelletier.” [ENGLISH TRANSLATION OF MR. THOUIN’S NOTES]

COMMISSIONER: Why did you write down these two names?

MR. THOUIN: Those are the names that were given to me at that time ...

COMMISSIONER: By Mr. Burchill?

MR. THOUIN: ... by Mr. Burchill.

COMMISSIONER: From his discussion with Ms. Cumming?

MR. THOUIN: Exactly.

COMMISSIONER: And do you remember why she mentioned these two names ... in what context?

MR. THOUIN: No, I don’t remember why. [[“Gomery Commission,” 2004: 52, 9009–10](#)]

He did, however, remember why the name Pierre Tremblay appeared on a note along with “Guité/August,” namely that Chuck Guité would retire in August and Pierre Tremblay would replace him.

MR. THOUIN: It’s difficult for me to remember at what point in time I wrote all of these notes ... in what order, Mr. Commissioner, or which note was written before or after another note. It seems that here I also received some information. It’s written: “Pierre Tremblay ...”, a phone number, “replace Guité.” Then: “Wendy Cumming, Gosselin Communication.” There are dollar amounts: “\$200,000 March West (not a million).” Because the initial request was for one million. “\$200,000 Interpretative Centre. Minister Gagliano (We choose not to).”

COMMISSIONER: “We choose not to.” What did you mean by this note?

MR. THOUIN: My interpretation, Mr. Commissioner, is that this alternative ... the possibility of going to Mr. Gagliano ... was not a valid option, was not ...

COMMISSIONER: Very good.

MR. COURNOYER: Why, Mr. Thouin?

MR. THOUIN: Because there were people who had been appointed to administer a program, and these people had made administrative decisions. Going to the Minister every time an administrative decision is contested is not acceptable governmental procedure. This also holds true for me at the RCMP. Supposing that I make a decision based on the authority I have been granted, and someone is not happy about it and decides to go see the Minister. This is not the right way to go about it. It’s clear ...

COMMISSIONER: In the Mounties, it’s perceived as undesirable political interference?

MR. THOUIN: It’s not an option. [[Gomery,; 52, 9011–12](#)]

It was, however, very much an option for Wendy Cumming. In her testimony she instructed the Commission:

MS. CUMMING: The rule of thumb in business is if you don't get a "yes" from the person you are dealing with, go one rung up the ladder. So I was aware that Mr. Jean Pelletier played a role within the PMO and I was aware that Minister Gagliano was Minister of Public Works. So I suggested that in terms of going one rung up the ladder to contact those gentlemen. [Gomery, 88, 15536]

Ms. Cumming testified that she made this suggestion to Assistant Commissioner Burchill and to the RCMP "Force Historian," William Beahan, both of whom served on the 125 Committee, but that this was not her usual advice. As Richard Auger, counsel for Chuck Guité asked, in cross-examination:

MR. AUGER: On other accounts where money was refused did you advise to "go up the ladder?"

MS. CUMMING: Not that I recall.

MR. AUGER: So this was just an isolated example.

MS. CUMMING: It was a specific case of the RCMP being refused funding but still being interested in receiving funding. ["Gomery Commission," 2004: 88, 15573]

But if it was truly "not an option" to go directly to Jean Pelletier in the PMO or to Alfonso Gagliano at Public Works, they had to come up with an alternative strategy.

Chief Superintendent Thouin testified that, even though he could not discuss matters with the political leadership it would be acceptable for "our minister [to] make the necessary representations to the Minister of Public Works" ["Gomery Commission," 2004: 52, 9014]. Moreover, it turned out to be entirely acceptable to discuss matters with Chuck Guité. Guy Cournoyer produced a fax sent by the RCMP to Guité.

MR. COURNOYER: ... Before getting to this fax, am I to understand ... did you speak to Mr. Guité before sending him this fax?

MR. THOUIN: Yes, I did speak to Mr. Guité.

MR. COURNOYER: What did you discuss?

MR. THOUIN: I can't remember very much about our conversation. But I do remember that I really wanted to get the information from the person who was in charge of the program because it had a dramatic impact on the RCMP at that time, and I wanted to make sure that everything...that Mr. Guité got the message loud and clear that the RCMP was in a crisis situation at that time. So, I told Mr. Guité and I probably asked him if there was any way we could get either the funding we had requested, or a portion thereof, at that time. Mr. Guité asked me to send him a fax describing the various activities we had planned for the March West, and to include, at the end of the memo, a brief outline of our priorities, so he could get an idea of what parts

of our request could be cut back so that the total amount could be reduced, meaning that we might, at least, receive a certain amount that could meet our needs at that time.

MR. COURNOYER: Looking at the end of your fax on page 188, Mr. Thouin, I see that you wish Mr. Guité good luck with his discussions with his minister. Would I be correct in inferring from this conclusion to your fax that Mr. Guité had told you that he would be discussing the matter with Minister [of Public Works] Gagliano?

MR. THOUIN: That is correct. [[“Gomery Commission,” 2004: 52, 9016–17](#)]

Chief Superintendent Thouin followed up with Guité who seemed to be taking the request favourably but would have to have approval from Minister Gagliano. The next follow-up call was not with Guité but with his successor, Pierre Tremblay, who informed Chief Superintendent Thouin that there would be no funding for the March West.

The counsel for Alfonso Gagliano, Pierre Fournier, had several questions to put to Chief Superintendent Thouin in cross-examination. Fournier noted that in earlier testimony Judge Gomery suggested, and he agreed, that it “would have amounted to a kind of political interference” to discuss funding with Minister Gagliano directly but if the Minister in charge of the RCMP did so that would be acceptable.

MR. THOUIN: You’re asking me if ... I don’t see it as interference per se. I see it as a possible alternative that was available to us, but, in my view, it was not necessarily political interference at that level. [[“Gomery Commission,” 2004: 52, 9029](#)]

On the other hand, Chief Superintendent Thouin assured the Commissioner that it had never happened to him. And as for Chuck Guité, that was different because “it was Mr. Guité himself who told me this [that he was going to see Minister Gagliano], and so I did not pass judgement” [[“Gomery Commission,” 2004: 52, 9031](#)].

Incidentally, in his *Report* Judge Gomery indicated that the significance of the exchanges between Mr. Thouin and Mr. Guité is that it tends to rebut Mr. Gagliano’s repeated assertion that he made no decisions about which events would be sponsored, leaving these questions entirely to Mr. Guité. If this is true, there was no need for Mr. Thouin to write the letter to Mr. Guité, and no need for the latter to discuss its contents with Mr. Gagliano, apparently on two occasions. What is more, there appears to be no doubt that Mr. Guité was inclined to favour the March West project; left alone to decide the question, he would almost certainly have approved the requested funding of the relatively modest sum of \$200,000. It was therefore Mr. Gagliano who made the decision to refuse the request. [[“Gomery Commission,” 2005: 237](#)].

Testimony by Bill Beahan

The final RCMP witness was Bill Beahan who was the official “Force Historian.” He was a member of the 125 Committee and reported to Assistant Commissioner Hovey.

MR. BEAHAN: ... we were told by the Commissioner that he did not want to have us approach Treasury Board for any additional funding for this anniversary and, moreover, that we wouldn’t divert any operational funding but that we could operate out of funds that usually we use [for] community policing ventures but there would be no increase in the funding for the force for this. [*“Gomery Commission,”* 2004: 52, 9041–42]

Beahan then reported on the conversation between Assistant Commissioners Hovey and Émond that sponsorship money was available from Chuck Guité, whom Beahan had met in connection with sponsorship for the hot-air balloon flights noted above. He met with Guité, along with the two senior RCMP officers and Eric Lafleur.

MR. BEAHAN: The purpose [of the meeting] was to see if Mr. Guité would extend funding to the program for the 125th Anniversary outside of the province of Quebec.

MR. COURNOYER: Did you receive any answers with respect to that?

MR. BEAHAN: Yes. Mr. Guité indicated that he was willing to support the anniversary outside of Quebec but that he did not deal with individual—approval of individual projects because his staff was too small to get to that level of detail and that he had hired communication firms to act on his behalf to make those decisions about funding. He indicated that Lafleur Communication of Montreal was already at work with “C” Division and he indicated that for the rest of the country, he had engaged the services of Gosselin Strategic Communications and that we should work with Gosselin. [*“Gomery Commission,”* 2004: 52, 9044–45]

Guité indicated as well that “an important sum” of money would be available—\$1.6 million was mentioned—but that decisions regarding “details” was up to the advertising companies. Beahan indicated over the next several pages of testimony that he had had a number of unpleasant experiences with Gilles-André Gosselin, whom he characterized as displaying “overbearing and unethical” behaviour [*“Gomery Commission,”* 2004: 52, 9060].

Conclusions from testimony

No further RCMP witnesses were heard, but the following conclusions can reasonably be drawn from testimony summarized and quoted above.

Image The assumption made above, that the RCMP is particularly sensitive to matters of image and appearance, is borne out.

Financial Administration Act The RCMP violated the laws of Canada, specifically the *Financial Administration Act*, by accepting sponsorship money, by opening a private account that accepted public money, by employing lax accounting methods in violation of well-known procedures, and so on. In short, all the findings of the Auditor General's *Report* were confirmed in evidence, and so noted in *Gomery's Report*. By so doing, they signed contracts with advertising firms that were, in the words of Justice Gomery, "nonsensical."

Good practice The RCMP violated the well-known and long-established practice and conventions of responsible government by using money appropriated to one department, namely Public Works, for capital acquisitions and to pay for operations even though the RCMP is not part of the Department of Public Works. Moreover, the RCMP as an institution was complicit and cognizant of its complicity in transactions that were illegal, unconstitutional, and dishonest. They went so far as to produce a public-relations document—"talking points"—clearly intended to perform "damage control" by suggesting that all sponsorship funds from Public Works came to the RCMP and by neglecting to mention the commissions paid to the advertising agencies to make the transfer. Senior RCMP officers well knew they did not receive "all" sponsorship funds provided by Public Works but only, as Commissioner Zaccardelli said, all funds "net of commissions." It is also worth noting that several senior RCMP officers had very poor memories regarding who contacted whom or regarding what their own notes meant. No doubt a policeman other than a senior RCMP who examined such testimony would properly be suspicious of the veracity of witnesses.

"National unity" The chief omission by senior RCMP is never to have questioned in a basic or commonsensical way whether it was remotely plausible, as Judge Gomery asked, that sending the Musical Ride to Quebec City would promote "national unity" or why refusing funds for a re-enactment of the March West might damage this same "national unity." Even more improper is the use of sponsorship money to pay for the RCMP ball and to claim that "national unity" was being promoted because politicians and the head of Canada Post showed up for a big party.

Sound public administration The logic of the RCMP activity seems to be that: (1) they wanted to celebrate the "125 event;" (2) Public Works had the cash to pay for it; so (3) get the money by hook or by crook. In terms of ordinary canons of sound public administration, these practices raise some obvious questions. Assistant Commissioner Dawson Hovey testified that the RCMP had no money to celebrate the 125th anniversary, but did

this mean the RCMP was, in fact, underfunded? And if they were, was it a deliberate act by the Government of Canada? And if so, why were they deliberately underfunded?

Political contacts The friendly relations between senior RCMP officers such as Assistant Commissioner Émond and senior staff in the Prime Minister's Office such as Jean Carle went beyond the normal and professional cordiality of officials and political advisors. It is one thing to be acquainted with a political aide to the Prime Minister. It is something quite different for a senior RCMP officer to ask a favour from such an individual, even if he had played golf with him. It is even more improper for a senior RCMP officer to contact one of Jean Carle's political acquaintances directly as Assistant Commissioner Émond did when he asked Jean Lafleur of Lafleur Communications for help.

Political interference Senior RCMP such as Chief Superintendent André Thouin were quite punctilious regarding proper channels and chain-of-command but, informal contacts such as those between Assistant Commissioner Émond and Jean Carle or Jean Lafleur aside, they seemed to be willing to allow a political bureaucrat such as Chuck Guité to do what they said, in the words of Chief Superintendent Thouin, was "not an option." In short, "political interference" looks to be acceptable so long as someone else did it. In the words of Chief Superintendent Thouin regarding such conduct, "I did not pass judgement."

Additional testimony

Testimony given to the Gomery Commission subsequent to that furnished by witnesses from the RCMP added an additional element to the context within which the RCMP violations of the *Financial Administration Act* took place. It turns out, for example, that there are effectively no penalties for violating this law. In May, 2005, for example, the Gomery Commission heard from a number of senior officials on how contracts were properly let and the kind of oversight the bureaucrats were to undertake. There is, said Stephen Wallace of the Treasury Board Secretariat, "a core suite of required training courses" that instructs members of the bureaucracy on "values" and the "ethics code" that applies to such activities as procurement, including advertising [["Gomery Commission," 2004: 121, 22601](#)]. Justice Gomery then asked a question "from the point of view of the jurist."

Something that struck me was that there is no enforcement provision there at all. The obligations or the dispositions are obligatory, you know, the public servant must do this and he must do that, but there is no provision that I could find that said what would happen if the public servant didn't respect these provisions.

MR. WALLACE: Yes.

THE COMMISSIONER: Has any thought been given to enforcement provisions so that there would be some sort of a consequence if somebody simply disregarded these provisions? [*"Gomery Commission," 2004: 121, 22602*]

Wallace answered that there were "compliance provisions in a number of associated policies," to which Gomery responded with the observation that audits take place after the fact, "usually a long time after the fact, unfortunately."

What I would like to know is, you know, we would like to believe that everybody is a good person and that everybody is going to do his best to obey the laws and if people don't, it is because of ignorance or inadvertence and so on. Unfortunately, experience tells us that that is not always the case. Even in the public service. Sometimes you get people who just more or less deliberately disregard the law. And from what I could see, you can't even fire these people. There is nothing in the *Financial Administration Act* that would allow you to dismiss an employee who is systematically disregarding his/her obligations under the Act. And I understand that you can improve your oversight, you can improve your training, you can improve your auditing procedures, but what happens if you find somebody who is just a bad apple? [*"Gomery Commission," 2004: 121, 22603-04*]

Wallace replied that the rules governing the *Financial Administration Act* were "pretty clear" and "pretty sound," especially the "guidelines and policies on discipline."

In fact, some of the provisions of the *Financial Administration Act* were identical to those of the *Criminal Code*, but they were seldom used.

THE COMMISSIONER: I bet you can't give me an instance where they have ever been activated.

MR. WALLACE: Yes, I don't have that knowledge, but I ... in undertaking a view, my understanding is that the familiarity that, for example, the courts and that the RCMP and that others have with the *Criminal Code* make that a better use of the tool. So rather than activate something which is in the FAA, you have ... it is a more effective ...

THE COMMISSIONER: You leave it up to the RCMP, in other words.

MR. WALLACE: Well, you use the *Criminal Code* provisions because it seems to be more effective at this stage.

THE COMMISSIONER: But I know that I am getting into some nuts and bolts here, but in order to make a prosecution under the *Criminal Code*, you really have to involve the police. It is not a matter any longer of internal management of the public service. It becomes a police matter and knowing the sensitive nature of public administration, it takes a major scandal to get the police involved. It is not in the nature of the public service to call in the police. It does not seem to be the case.

So I have to tell you that it seems to me that there is a gap where the people who are charged with administration of the public service, if they find an employee who is short of being outright corrupt is simply totally incompetent and totally careless in doing the job, there is nothing really that you can do with that person except to move them out of that job and into another job where probably that person will be equally incompetent or equally incapable. And, you know, in private industry, there is no problem; you fire them. Bang, that's the end of the problem. And I don't think that there is any disposition in the *Financial Administration Act* that authorizes you to fire a grossly incompetent employee. Tell me if I am wrong about that. I looked and I looked and the more I looked, the less I found it.

MR. WALLACE: From the policies that we have that flow from the *Act*, that are authorized under the *Act* allow us to suspend and terminate employees for wrongdoing.

MR. COURNOYER: So you would have to go to the judicial ...

THE COMMISSIONER: You go outside the *Act* to the policies that are adopted in virtue of the *Act*?

MR. WALLACE: Yes, we use the policy framework that flows from the *Act* to suspend or terminate employees.

THE COMMISSIONER: Yes.

MR. WALLACE: But we do have those provisions.

THE COMMISSIONER: And it would be interesting to me to know when was the last time that those policies were invoked? Because I have not seen very many instances where those policies were invoked, and there have been, it seems to me, well-documented instances of mismanagement.

Certainly the Auditor General has invoked them, and I didn't see that they had any consequences on the employment of anybody. That seems to me to be something that is missing. [["Gomery Commission," 2004: 121, 22606-08](#)]

In other words, the witness was saying that there are no punitive provisions in the *Financial Administration Act*, which are found, rather, in other acts, such as the *Public Service Administration Act*, where they are seldom used, which is to say: there is no feasible remedy. Even if it is theoretically possible to fire an employee for violating the *Financial Administration Act* by charging him or her under the *Criminal Code* following an investigation by the RCMP, Mr. Justice Gomery did not raise the obvious follow-on question: what would be likely to take place *when the RCMP violated the Financial Administration Act*? As lawyers say, the question answers itself. Moreover, the Gomery testimony suggests, if not the validity, at least the plausibility, of the hypothesis that the key to understanding the crisis within the RCMP is the relationship between budgets, public relations exercises, institutional corruption, and political scandal. As we will see, other sources confirm this interpretation.

Decline in core competencies

The Gomery Commission brought into focus the ethos, the culture, in place among senior bureaucrats and their political masters. Justice Gomery, famously described this regime as characterized by “a culture of entitlement.” Among other things, the Gomery Commission provided a glimpse into the system of incentives and disincentives, the order of honours and of taboos, the habits that operate every day in the management of the federal police. One of the oldest insights in political science, originating with Plato and Aristotle, is that each regime celebrates its own sense of virtue and justice, and expresses its own sense of purpose. Different regimes bring out different possibilities inherent in the same people.

At the same time, however, the purpose of a regime is established chiefly by formal rather than substantive or empirical criteria. If one asks, “what is the RCMP supposed to do? Why does it exist?” the answer is not going to be found by providing an account of the number of First Nations’ officers. In the same way, one might ask the same question of the Canadian Forces: why does Canada have armed forces? Why, indeed, are they, like the RCMP, armed? In both instances, one finds a wide range of answers. Including the employment of First Nations’ people, which thereby raises the question of principle, the formal question of purpose. It is probably fair to say that the proper purpose of the RCMP, for most Canadians, is no more to be “a symbol of Canada,” as Assistant Commissioner Émond put it, than the FBI is to be a “symbol of America.” *The* formal purpose of such organizations in liberal and constitutional democracies is to investigate crimes and to enforce the law. The latter purpose, in particular, is why the Mounties carry guns. In any event, the fundamental purpose of the police implies that everything else is secondary.

In politics one sometimes says “he is not behaving in a prime ministerial way” or “he is not acting like a premier.” Empirically, of course, this is nonsense: the incumbent of an office is necessarily behaving as the office-holder for no other reason than because he is holding office. But this is not the whole of the problem precisely because the office is itself a formality. If one says someone is not acting like a premier, the meaning is: that person is not living up to the formal requirements of the office. One can make similar comments about the police or the military and they express a similar logic of meaning.

As to whether the conduct of the federal police lived up to the formal expectations and requirements of what the RCMP properly do, one would look first to criminal investigations, particularly of federal crimes, and to federal law enforcement. In contrast, contract policing and “symbolizing Canada” are comparatively unimportant. Even prior to evidence introduced before the Gomery Commission regarding improper and illegal behaviour by the federal police, there were several public accounts of a

decline in the ability of the RCMP to combat effectively white-collar crime, organized crime, and threats to national security. According to Assistant Commissioner Head, too great a concern with imagery has led the Mounties “to downplay the policing aspect of law enforcement in favour of community relations. When this filters through to the police on the street, they have a feeling that catching criminals takes a back seat to image and political correctness” [Head, 1999: 8]. However, that may be (and it is a question to which we shall return), the decline in effectiveness seems evident enough.

Bre-X Minerals—hype and fraud

One of the most exotic, as well as one of the largest, frauds in recent Canadian history involved Bre-X Minerals of Calgary. The broad outlines of the story of Bre-X, “a company built on hype and destroyed by fraud” are well known [Goold and Willis, 1997: 268; Francis, 1997]. At the centre was a gold play in Busang, Indonesia that at various times was said to contain 10 million, then 30 million, then 200 million ounces of gold. The last estimate was approximately 8% of the gold in the world with a value at the time of some US\$70 billion. In fact, there was little more than trace amounts of gold at Busang. The estimates were the result of tampering with—“salting”—crushed drill-core samples with alluvial gold panned from nearby rivers by Dayak tribesmen. All the evidence pointed to Mike de Guzman as the person who did the tampering but he disappeared a few weeks before the fraud was exposed, allegedly by jumping to his death from a helicopter. As Diane Francis wrote shortly after the Bre-X fraud became public: “Bre-X, in many respects, may turn out to be the perfect multi-billion dollar crime. All evidence points to a man who is presumed dead. The victims are in one jurisdiction, the evidence is in another jurisdiction (where the police are corrupt), and the suspects are in several other jurisdictions, most of which lack extradition treaties” [Francis, 1997: 232]. The story grows even more curious with recent reports that de Guzman may have staged his own death [Hutchinson, 2005; Ford, 2005].

Because Bre-X was such a high-profile fraud and because so many people were hurt either directly as investors or indirectly through their pension and mutual funds, “the search for those responsible for the fraud became a priority for both the Royal Canadian Mounted Police and private investigators hired by Bre-X” [Goold and Willis, 1997: 250]. The size of the fraud was, indeed, impressive. In late May, 1996, Bre-X shares peaked at a pre-split value of \$286.50. Over the next several months, Indonesian politics and the competitive interest of major international gold companies led to contradictory claims and rumours and eventually resulted in the kind of due diligence that ought to have been undertaken years before.

The bubble burst in late March 1997. During the first half hour of trading on March 27, 1997, Bre-X stock fell from \$15.50 to \$2.50, a paper loss of \$3 billion. Over

10 million shares changed hands and the TSE computers crashed. On May 5, 1997, an assay report by Strathcona Mineral Services noted that the magnitude of tampering “is of a scale and over a period of time and with a precision that, to our knowledge, is without precedent in the history of mining anywhere in the world” [quoted in Francis, 1997: 188]. Bre-X ceased trading and effectively ceased to exist. On the same day, a leasing company repossessed the Bre-X copier and the RCMP showed up at the Calgary office headquarters, “but left empty-handed after a couple of hours. A few days later they would announce a fraud investigation” [Francis, 1997: 196]. A week after the final crash, on May 12, 1997, “twenty large green garbage bags of paperwork were put into the [Bre-X] building’s dumpster. A similar housecleaning had taken place on March 27, the day the stock first crashed, said a building employee” [Francis, 1997: 195].

In 1999, the RCMP acknowledged that its investigators had walked out of the head offices of Bre-X Minerals Ltd. “without protecting potential evidence.” In fact, police even allowed company employees to shred documents based on the company’s word that they were “not important.” Mounties allowed a week to elapse before returning to the scene to secure the evidence [Rubin, 1999] and indicated that, because of scarce resources and a shortage of good investigators, its efforts “did not focus on who may have orchestrated the securities swindle in order to manipulate the company’s stock price.” They claimed it was more within the capabilities of the RCMP to focus its energies on the falsification of Indonesian gold samples. A source told the *National Post*:

[T]he Mounties were clearly instructed not to investigate the larger picture: a fraud carried out specifically to affect the price of shares on Canada’s public markets. Fraud on the market is a violation under the Criminal Code that carries a prison term of up to 10 years. The source said the RCMP was informed that the Ontario Securities Commission would handle anything affecting the stock, even though the stock market regulator does not have full police powers. “The guys doing the work were pissed off about that,” said the source, who spoke on condition of anonymity. He said Ottawa imposed the limits “because they didn’t have the resources, they didn’t want to waste a lot of time on it, and they thought the OSC was going to take care of a big part of it.” [Rubin, 1999: A1]

Instead, the RCMP focussed on the salted core samples, a relatively simple technical issue about which there was very little question in any event. They were, however, convinced of the suicide of de Guzman, notwithstanding the many anomalies surrounding it [Francis, 1997: 200; Goold and Willis, 1997: 9–12; 177–90]. In short, the RCMP gave up investigating one of the greatest stock frauds in Canadian history on grounds of “insufficient evidence”—evidence members of the Force itself failed to secure by following routine procedures. As Diane Francis put it more recently, “the RCMP said the case was too complicated to pursue so nothing has been done” [Francis, 2005]. Perhaps what was meant was that Bre-X was too complicated for the federal police to pursue.

White-collar and organized crime in Canada

Paul Palango first exposed the crisis of white-collar crime in Canada in an article in *Maclean's* [1997]. “There’s so much fraud that the police can’t keep up,” said Pat McKernan, a commercial crime investigator who left the RCMP in 1995 to be a security officer for Imperial Oil Ltd. in Calgary. Another veteran RCMP officer told Palango that, “Over the years, we have lost the ability and will to investigate fraud. As a result, the criminals have no fear of the police ... Canada is the place to come and do it.” Palango quoted Toronto forensic accountant Tedd Avey to the same effect: “The big companies are on their own. All the police want to deal with are investment scams, widows and orphans, and, perhaps, government as victims.” It was not always this way. In the 1970s, according to Palango, the RCMP was “internationally renowned for its success in putting fraud artists behind bars.” Today, he added, quoting Avey, “criminals know it’s pretty well open season in Canada. They know they’re not going to go to jail” [Palango, 1997: 12]. In short, the RCMP has a diminished capability of investigating, let alone securing convictions for, complex, multi-jurisdictional economic crime, which through the Criminal Code is at the centre of the federal policing mandate.

The RCMP has also admitted that it simply cannot keep up with conventional organized crime. In 2003, the force’s Criminal Intelligence Directorate released a 40-page “compendium of the best, most current, strategic information available on the RCMP’s organized crime targets.” A spokesperson for the Force stated that its efforts against Hells Angels and other outlaw biker gangs were having “no real impact on their criminal activities” [quoted in Bell and Humphreys, 2003: A1]. Despite massive raids that in an initial burst of PR were widely reported as effective, the Hells Angels organization “continues to extend the range and scope of its criminal activities through recruitment, the emergence of new affiliate[s], and aggressive expansion of control over new territory,” with 35 chapters and 600 members in Canada [Bell and Humphreys, 2003: A1].

The same applies to expanding activities of Russian, Asian, and Italian mafias. Organized criminals “continue to use Canadian financial markets to launder money and manipulate stock,” the report said. “Asian-based organized crime groups are fluid, multi-faceted and extremely diverse.” According to Bell and Humphreys, such groups “are heavily involved in the sex trade, migrant smuggling, credit-card fraud, kidnapping, smuggling of illegal weapons, extortion, forging of passports and other official documents, diverting stolen goods into the marketplace, intimidation, loan sharking and other crimes,” in addition to their “financial mainstay,” drugs. But as the RCMP report indicates, “investigating [them] is problematic since they are so well networked and their activities are intertwined. British Columbia, Alberta, Ontario and, increasingly, Quebec are major areas of activity for Asian-based criminal groups” [Bell and Humphreys, 2003: A1]. In short, the crooks are a lot better at breaking federal laws than the federal cops are at stopping them.

National security: the RCMP and Maher Arar

The same difficulties apply to national security. In Stewart Bell's book, *Cold Terror* [2004], he writes that "CSIS and the RCMP have been effective at monitoring the activities of terrorist groups operating in Canada, but they have been unable to put them out of business, in large part because their political masters have not given them the tools they need to do so" [Bell, 2004: 210]. The same year Bell's book appeared, an official RCMP report said the force "lacked the expertise to conduct national security investigations when it targeted Maher Arar as a potential terrorist" after 9/11 [CBC, 2004a]. On September 26, 2002, acting on information supplied by the RCMP and the Canadian Security Intelligence Service (CSIS), US Immigration and Naturalization officials detained Arar at JFK Airport in New York as he was changing planes during his return to his home in Ottawa following a vacation in Tunisia. Arar was a dual Syrian and Canadian citizen; he is a telecommunications engineer and had been under surveillance for a year as a "secondary" target in an RCMP operation called "Project A-OCanada" and as a result of routine information sharing was listed on an American counter-terrorist watch list. He was arrested and interrogated by American officials, with input from the RCMP, for nearly two weeks. He was then deported to Syria using a procedure called "extraordinary rendition" [Mayer, 2005]. He was held in Syria for a little more than a year and, upon his release, said he had been tortured. Canadian officials who visited Arar in a Syrian prison said they saw no evidence of abuse and torture [Capponi, 2005a].

Most of the media attention to the Arar case and the subsequent *Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar* headed by Justice Dennis O'Connor have focused on Arar's personal plight and on criticizing the Bush Administration for its conduct. Whatever the final outcome of the O'Connor inquiry, two things must be borne in mind. First, as Bell observed: if Arar is "guilty of no more than keeping bad company, as he claims," then his arrest by American officials simply makes him another victim of the widespread "suspicion by [foreign] governments that have lost faith in Canada's ability to rein in terrorists" [Bell, 2004: xxvii]. In this case Canada's "inability" extended to an inability to interrogate Arar when he was in American custody. The issue was not whether the FBI or other US officials would allow Canadians in the room when Arar was under interrogation by them. In that respect, Canada-US cooperation is smooth. Rather the problem was that the RCMP "could not get use of an official plane and deemed commercial flight too expensive" [Moore, 2004].

What seems to have happened in the Arar deportation is that the RCMP provided American authorities with relatively raw intelligence without attaching the proviso that it was not sufficiently reliable to be used in legal proceedings, including extraordinary rendition. According to Chief Superintendent Brian Garvie, this

violated standard RCMP procedures [*Globe and Mail*, 2004]. On the other hand, Chief Superintendent Dan Killam has indicated that the RCMP had “legitimate reasons” to investigate Arar and, it follows, share that intelligence with allies [*Gordon*, 2005]. Moreover, Superintendent Mike Cabana, who led Project A-OCanada, has said through his lawyer that the government prevented him from disclosing what he knows about Arar for reasons of national security [*Capponi*, 2005b]. The reason that two senior RCMP officers can apparently disagree over whether Maher Arar was, or was not, likely connected to al Qaeda, is itself evidence of a problem. As the report written by Chief Superintendent Garvie put it, the RCMP was ill equipped to deal with the new post-9/11 security environment: “The ability of the RCMP to deal with the outcome of that terrorist act [9/11], and to manage the expectations as a result of it, was to a large extent limited. At that time, both at headquarters and in the field, the RCMP did not have sufficient investigative expertise, nor did they have the capacity to efficiently and effectively deal with national security investigations overall” [quoted in *Moore*, 2004; *CTV*, 2004].

Budget cuts, underfunding and politicization

One could find similar accounts of a decline in effectiveness in the way the RCMP dealt with the investigation into the terrorist bombing of Air India Flight 182, though the Mounties would have to share their ignominy with CSIS. The most obvious and oft-cited explanation is budget cuts. Budget cuts matter, of course, but they need to be understood in context. No taxpayer-funded organization, whether civil or military or para-military welcomes budget cuts. On the surface, relative or absolute cuts to the RCMP budget, as with cuts to the budget of the Canadian Forces, can be interpreted readily enough as the “root cause” of the decline in the effectiveness of the federal police. We saw, in the discussion of testimony before the Gomery Commission, how readily the RCMP looked to the Sponsorship Program for funding for the 125th event. Several senior RCMP officers mentioned the recent \$400K salary cut to the RCMP. This meant there would be fewer cops on the streets but it also contributed to an unwillingness of senior RCMP to ask Treasury Board for more money for their party. Likewise, in the Arar case, the RCMP was apparently unable or unwilling to purchase commercial air-line tickets to fly to New York to interrogate Arar alongside the Americans.

There are other examples as well. Paul Palango reported that the RCMP has increasingly referred victims of individual and corporate crimes to private forensic accounting and private investigation companies, and has even advised citizens to conduct their own investigations and come back to the police, “who may or may not then agree to pursue the matter” [*Palango*, 1998: 268; *Ericson et al.*, 2003: 329–31]. In 2000, the RCMP acknowledged that it had had to cancel or delay a number of under-

cover operations because not enough recruits had the necessary language skills, cultural background, or operational training. An internal review blamed staff shortages, meaning that the force cannot always assign trained officers to undercover assignments. This problem, compounded by outdated surveillance equipment, was blamed on budget cuts, according to the Nathanson Centre for the Study of Organized Crime and Corruption, affiliated with Osgoode Hall Law School [Nathanson, 2000].

In her 2005 *Report*, the Auditor General concluded that too great a focus on contract policing has contributed to relative underfunding of federal policing. “Since 2001,” the *Report* said, “the RCMP has for the most part met its contractual obligations to provide the required number of peace officers to its clients, but has done so to the detriment of staffing its federal policing activities” [Canada, Auditor General, 2005: 25]. The reason is that the RCMP fulfills its contracted obligations first, which may leave federal policing positions, for example, unfilled. Contracting provinces have increased their demands for RCMP services every year since 1999 and they have provided budgetary resources to cover those increased requirements but the federal share of the increased costs was not covered by the federal government. The RCMP managed the shortfall by cutting back on federal policing. They could do so because the RCMP budget appropriation is a “single pot of funds,” not divided between federal and contract policing [Canada, Auditor General, 2005: 26]. The Auditor General did not explain what incentives the RCMP have to privilege contract over federal policing.

More, however, is involved than money. Consider, for example, what has happened to the Commercial Crime Branch (CCB). In response to an increase in organized crime during the mid-1960s, the CCB brought together top investigators to fight corporate fraud, stock-market manipulation, and political corruption; it became the “most prestigious unit within the RCMP” [Palango, 1998: 16, 69]. The CCB success stories included prosecution of fraud connected to the Montreal Stock Exchange closure, the Hamilton Harbour case, the Dredging Scandal, the Sky Shops Affair—all of which involved the abuse of public funds by public officials. The CCB brought charges against politicians, public servants, and businessmen who abused public funds. In short, this elite unit ushered in a heyday for sophisticated crime detection and contributed a great deal to the previous reputation of the RCMP as an incorruptible agency that could successfully fight white-collar crime—fraud—, organized crime, and political corruption, the big three federal crimes. For reasons that are still unclear, in 1997 the Chrétien government seems to have downgraded the CCB, merging it into a larger RCMP structure called Federal Services. In turn, this branch bore the brunt of budget cuts in the 1990s. Commercial crime investigators, according to Palango, “are starved for resources and manpower” [Palango, 1997]. In 1997, for example, the Mounties spent under \$40M investigating commercial crime. To put the amount in perspective, that is about 2% of the RCMP budget and less than half of what was lost to Canadian businesses from credit-card fraud that year.

Former Commissioner Phil Murray acknowledged to Palango that the force had withdrawn significantly from the field of commercial crime: “We are a federal agency, and we have a responsibility to investigate fraud against the government of Canada,” he said [Palango, 1997: 11]. If taxpayers’ money is at stake, he added, the RCMP would investigate “but we don’t have the resources to investigate if somebody does a fraud on the Royal Bank.” That kind of crime, the former Commissioner said, is “not our mandate.” Fraud in the private sector apparently would henceforth be handed over to the private sector—to forensic accountancy firms that would then seek redress in civil, not criminal court. “To me,” said Murray, “that’s very unfortunate” [Palango, 1997: 158]. Predictably, he blamed the government and the Canadian public for their unwillingness to spend money where it is needed.

It may well be true that the decline of the CCB and of the effectiveness of the RCMP in an area where previously they excelled was a direct consequence of budget cuts. It would certainly be interesting to learn why the Chrétien government thought cutting support to the commercial crime unit was such a high priority. It does not, however, follow that all the woes of the RCMP can be attributed to budget cuts. It does, however, speak to the nature of the RCMP as a regime, to the culture among senior management, that, during a period of budget cuts, Commissioner Zaccardelli ordered a new pair of riding boots for \$1,064.65. He and only six other senior RCMP were issued such elegant kit. The reason given was that he was *ex officio* head of the Musical Ride. Of course, the members of the Musical Ride, the RCMP who actually rode the horses, made do with more ordinary boots [Dawson, 2001]. No such transparently silly reason was trotted out to account for the \$180K spent on renovating Commissioner Zaccardelli’s office—including some \$30K spent on leather furniture.

A million-dollar probe of the RCMP undertaken by consultants in 1999 to identify its “strengths and weaknesses” summarized many of the declines in core competence we have discussed. The focus was on the financial situation of the Force but also on its problems in dealing with high-tech, commercial, and organized crime. According to the resulting report by the Treasury Board:

Program Review in 1995 led to the cutting of 2,200 positions and \$175 million from the RCMP budget. As a result, many of the positions related to administration, support and internal control were reduced. The lost resources, in turn, led to a movement away from “command and control” towards more delegation and empowerment. This was done without the appropriate direction and framework needed to support that change. As a result, Regional and Divisional managers had reduced centrally coordinated direction. It also led to poor information on how resources were being spent and a weakened ability to do analysis or planning. [Canada, Treasury Board, 2003]

We will discuss the problems associated with regional managers below. What seems clear, as with the decline and fall of the CCB, the cuts noted in the Treasury Board report are chiefly to *federal* policing responsibilities—complex, multi-jurisdictional fraud, for example, or organized crime. But if the federal police no longer have a core competency in the area of federal policing responsibility, what are they doing? To answer that question we must consider two changes to the RCMP that have been widely and loudly criticized: politicization and the reinvention of the Mounties as a national organization engaged in the “police-services business.”

Political influence on the Force

Critics from within and outside the force agree that the greatest factor or combination of factors in the decline of the RCMP is the growth of political influence. The Gomery inquiry constitutes only the most recent reminder of the damaging effects of politicization. The context of any discussion of politicization has been ably described by Donald Savoie’s much-heralded book on the centralization of power in the Prime Minister’s Office (PMO) during the Chrétien era, *Governing from the Centre* [Savoie, 1999]. Although Savoie’s assertions have been challenged [Bakvis, 2001], the evidence for his central claim, that the 1990s were characterized by unprecedented centralization of power in the hands of the PMO, is compelling. Savoie’s argument extends the observations of many political scientists as well as of politicians that Parliament, particularly after the end of World War II, has largely been supplanted by Cabinet. Today, Savoie argued, Cabinet has become little more than a “focus group” and executive direction resides in the PMO. This centralization no doubt enables the Prime Minister to provide energetic direction to public policy and to undertake flexible initiatives unhampered by red tape and turf wars, but it also enables the effective executive—that is, the PMO—to conduct its affairs in secrecy and without the supervision of the formal executive, the Cabinet, to say nothing of Parliament. Such an alteration of effective lines of responsibility away from the formal lines of responsibility, as indicated above, undermines the basic principles of responsible government. So far as the present problem is concerned, such hidden and non-responsible centralization also undermines the role of the police as impartial enforcers of the law. The resulting scandals point clearly to political interference and abuse of power by the PMO.

Until the Quebec Sponsorship Scandal broke in 2002, the “Airbus case” and the “APEC affair” were the most prominent recent examples of political interference involving the RCMP. They were not the only instances of alleged political interference in the conduct of RCMP investigations [see Francis, 2004a; Cameron, 1995b; Goldstein, 2005; Weston, 2005; Clark, 2004; Martin, 1999; Francis, 2004b; RCMP, 2004], but they have been the most extensively studied and documented.

The Airbus case

The Airbus case was unquestionably dramatic, not least of all because of the colourful personalities of the individuals involved. It has been the subject of two well-researched books by William Kaplan [Kaplan, 1998; 2004]. Our focus, however, is not on the questionable behaviour of celebrity journalists or former politicians and their associates, but on the activities of the RCMP.

The initial RCMP investigation of the purchase by Air Canada of a replacement aircraft for the Boeing 727 fleet from Airbus Industrie was based on suspicion of illegal commissions having been paid. It was closed down in 1988 because of a lack of evidence. The file was officially reopened in 1995 after 17 months of political and journalistic preparation. On November 11, 1993 Attorney General Allan Rock had lunch with Susan Delacourt of the *Globe and Mail* and asked her if she knew anything about offshore bank accounts held by former members of the Conservative government. She said that another journalist, Stevie Cameron, might know something. Rock then asked his Deputy Minister, John Tait, about the matter and he told Rock he should discuss it with Herb Gray who, as Solicitor General, was responsible for the RCMP. Rock did, and the RCMP sent two people to interview him on January 10, 1994. On February 22, the Mounties wrote Rock telling him they had no basis to begin an investigation or to reopen the original one.

In March, 1995, the CBC TV show, *The Fifth Estate*, aired an investigative report on the earlier allegations and the RCMP received copies of the documents and interviews on which it was based. The main source for allegations of illegal commissions having been paid to Karlheinz Schreiber, who was alleged to be an associate of several prominent politicians, including former Premier of Newfoundland, Brian Moores, and former Prime Minister Brian Mulroney, was Giorgio Pelossi, a former (and disgruntled) employee of Schreiber. Staff Sergeant Fraser Fiegenwald, who had been in charge of the earlier (and now suspended) Airbus investigation, began to examine the CBC papers. Staff Sergeant Fiegenwald thought it would be a good idea to ask the Swiss to check on the allegation that Frank Moores, Brian Mulroney, and Karlheinz Schreiber had opened bank accounts in that country to receive money illegally from Airbus Industrie.

The request would be facilitated by the International Assistance Group in the Department of Justice. The lawyer in charge of this group was Kimberly Prost, who said she processed Staff Sergeant Fiegenwald's request in the same routine way as she would have processed any other, even though it concerned a former Prime Minister, which was not routine. Prost subsequently maintained that she was just a "mailbox" for the RCMP, which is an implausibly naïve self-description, insofar as she and Staff Sergeant Fiegenwald drafted several iterations of the request letter to the Swiss, each time asking if it complied with the demanding standards of Swiss law. Eventually,

when it contained the very strong assertion that Mulroney, Moores, and Schreiber were part of an ongoing criminal conspiracy “to defraud the Canadian government of millions of dollars of public funds from the time Mulroney took office in September, 1984 until he resigned in June, 1993” [Kaplan, 1998: 89], it met the standard required by the Swiss. On the basis of these “facts,” the Government of Canada sent an official Letter of Request for Assistance to the Swiss asking them to send them the bank records of Mulroney, Moores, and Schreiber. Prost then signed the letter and sent it off. Herb Gray was informed. He later said he knew nothing of its contents but in fact was regularly briefed by the RCMP.

The impetus for the Letter of Request came from a “theory” of Staff Sergeant Fiegenwald. At one point, he decided to look beyond the Airbus purchase to other projects involving Schreiber. One, a proposal to build military vehicles in Cape Breton, was turned down flat by the Mulroney government. The other involved a helicopter purchase from Eurocopter for the Coast Guard. Staff Sergeant Fiegenwald detected that \$900,000 had gone to Schreiber and \$353,000 to Moores on this \$30 million deal. At one point, he asked a colleague in the RCMP on Mulroney’s protection detail whether the Prime Minister had ever visited Switzerland—perhaps slipping across the border to open a bank account when he attended the G8 summit in Munich in 1992. His colleague wondered if Staff Sergeant Fiegenwald was entirely sane and warned him that persisting in this matter would “bring disgrace upon yourself and upon the entire force.” He persisted [Kaplan, 1998: 83]. To say the least, the letter from Prost was inaccurate. It stated, for example, that *The Fifth Estate* linked Mulroney to unlawful commissions when in fact the television show said just the opposite.

In November, 1995, Brian Mulroney received a translation of the letter sent in German to Schreiber by the Swiss authorities informing him of the investigation. Mulroney immediately pulled together a legal and public-relations team to fight the government and the RCMP. Roger Tassé, a former Deputy Minister of Justice and senior counsel to Mulroney, told RCMP Commissioner Philip Murray that he would be pleased to have Mulroney testify before the investigating officers but Murray dismissed the offer. “I can’t get through to them,” said Tassé to Mulroney, “they don’t seem to understand the significance of what they have done.” Tassé asked Staff Sergeant Fiegenwald’s superior, Inspector Yves Bouchard, when he would like to see Mulroney. There was no hurry, Inspector Bouchard said, “we are just starting our investigation” [Kaplan, 1998: 111]. It was an astonishing police procedure at the *start* of an investigation to send a letter to the Swiss authorities stating “facts” that indicated a conclusion to an investigation. In other words, because the Government of Canada did not have sufficient evidence to charge Mulroney and his associates with criminal acts, which is why the Airbus case was dormant, they wrote a letter that called Mulroney and his associates criminals in the hope of acquiring evidence from the Swiss banks that would support bringing criminal charges in Canada.

Tassé then met with Inspector Bouchard and Staff Sergeant Fiegenwald on 15 November 1995 and explained once again how serious the letter was because the contents were bound to be leaked. “Don’t worry,” said Staff Sergeant Fiegenwald “we’ve sent another letter to Switzerland explaining the importance of keeping the matter confidential” [Kaplan, 1998: 113]. Tassé wondered what kind of “idiot” he was dealing with. The RCMP subsequently took the position that the Letter of Request for Assistance was secret when it was in Canadian hands but that what happened when the Swiss received it was out of their control. In fact, Commissioner Murray and Roger Tassé both knew full well that it was part of the Swiss procedure to inform account-holders when the police are seeking information about their bank accounts. In other words, the RCMP knew the Letter would no longer be confidential the moment the Swiss received it.

In late November, 1995, Brian Mulroney filed a defamation suit and the following April testified in examination on discovery. He sought to attack the contents of the letter as being defamatory and the investigatory process as negligent and an abuse of authority. In the first day of his testimony, he declared everything in the letter to be a “grotesque lie,” and that the RCMP was “in contact” with his opponents in the media—Stevie Cameron, author of *On the Take: Crime, Corruption, and Greed in the Mulroney Years* [1995a]—in particular.

Fiegenwald’s face reddened, and it stayed that way as Mulroney detailed his efforts to set matters right. His discomfort increased as Mulroney revealed publicly for the first time that, after he had learned about the existence of the letter, Tassé had approached the RCMP on his behalf and offered Mulroney’s full co-operation in the investigation, including access to his financial records. “I was prepared,” Mulroney stated, “to let the RCMP look at my bank accounts any time they came to see me.” The request was rebuffed. When the RCMP indicated to Tassé on November 15 or 16 that it would withdraw that part of the letter pertaining to Mulroney in return for allowing an examination of his bank accounts, that offer was rejected. At that point, Mulroney explained, the letter was all but out. [Kaplan, 1998: 182]

In cross-examination, the lawyer for the Government of Canada, Claude-Armand Sheppard, asked Mulroney if he knew that Schreiber had profited on the Airbus purchase by Air Canada. Mulroney denied any knowledge. Did it bother him, Sheppard asked “that *no one* seems to know what efforts Mr. Schreiber’s companies may have made with respect to the sale of Airbus to Air Canada?” This was a remarkable question: the lawyer for the Government of Canada had just admitted that the Department of Justice knew nothing about Schreiber’s activity when they wrote the letter to the Swiss indicating he was a criminal.

Yvan Bolduc, the RCMP lawyer, then tried to repair the obvious damage Mulroney's testimony had inflicted. Why, he asked, had Mulroney named RCMP Commissioner Philip Murray in the lawsuit? Because, Mulroney said, there is a responsibility of high officials such as the Commissioner of the RCMP to stop an injustice when they learn of it and his lawyer, Roger Tassé, had informed Commissioner Murray of the facts and he had done nothing to ensure Mulroney's reputation was not harmed by an illegitimate investigation. Moreover, Mulroney explained, based on his experience as Prime Minister, he thought it "would be a rare event indeed" for such an inquiry and Letter of Request to be dealt with at the level of a Staff Sergeant [Kaplan, 1998: 188].

The government, however, was not prepared to put Staff Sergeant Fiegenwald on the stand and so asked for more time—another nine months. Obviously this was not in Mulroney's interest. The reason given by the RCMP was that providing information at the time, in May, 1996, "would cause irreparable harm to the investigation" because the police might have to reveal "sensitive information." It would also harm "international relations between Canada and Switzerland." The last reason was simply preposterous. The first was highly questionable: the RCMP had been investigating this matter for eight years and there was no evidence introduced as to what the harm might be or what the information was. It was simply an unsubstantiated assertion.

When the government filed a statement of defence, they claimed that both Kimberly Prost and Staff Sergeant Fiegenwald had followed procedures. No one made any mistakes. Everything was done, they said, in good faith and without malice. The RCMP statement added that Commissioner Murray was not involved in the investigation or with sending the Letter of Request. In 1995, the Mounties claimed, they obtained "vast information" that was examined with care and from which they concluded they had to write the Swiss. In other words, the RCMP was claiming to have plenty of evidence but would share none of it; their officials had acted properly but would not allow them to explain anything. "It was all part of good police work," Kaplan claimed laconically [Kaplan, 1998: 206].

Mulroney accused both the Department of Justice and the RCMP of acting out of self-interest only—to delay the moment of reckoning as long as possible. They had conducted a superficial investigation and composed a Letter of Request for Assistance filled with factual errors and simply did not wish to be called to account. He went on to suggest that Allan Rock had indicated to the RCMP that they might reopen a case that had long been closed for want of evidence. "Pleasing political masters became the goal, and in the process the RCMP set aside both common sense and established practice" [Kaplan, 1998: 208].

Meanwhile negotiations were going on between the government and Mulroney. "Speculation was rife that the two sides were close to a deal—until the commissioner of the RCMP spoke to reporters and someone leaked word of negotiations to the press" [Kaplan, 1998: 217]. The RCMP and the Department of Justice also objected to making

public any of the early drafts of the Letter of Request for Assistance, which as noted above provided evidence of rhetorical escalation until it reached the threshold of a factual assertion of (unsubstantiated) criminality. Worse, Mulroney's lawyer argued, "the RCMP was in a conflict of interest. It was being sued civilly for having defamed Mulroney, yet, relying on the criminal law and the Canada Evidence Act, it was trying to prevent Mulroney from getting the information he needed to prosecute his case" [Kaplan, 1998: 258].

In November, 1996, Harvey Strosberg, the Department of Justice lawyer, learned that Staff Sergeant Fiegenwald had in fact leaked evidence to journalist (and Mulroney antagonist), Stevie Cameron, which utterly destroyed the government's good-faith defence. Strosberg called Commissioner Stewart and told him to ask Staff Sergeant Fiegenwald about the leak. At first, Fiegenwald denied he had leaked to Cameron and then changed his mind and admitted the truth. Attorney General Rock was not pleased. Then the Federal Court denied the application of the RCMP to refuse to cooperate on the grounds of the Canada Evidence Act—that is, they were told they could not hide behind the declaration that their testimony would harm relations with the Swiss. The judge quickly determined that the RCMP was protecting something, but not a state secret. Among other reasons for this conclusion is the fact that the Mounties could not get a Minister of the Crown to sign the Certificate of Objection, as required by law, that would preclude Mulroney's lawyers from questioning the Swiss. Instead, Deputy Commissioner Frank Palmer signed, though he had no authority to do so.

In the event, the government apologized and paid Mulroney's legal costs. Staff Sergeant Fiegenwald was not called to the stand to be cross-examined. Kimberley Prost was promoted and posted to England. The government press conference announcing the settlement did not go the way Allan Rock and Herb Gray wished. Commissioner Murray at first indicated he knew of the Letter of Request for Assistance in advance but later denied it.

Depending on the day and the spokesperson, Murray was informed about the investigation or not informed about it. He had not seen the letter before it was sent, or he had seen and approved the letter before it was sent. He had approved the letter, but not read it, because it was a "technical document," or he had read the letter, but only days before the trial. Tassé had read it to him, but he had not read it himself. It was hard to know what to believe. The solicitor general told reporters that he would be looking into the matter, but that, of course, was the last anyone heard about it. [Kaplan, 1998: 298]

Then Staff Sergeant Fiegenwald was the subject of a code-of-conduct investigation led by Inspector Dugnay. "Critics could not help noticing the RCMP had assigned an Inspector to investigate alleged misconduct of one of its Staff Sergeants, but had

assigned a Staff Sergeant—Fiegenwald—to an investigation ‘of serious concern to the Government of Canada’, because it involved ‘criminal activities of a former Prime Minister’” [Kaplan, 1998: 301]. He was accused of breaking his oath of secrecy in leaking evidence to Stevie Cameron but, for reasons discussed below, was allowed to retire from the Force.

There are several anomalies in the Airbus case. Probably the most important was the initial action by Allan Rock that eventually led the RCMP to reopen an investigation that began in 1988 but that had been declared dead in 1995 [MacDonald, 2004]. In December, 1999, four years after the Letter of Request for Assistance was sent to Switzerland, the RCMP executed a search warrant on the offices of Eurocopter, near Toronto, again looking for information of illegal commissions being paid. This event led to a series of legal actions that brought to light some further anomalies [Kaplan, 2004]. Eventually the charges against Schreiber were dismissed.

At the outset, the RCMP argued that the “Information to Obtain,” which was presented to a judge to convince him to issue a search warrant regarding Eurocopter, should remain sealed, along with a large collection of other documents. The initial reasons given were to protect the reputation of Brian Mulroney, which would be harmed if his name were associated with an investigation similar to the Airbus case, and to protect the integrity of a criminal investigation. Then in December, 2001, the RCMP added that the records needed to remain sealed, at least in part, to protect the identity of a confidential informant (CI). The Eurocopter case had been underway for two years and, as is customary with the drafting of an Information to Obtain, confidential informants are usually identified by number from the outset. “Informer privilege” is of such importance in prosecutions that it can be set aside only if an innocent person otherwise would go to jail.

Kaplan had argued in *Presumed Guilty* that Staff Sergeant Fiegenwald had leaked information to Stevie Cameron, which in turn destroyed the Government of Canada’s defence that they had acted in good faith, which is to say, in secrecy, to preserve the integrity of the investigation. The only way Staff Sergeant Fiegenwald could claim to have acted in good faith *and* to have given information to Stevie Cameron was if she were a confidential informant. As Schreiber’s lawyer in the Eurocopter case, Eddie Greenspan, put it: “How do you get books ... by Stevie Cameron and by Stevie Cameron and Harvey Carshore [2001], on ongoing investigations that are supposed to be the subject of secret, sealed material” unless she was a confidential informant? [Kaplan, 2004: 109]. In other words, Greenspan was arguing that a journalist hostile to Mulroney was the source of information used by the RCMP to reopen the Airbus case; the RCMP then protected their source by declaring her to be a confidential informant. In addition, as noted above, the RCMP briefed the Solicitor General, Herb Gray, on their investigation of the Airbus case, naming Stevie Cameron and alluding to Giorgio Pelossi, both of whom were hostile to the accused, Mulroney and Schreiber. When

eventually the status of Stevie Cameron was made public, Mulroney made the obvious comment: “it is a corruption of the Privy Council and the independence of the police” [Kaplan, 2004: 123].

Not only was Greenspan’s argument persuasive in theory, it was also largely factual. It turned out that Staff Sergeant Fiegenwald had indeed told Cameron about the Letter of Request for Assistance, an act that cost Canadian taxpayers over \$2M for settlement costs in the Mulroney lawsuit. For her part, Stevie Cameron never explicitly denied being a confidential informant for the RCMP. At one point she “explained” that the RCMP made her a CI without her knowledge, which, if true, presumably was done to ensure that Staff Sergeant Fiegenwald could maintain a consistent story about his “non-leak” to her [Makin, 2004; Coyne, 2004; see also Noble, 2004]. On the other hand, RCMP Inspector Allan Mathews provided a sworn affidavit that the confidential informant in question had, in fact, been contacted by a Department of Justice lawyer, Ingrid Hutton, who confirmed her status. Moreover, Cameron’s lawyer’s correspondence indicated that she had provided information to the RCMP “at a time when our client was designated as a confidential informant” [reproduced in Kaplan, 2001, 158–59]. Moreover, Hutton reported to Inspector Mathews that Cameron was willing to consent to waiving her CI privilege if it would be done in pursuit of the prosecution of Brian Mulroney [Kaplan, 2001: 122]. It was, to say the least, unusual for a CI to accept that privileged status with conditions attached. It was equally unusual for any police force to agree to extending something like conditional privileged status to a CI.

The RCMP archival material reported by Kaplan indicate that Cameron was a *de facto* CI starting in the spring of 1995 [see also Blackwell, 2005]. Some time later, in 2001, she was assigned a CI number, A2984, the “A” indicating she was reporting to “A Division,” RCMP headquarters. At the time that Staff Sergeant Fiegenwald was the subject of an internal investigation by RCMP senior administration for leaking information to Cameron, she met with her lawyer and with Chief Superintendent Pierre Lange. Chief Superintendent Lange indicated he wished her to testify against Staff Sergeant Fiegenwald. Cameron refused on the grounds, among others, that her testimony would be “contrary to the guarantees we [i.e., the RCMP] had offered her during our [i.e., the RCMP’s] initial contact,” that is, her conditional CI status [quoted in Kaplan, 2001: 154]. Chief Superintendent Lange went on to explain to his superiors that Cameron’s refusal had put the RCMP in an awkward position. If they compelled her to testify against Staff Sergeant Fiegenwald, they would likely be served with a lawsuit for breaking the CI agreement and worse, “it would seriously damage our [i.e., the RCMP’s] reputation and future ability at recruiting confidential sources of information” [Kaplan, 2001: 154]. This is why the RCMP settled with Staff Sergeant Fiegenwald and allowed him to retire, pension intact.

The key element so far as politicization of the RCMP is concerned emerged when, under orders from above, the federal police reopened the Airbus case after it had been

closed early in 1995. Their reliance on so-called evidence from a very hostile journalist of course made matters worse. What the RCMP seem not to have grasped is that, once they begin to follow the direction of their political masters rather than enforce the law, they have already been corrupted. Indeed, this is the pith and substance of the term, “institutional corruption,” introduced above. That is, more is involved than the personal mistakes of a Staff Sergeant running a CI or the failure of an Assistant Commissioner to ensure a professional distance separated him from the political operatives he served. The problem is that the police did not see their own behaviour as a problem, let alone as corrupting the institution of which they were a part. The same issue resurfaced most emphatically in connection with the “APEC affair.”

The APEC affair

There are two connected issues involved in the events of November 25, 1997. The first concerns political interference by officials from the Prime Minister’s Office with the execution of their responsibilities by the RCMP. This is a constitutional question that concerns the relationship between the police and the government. Second, there is the question of police conduct that afternoon. Both questions were discussed in detail in the *Report* made by Mr. Justice E.N. (Ted) Hughes [2001].

Justice Hughes’ Commission, like the Gomery inquiry, was undertaken by an individual of integrity and proper qualification. The focus, however, was not on the “culture of entitlement” that characterized senior officials, managers, and politicians that Gomery encountered but on the relationship between the political executive and the police in Canada. Formally, or in principle, matters are both simple and clear: “shielding police from politicians is the foundation of the rule of law, the most important of our constitutional principles” [Pue, 2000a: 12]. In *Entick v. Carrington* (1756) it was established that in a British parliamentary system there is one law for the government and for citizens. This means two things: (1) no one can be interfered with or punished except by a breach of law passed using ordinary legal procedures, and (2) everyone is bound by the law: police officers, PMO officials, the Prime Minister, the sovereign. Or, as Donald J. Sorochnan put it, “the rule of law is not the law of the ruler” [Sorochnan, 2000: 59]. The Hughes inquiry into the APEC affair amounted to a detailed examination of how, in practice, that formality was adhered to on one specific and important occasion.

The modern landmark position of the RCMP with respect to political non-interference dates from the letter of resignation written by Commissioner L. H. Nicholson in 1959. The Minister of Justice at the time, Davie Fulton, instructed Commissioner Nicholson on the deployment of RCMP to Newfoundland to deal with a strike. The Commissioner did not think such instruction was proper, rejected it, and resigned

citing as his reason political interference with the independence of the RCMP with respect to law enforcement [Stenning, 2000: 87ff]. It is not clear, however, whether providing protection for “internationally protected persons,” that is, visiting foreign dignitaries and their entourage, is law enforcement simply or whether it is “security,” a presumably wider term for which political direction may be appropriate [Bloomfield and Fitzgerald, 1975; Okafor, 2000].

In his *Report* [2001], Hughes noted five principles based on British and Canadian law and on the arguments and conclusions of the 1981 report of the McDonald Commission, which examined the RCMP’s activities directed at separatists in Quebec during the 1970s.

- ⌘ When the RCMP are performing law enforcement functions (investigation, arrest and prosecution) they are entirely independent of the federal government and answerable only to the law.
- ⌘ When the RCMP are performing their other functions, they are not entirely independent but are accountable to the federal government through the Solicitor General of Canada or such other branch of government as Parliament may authorize.
- ⌘ In all situations, the RCMP are accountable to the law and the courts. Even when performing functions that are subject to government direction, officers are required by the *RCMP Act* to respect and uphold the law at all times.
- ⌘ The RCMP are solely responsible for weighing security requirements against the Charter rights of citizens. Their conduct will violate the Charter if they give inadequate weight to Charter rights. The fact that they may have been following the directions of political masters will be no defence if they fail to do that.
- ⌘ An RCMP member acts inappropriately if he or she submits to government direction that is contrary to law. Not even the Solicitor General may direct the RCMP to unjustifiably infringe Charter rights, as such directions would be unlawful. [Hughes, 2001: 86]

This set of criteria appears unambiguous: the RCMP are in the business of “law enforcement,” they are “answerable only to the law,” and, on other occasions, they are subject to government direction.

Unfortunately, Hughes does not indicate what “law enforcement functions” are. A narrow interpretation would be that they include only the investigation, arrest, and with Crown prosecutors, the prosecution of individual cases, which would make whatever direction was given to the RCMP with respect to APEC security entirely appropriate. There would, by this reading, be nothing wrong with according special protection to the President of Indonesia to ensure his dignity was unaffected by any demonstrations. However, because insulting another human being or causing political

discomfort and embarrassment is not a crime in Canada, the balance between genuine security concerns and the rights of Canadians to free expression must be respected [Okafor, 2000: 189; Irvine, 2000: 35]. After all, a sensitive foreigner always has the option of staying home and avoiding embarrassment.

On the other hand, if the RCMP had “exclusive” responsibility for security, as Hughes indicates, then it was their duty “to brook no intrusion or interference whatever from government officials” [Hughes, 2001: 451]. That an inconsistency in these positions exists is less a reflection on the logical capabilities of Mr. Justice Hughes than on the impossibility of giving legal specificity to an organization that requires prudence and flexibility to be effective. We are dealing, therefore, with the weight of evidence and with probability, not the categories of black-letter law [cf. Stenning, 2002]. One should also bear in mind that Mr. Justice Hughes lacked “genuine investigative powers or resources” and so “was entirely dependent on the very people whose conduct was called into question for the production of evidence” [Pue, 2001: 171]. Indeed, the Commissioner was limited to “finding” legal facts rather than weighing evidence that has been introduced and examined. Nor, obviously, can a commission examine facts beyond its jurisdiction [Pue, 2000b: 339]. Notwithstanding all these qualifications, however, the Hughes Commission report “is the first such authoritative finding of wrongful interference with the police on the part of any Canadian prime minister or his or her office” [Pue, 2001: 169]. Let us, then, consider what Hughes found.

Political interference by the PMO in an RCMP security operation

Over the years, the tradition had grown up that the APEC experience would be incomplete if the attending heads of state were deprived of a “retreat.” Previous, APEC leaders’ retreats had been held on isolated islands, on former military bases, or in castles. All were isolated from the public. For reasons known only to the PMO, the Museum of Anthropology at the University of British Columbia (UBC) was selected for the retreat of November 25, 1997. It was by no means isolated from the public but situated on a major thoroughfare, Marine Drive, on a major urban campus. Moreover, there are only two exits from the Museum. One could exit right on Marine Drive towards what the RCMP called “Gate 6” or left towards “Gate 3.” Within a kilometer of the Museum, in either direction, the security zone ended and protesters would be in a position to block roadways, which at one point that afternoon is just what they did.

The Museum is not in the middle of the UBC campus but one must transit an area close to the centre of campus to get there, and pass in front of Green College, a graduate student and post-doctoral residence effectively constituting the north side of “Gate 3.” As Justice Hughes noted, “the attempt to hold a ‘retreat’ at the UBC campus may well have contributed significantly to the events of November 25, 1997” [Hughes, 2001: 59]. In addition, and with respect to Green College, Inspector Bill Dingwall, second-in-command of RCMP security planning for the APEC conference, was

unaware that the residence was outside the security zone. As a result he issued a number of illegal orders to confiscate signs, which was in clear contravention of s.2(b) of the *Charter*, which guarantees “freedom of thought, belief, opinion, and expression, including the freedom of the press and other media of communication.”

In contrast to the plain meaning of a *Charter* right peacefully to hold up a sign with the word “democracy” on it, the Government of Canada claimed a right to set the event perimeter of the retreat “and to enlarge it beyond what was strictly necessary from a security perspective.” And likewise, the RCMP “appeared to be under the impression” that, security requirements aside, they could place the security perimeter where they wished, provided UBC agreed. For their part, UBC had agreed to host the retreat at the Museum so long as there was a “line-of-sight” gathering place for lawful demonstrations. Superintendent Wayne May agreed to a space in front of the Law School, but the Director of Operations for Prime Minister Chrétien, Jean Carle, wanted it reduced on grounds that, in the opinion of Superintendent Wayne May “had nothing to do with security concerns” [Hughes, 2001: 64]. Robert Vanderloo, the Executive Director of the APEC Coordinating Office (ACCO), which organized the meetings agreed with Superintendent May but did not oppose Jean Carle who was adamant enough in his position to yell at the assembled officials [Hughes, 2001: 64].

At this point the RCMP also caved in to an angry and aggressive Jean Carle even though it violated the agreement between UBC and ACCO. The RCMP site-commander, Superintendent Trevor Thompson said in testimony:

Well, I knew of the agreement that I had with Prof. Pavlich, and it was my intention to honour that agreement. I ... now I had a little bit of a problem, because the PMO's office had a position namely Mr. Carle, and the University and I agreed with the University position. So I ... at that particular moment, I wasn't quite certain how I was going to resolve this, at that particular time” [Hughes, 2001: 65].

Inspector Dingwall, however, was a lot more certain about what needed to be done about the student protesters. At one point, he emailed Superintendent Thompson:

If they hang banners towards the MOA [Museum of Anthropology], are they going to be able to be visible through the trees? Could we erect some sort of draping to cut off the view? Secondly, they are only leasing the building and I suppose that we could make the argument that the exterior of the building is not being rented and the University, as landlord, could remove them. [quoted in Irving, 2000: 32].

Summing up the interventions of Jean Carle, Hughes commented that “Mr. Carle had, in my judgement, inexcusably thrown his weight around on this occasion. His expression of concern for public safety was a spurious one that I reject” [Hughes, 2001: 65–66].

Given the position of Jean Carle and his reputation, well known to the RCMP, as a tough customer who worked for a tough prime minister, it might be anticipated that he would throw his weight around. More important is the fact that the RCMP did not push back. More precisely, if Jean Carle gave illegal orders—and the evidence is overwhelming that he did—then the RCMP had a duty to refuse them. In this context, the federal police refused their duty. Instead, the UBC administration protested at this violation of the agreement but not to the extent of withdrawing their consent to use the Museum. Later, Superintendent May acquiesced in a letter, which he knew was misleading or false, that insisted that “security considerations” required the reduction of the demonstration area [Hughes, 2001: 68–70].

Jean Carle was also concerned about creating a “noise-free zone” around the retreat site. Neither the RCMP nor UBC considered noise a security issue. Inspector Bill Dingwall nevertheless proposed pushing back the “noise barrier” about a block behind the security fence and UBC acquiesced. In a “general note to file” Inspector Dingwall wrote “Jean Carle does not want the demonstrators close at all, which will mean moving back our perimeter” [Hughes, 2001: 57]. “In short,” wrote Pue, “the ‘security perimeter’ had become a ‘political’ perimeter” [Pue, 2001: 180].

Granted that the law regarding police independence may be ambiguous, it is crystal clear that the RCMP alone has the responsibility of determining the weight accorded security requirements in balance against *Charter* rights of citizens. As noted above, Hughes’ fourth interpretive principle leaves no wiggle room: “The fact that they may have been following the directions of political masters will be no defence if they fail” to give adequate weight to *Charter* rights [Hughes, 2001: 86]. In this context, Hughes found that the removal of tents from the grounds of the Museum on the November 22, considerably prior to the beginning of the “retreat” on November 25, was “inconsistent with respect for the tents’ rights under section 2(b) of the *Charter*” [Hughes, 2001: 98]. The RCMP, said Hughes, made a mistake but it was an honest mistake based on erroneous legal advice. The conduct of Jean Carle and the PMO, in contrast, constituted improper interference in an RCMP security operation [Hughes, 2001: 100–01]. They wanted the tents away from the Museum even though the RCMP had no authority to remove them [Hughes, 2001: 37].

The RCMP’s incompetence in dealing with protesters

The second issue regarding the conduct of the RCMP at the APEC conference concerned the way the federal police actually behaved in dealing with protesters. Here Justice Hughes was unequivocal: “I have concluded that the real explanation for what appeared to be a police ‘crackdown’ on protests was the RCMP’s failure to meet an acceptable and expected standard of competence, professionalism, and proficiency in carrying out their duties [Hughes, 2001: 102]. Among other things, the RCMP had no expectation that protesters would appear on the Green College site, even though there

were plenty of protest signs (some of them very rude) in the Green College dorm windows. Originally the RCMP were to be deployed in front of a flimsy “Indy-style” chain-link fence about ten feet high secured by poles in concrete blocks on the ground and held together by plastic ties at the top. Sometime after 11:30 AM, the RCMP received information that the protesters wanted to blow soap bubbles through the fence. Someone in command, who was never identified, thought this was a splendid idea and ordered the police to abandon their position in front of the fence where the protesters expected to meet them and, as has become something of a tradition on such occasions of protest (at least in the Lower Mainland of British Columbia), get themselves arrested in an orderly, choreographed way. Instead, when they approached the fence, the police had moved away, apparently to avoid the soap bubbles. The protestors then proceeded to climb the fence. It collapsed under their weight and the police responded with an indiscriminate attack using OC (Oleoresin Capsicum)—pepper spray. The author of the decision to permit unobstructed access to the fence “remains a mystery” as does the source of the “bubble-blowing theory” [Hughes, 2001: 124]. The possibility of disinformation regarding bubble-blowing, originating with the protesters, does not seem to have occurred to anyone, including Mr. Justice Hughes.

About mid-afternoon, the protesters moved to block the exit routes just outside the security zone. One does not have to be an expert in security planning to figure out quickly enough that this was a major threat to the security of the International Protected Persons. Moreover, once the PMO decided on the Museum of Anthropology as a venue for the “retreat,” the disposition of the exit routes from the Museum was, practically speaking, an invitation to the protesters to block them. Finally, had there been any serious or competent group concerned with harming the 18 heads of state present, they surely would have infiltrated the protesters and convinced them to do what they did on their own. Considering that “there simply was no plan in place to address a blockade of the exits” [Hughes, 2001: 135], the potential for a major international incident was high. This sense of exposure to a serious risk may have contributed to the precipitous action by Staff Sergeant Hugh Stewart. After having used pepper spray to deal with the chaotic events surrounding the collapsed fence at “Gate 3,” he was dispatched down Marine Drive to “Gate 6” just prior to the end of the retreat in order to clear the road of protesters. He was given poor intelligence regarding the situation at “Gate 6” and in the space of about ten seconds announced his intention to clear the road and started using OC Spray on individuals who were, in fact, leaving the area. Mr. Justice Hughes summarized his understanding of the events at “Gate 6:”

The position S/Sgt. Stewart found himself in as he faced the protesters on that road was the result of the same ineptitude and inadequacies that had caused panic to reign at Command Centre and in senior RCMP ranks on the UBC

campus from the moment that afternoon that it sunk in that the world leaders were captives behind blocked exits and that there was no plan in place to address the resulting crisis. [Hughes, 2001: 356]

It was, said Hughes, a “very serious breakdown in communications as part of an afternoon of overall confusion, which had its roots in the ill-suited planning structure put in place for the APEC conference and [in] the manner in which that structure was administered by those holding planning responsibility” [Hughes, 2001: 360].

The details of what took place in the afternoon of November 25 as recorded in the Hughes Commission report read like a thriller, except that it also shows as clearly as possible that fog and friction, to use the metaphors of Clausewitz, are not confined to military operations. Just about everything that could go wrong—from choice of venue to divided authority and a rich array of incompetences—did go wrong. In retrospect, it could hardly have been otherwise.

Bureaucrats in uniform

In his “Closing Observations,” Mr. Justice Hughes raised the question: “What can explain the instances of substandard RCMP performance reviewed in this report?” [Hughes, 2001: 431]. His answer was both cautious and modest: first, the separation of planning from operations command and, second, a failure to anticipate events [Hughes, 2001: 438–39]. That is, the unlawful behaviour of the RCMP was explained, if not excused, by a combination of what Pue called the “dumb cop” and “excited cop” notions. At least, there were no allegations of unlawful intent. Using OC spray as punishment rather than to subdue, for example, would be evidence of criminal assault by the RCMP. About all that can be said along that line is that Staff Sergeant Stewart was exceedingly quick on the draw at “Gate 6” when he pepper-sprayed sitting protesters who did not need to be subdued. What emerges from the Hughes Commission report is not just “Keystone cops incompetence” on the part of the RCMP, which is bad enough. In addition, on November 25, 1997 and in the weeks leading up to that date, they had become “a police force that allows itself to be improperly deployed for political purposes” by “politicians who see nothing wrong with so using the police” [Pue, 2001: 175].

No one has yet made the argument that constrained resources accounts directly for the willingness of the RCMP to follow improper, not to say illegal orders from their political masters. The chief explanation for the conduct of the RCMP is politicization, not funding cut-backs. Behind these, and no doubt other examples of politicization lies a basic administrative innovation in the reporting structure at the highest level of the force—the Commissioner himself. Prior to 1967, when the Department of

the Solicitor General was re-established, the Commissioner reported to Parliament through the Minister of Justice. Henceforth the Commissioner would report directly to the Solicitor General, until that office was abolished and absorbed by the Minister of Public Safety and Emergency Preparedness. [6] Today, officers of Parliament retain some of the attributes of officers of the Crown. The Auditor General, for example, is renowned for her independence. So, at one time, was the Commissioner of the Royal Canadian Mounted Police. Today, however, the commander of the federal police is in essence a Assistant Deputy Minister in uniform reporting to the Minister of Public Safety. This means the Commissioner has acquired a well-defined status within the government hierarchy—at the inevitable cost of his independence. In this respect, a comparable act would be to make judges into bureaucrats reporting to the justice minister or some other political figure. In effect, the RCMP had become just another government department. No wonder that the RCMP Commissioner and the armed bureaucrats he commands have difficulty maintaining their independence, whatever the principles enunciated by royal or judicial commissions. They are all placed in the position of having to report to a political superior about ongoing investigations that may involve the minister’s cabinet colleagues. Lorne Gunter indicated the obvious danger: “When such a reorganization occurs, the way to advance to the top is often to play politics rather than shine as an outstanding police officer and capable manager. Some senior officers begin telling their political masters what those masters want to hear rather than what they need to hear” [Gunter, 1999: A16].

The effect has been felt not simply on the ethos of the Mounties but also in government. Once the RCMP turned into bureaucrats themselves, their esteem evaporated along with the respect, even trepidation, with which they were viewed by other bureaucrats. For the politicians and the senior administrators in the central agencies, especially Treasury Board and Finance, the Mounties have become no different than any other bureaucratic entity with a hand out for taxpayers’ money. In short, the RCMP became just another file to be managed. And under the conditions that obtain today, they will be managed by the PMO for purposes established by that office.

The change in ethos, culture, or regime was confirmed by recollections of former RCMP. Thus, retired Assistant Commissioner Robert Head noted: “I know first hand that during the early 1990s the RCMP was obligated to report on cases under investigation, directly to the Solicitor General and/or one of his minions.” Head went on:

[6] Historically, the Solicitor General was a “law officer of the Crown” or a “royal officer” and at times in Canadian history was not a member of cabinet. The purpose of this anomalous status was to ensure impartiality, to promote the rule of law, and to enhance the integrity of the justice system by removing, to a degree, the office from normal activity of the political executive. Incidentally, the office of “commissioner” was also, in origin, a royal, not a merely administrative, office insofar as the commissioner (of the RCMP, for example) held his commission from the Crown.

[I]t is inconsistent to have a Commissioner responsible for Ministerial responses to government at the same time as he/she is obligated to investigate allegations of criminal activity involving the very government in which he/she serves. In his 1998 Directional Statement, the Commissioner writes that, “Aligning our priorities with those of government is high on our agenda.” This tells many of us that the law enforcement agenda is first set by government rather than by police managers. It is clear how this merging of police and government priority-setting could easily conflict with the impartial enforcement of the law without fear or favour. [Head, 1999: 4]

As the Assistant Commissioner concluded: “Policing is not always a service that is appreciated, particularly when the law breakers are themselves perched within the Canadian Parliament.” In turn these political problems have an undeniable impact on budgets: “It ... follows that budgets can be tailored to enhance the ‘feel good’ programs at the expense of ‘catching crooks’” [Head, 1999: 8].

To understand how much greater the pressure would be to avoid “catching crooks” who happen to be “perched within the Canadian Parliament” does not require an advanced degree in criminology. Political interference aside, it is clear that the imposition of civilian political expectations has eroded the capability of the RCMP in much the same way as it has that of the Canadian Forces. To quote just one report to the Minister of National Defence, “military leadership values have been eroded because of the imposition of civilian bureaucratic values in the military” [SCONDVA, 1999]. The crisis in the military helps us to understand a similar crisis in the RCMP. In this context, politicization does not always mean bending the will of the police to the immediate demands of the executive or failing to investigate criminal activities by politicians but includes as well such comparatively innocuous matters as imposing fashionable civilian ideas imported from academe, the civilian bureaucracy, and the political class. The result has inevitably been to confuse and muddle the police culture and ethos. For example, Ronald Stansfield, professor at the Center for Justice Studies at Humber College, advanced the opinion that because “police typically spend 80% of their time involved in social service functions and only 20% involved in criminal investigations,” they should learn the skills of social workers—and hire more women [Stansfield, 1996: 63–64]. But police officers are not social workers, even in Canada. Other problems can be directly attributed to less radical but still novel and non-traditional understandings of the purpose and function of a police force. As Palango has noted, police have become concerned less with law enforcement than with “problem-solving, as if police can solve all that ails society.” The result is that police “have become confused and disheartened, mainly because their sense of duty has been compromised” [Palango, 1998: 236, 265]. Similar opinions have from time to time been advanced with respect to the military—with similar results [Priest, 2003].

RCMP, Inc.

In practice, one administrative view that has had a great impact on the RCMP is the notion that government departments can and should be run as if they were private corporations. When the RCMP is treated as an arm of the public service, one result, as noted above, has been for the RCMP to adopt a “corporate ideology” or “mission,” and to “manage” policing together with its “stakeholders and partners.” Likewise, when other government departments and agencies try to present themselves as something akin to lucrative and efficient profit centres, it should come as no surprise that the police adopt the same rhetoric. In such an environment regarding the roles, missions, and tasks of the police in Canada, many “progressive” police entities have renamed themselves “police services” rather than “police forces” or “police departments.” As with all symbolic changes, there are real-world implications: police services are encouraged to satisfy clients rather than arrest bad guys. Of course, veteran RCMP officers have always referred to themselves as members of “The Force,” and many still identify themselves as constituting Canada’s “national police *force*.” As noted above, however, the RCMP is officially “Canada’s national police *service*,” and individual Mounties have been encouraged to regard themselves as service-providers using the corporate service-delivery model now standard throughout the Canadian civil service. The change was noted in the reflections of Assistant Commissioner Head. “More frequently now,” he wrote, “we are hearing less of ‘the Force’ and more of ‘police service.’ ... There seems to be extra emphasis, by government agencies in particular, to downplay the policing aspect of law enforcement in favour of community relations. When this filters through to the police on the street, they have a feeling that catching criminals takes a back seat to image and political correctness.” Head attributes this shift in terminology to the impact of “social engineers” in government and non-governmental organizations who believe “that the term ‘The Force’ connotes heavy handedness, top-down oppression and militariness [sic] that does not lend itself to good service” [Head, 1999: 8, 7]. In short, the “de-militarization” of the RCMP and the promotion of the skills of social workers in police services generally are two sides to the same coin.

In this context of change towards a more “understanding” or even kinder and gentler police, it is perhaps not surprising that the police have also come under pressure to generate more revenues for government, as well as to cut costs in order to assist governments in trimming their overall budget. The government “has long seen the RCMP as a business,” Palango wrote. In the world of markets and private initiative, a real business generates revenue or ceases to operate. In order for a publicly-funded organization to imitate this profit-seeking, it has two choices: (a) to cut expenditures, and (b) to find new sources of revenue. Budget cutting applied to a police force, however, may result not in increased profits but in a reduced ability to enforce the law and fight crime. Likewise, when revenue generation comes chiefly from collecting fines and confiscating the proceeds of crime, increasing these “revenue streams”—from

speeding tickets, for example—can easily lead to dissatisfaction from “clients” who think they are being gouged.

And yet, as Palango noted, “to ensure its survival, the RCMP has agreed over the years to take on revenue-producing roles and responsibilities that are, in many ways, antithetical to its being a guardian organization” [Palango, 1998: 32]. Former Assistant Commissioner Michel Thivierge was even more direct:

The people at the top say they are trying to run the force like a business. But the RCMP is not a business. No police force is a business. It’s a public trust. Most of these people clearly don’t know what they’re doing. They fundamentally do not understand what it is that a police force is supposed to be doing in a democratic society. They all see themselves as technocrats, trying to manage away problems. But they’re not addressing the deep, underlying problems. They’re not getting at the roots. There is no real vision. They’re just lurching from one thing to another, with no real long-term solutions and no deep understanding of the implications for both the force and society. [quoted in Palango, 1998: 145–46]

Likewise, according to Assistant Commissioner Head, pressure was exerted by senior government officials through the Treasury Board that the RCMP operate like any government department. For example, the RCMP’s internal establishment review should, like any department, be conducted as a continuing year-round study and monitoring process. Head commented: “It placed the Force in a position of having to assign more resources from crime fighting to bureaucracy—another subtle inroad into control by government—perhaps well intentioned by some, but seen by others as intrusive. It followed that in due course, the reporting relationship would be more rigidly tied to the Solicitor General” [Head, 1999: 7].

The effect has been to intrude irrelevant civilian bureaucratic priorities and language into the running of the police. The RCMP “Project Renewal” program of 1994, for example, refers to the “primary objective involving streamlining, restructuring and flattening the organization through the elimination of redundant tasks or policies,” which Head said were simply intended to achieve budget reductions. A year later, the 1995/1996 *Annual Report* sought an “examination of its [the RCMP’s] operations through clarification of its most important ‘business lines’, leading to an articulation of how the Force should best position itself to maximize service to ‘its clients at minimum cost’” [Head, 1999: 7]. The grave problem with the rhetoric of police service-provision as a business is that occasionally the police organizations act on it.

The Enterprise Crime Unit and IPOCs

In the 1990s, for example, this “business” approach to running the RCMP resulted in the creation of the Enterprise Crime Unit within the Economic Crime Directorate. This unit would handle crimes that involved the evasion of tax and excise revenues

such as cigarette smuggling. The monies seized in such investigations would become federal revenue and, whereas the emphasis in the past had been on law enforcement, the new function of Enterprise Crime would be revenue generation for the federal government [Palango, 1998: 157]. Likewise, in place of the elite and, indeed, now legendary Commercial Crime Branch (CCB) discussed above, in 1996 the government established the Integrated Proceeds of Crime units (IPOC). Under RCMP coordination, police in 13 cities targeted the illegal proceeds of drugs, smuggling, fraud, and gambling. IPOC is designed to help police seize cash, vehicles, boats, buildings, and other criminal proceeds and sell them wherever possible to generate more revenue. Although the units have had some success in improving the ability of police to tackle organized crime, the program also brought to light a number of problems, some of which are directly attributable to trying to run the RCMP as a business.

Part of the problem simply reflected the inexperience of RCMP assigned to IPOC. Unlike the CCB, IPOC is not an elite group. Although it aimed to recruit officers with at least five-years experience in order “to be fully effective in the unit,” in fact 65% of IPOC investigators had three years experience or less, according to a declassified version of a secret evaluation of IPOC by the Solicitor General’s Department. By 1999, it was being reported that “inexperienced staff, hefty up-front costs and mounting legal fees have hampered a major federal program designed to take the profit out of organized crime” [Broniskill, 1999: A4]. The evaluation also revealed the effects of “business” thinking in the force:

Though the primary goal of the program is to tackle organized crime, it is also *expected to generate revenues*, through forfeitures and fines, that offset the cost of investigations. A *cost-benefit analysis* conducted by the evaluators showed the program wasn’t yet paying for itself. Successful cases generated \$30.1-million in *revenues* in 1997-98, or 62% of the \$48.9-million spent on the overall program. However, the evaluation says “a large proportion of the costs” went to ongoing cases that are expected to pay off in coming years. [Palango, 1999: 161]

One result that is independent of “profitability” or a full revenue stream is that the law is no longer enforced in a disinterested and impartial way. Because the government is using its influence through budgetary control to select, indirectly or otherwise, which cases will be pursued—all with an eye to generating revenues, government policies are themselves undermining the rule of law. For this reason, Palango called the IPOC units “little more than tax collectors with an attitude and a gun” [Palango, 1998: 150]. But even when the police see themselves as revenue generators, the results have been mixed. They have, for example, been slow to sell seized cars and boats, the value of which quickly depreciates—thus squandering precious “revenues.” Moreover, once the proceeds of crime are treated as a revenue source for the police, defence

lawyers can apply for liquidation of seized property to help pay the legal expenses of accused criminals—leaving little revenue for police to recoup at the end of the day. In short, the IPOC program has, in some instances, ended up funding both prosecution and defence of criminals, which gives a new meaning to “full-service policing.”

“Community policing” and institutional corruption of the RCMP

In the past 15 years, police forces the world over have adopted various forms of “community policing,” a vague concept subject to varying interpretations that have given rise to added confusion. The idea that police should work closely with the community in Canada is hardly new, particularly considering the RCMP’s long experience of local policing in the West and the “small-town mentality of the majority of RCMP administrators, most of whom rose through the ranks as small-town cops” [Leighton, 1991: 229]. However, the shift in police culture from crime fighting toward “service providing” in the context of “community” jargon has confused matters even further. In a report tabled in 1990 by the Mulroney government, *A Vision of the Future of Policing in Canada: Police Challenge 2000* [Normandeau and Leighton, 1990] the language of business—including “innovation,” “total quality,” “core values,” “empowerment,” “partnerships,” “excellence,” “risk-taking,” “conflict-resolution,” “ownership,” and “user-pay systems”—became second nature to police bureaucrats. At the same time, a focus on decentralization and the provision of (profitable) provincial police services shifted the emphasis away from the enforcement of federal laws and, as we have seen, reduced the capability of the federal police to fight organized crime. The movement towards community policing has been based on the unproven premise that there was a “need for dramatic change.” Not surprisingly, the supposed “military” image of the RCMP came under attack: “The excellent organization,” states *A Vision of the Future of Policing in Canada*, using typical language, “delegates authority and responsibility to its members; it does not operate in a militaristic fashion” (Normandeau and Leighton, 1990: 2). Instead of what the authors called a “militaristic” model, by which they probably meant a paramilitary model, they praised the virtues of a business model. In response, senior officers were sent on fact-finding missions to corporations all over North America, visiting IBM, 3M, and Motorola to learn how to run the RCMP by following the management strategies that make these corporations profitable. A focus on budgeting rather than crime-fighting led RCMP planners to emphasize policies that would please their political masters and ensure their budgets remained intact.

The downside risk of ignoring the purpose of the police, namely criminal investigation and law enforcement, in favour of what “community-based policing” had come to mean, did not appear immediately. As former Inspector Gary Nichols put it,

community based policing is an effective way of policing in times of good budgets. In times of bad budgets, it isn’t. To put bodies on the street, in the malls,

and walking the beat takes specialized skills out of investigative units. There isn't enough money to maintain investigative units. Community based policing is a Band-Aid. It's an example of government playing "hide the pea." [quoted in Palango, 1998: 219]

In the opinion of former Assistant Commissioner Michel Thivièrge, community-based policing is an "invitation to corruption," presumably institutional, not individual corruption, because local cops are given too much discretion, in the name of "empowerment," and too little supervision. The great advantage of a paramilitary hierarchy, namely a chain-of-command, removes considerable discretionary judgement from front-line officers. Once law enforcement is seen as an issue of individual choice, or when an individual Mountie is given too great discretion over whether to enforce the law, the opportunity for a decidedly partial application of the law is self evident.

Whether any given RCMP officer is corrupt in the sense of enforcing the law with "fear, favour and affection" depends, of course, on many factors, including the individual personality of the officer. The point of the critics, however, is that institutional corruption or corruption of ethos is enabled by the new "business models" of service delivery and in the attitudes that are fostered by such innovations. The latest version is called by Commissioner Zaccardelli "integrated policing." It is, he said, his "vision" or "defining philosophy" and he linked it directly to what community policing was for the RCMP of the 1980s and 1990s. "Many of the concepts are similar—the outreach, the partnering, the problem resolutions, processes, the understanding of the environments we work in—but now—it's on a global scale," he said in his 2001 speech to the Management Board of what was then called Human Resources Development Canada (HRDC). "Partnerships," he said,

are key. We are increasingly approaching the management of our strategic planning and the delivery of our programs and services in a horizontal manner, knowing that integration is critical to policing in the 21st century ... The 2003-04 fiscal year also marks the fourth [year] of our five-year transition to a strategy-focused organization of excellence, and our performance report details this next step in an evolutionary process, which has indeed, dramatically changed the way the RCMP does business. [RCMP, 2005c]

The RCMP is now in the business of offering "client-centred service; being results-oriented; using values-based decision making; and, demonstrating responsible and accountable stewardship of public funds" [Canada, Solicitor General, 2004]. Whatever client-centred services are for a police force, the model is unquestionably closer to that of the HRDC than the paramilitary organization upon which the Mounties' reputation once rested.

It is probably fair to say that Commissioner Zaccardelli could as easily have been addressing the shareholders of KPMG, Petro-Canada, or Canfor as members of a government department. This is not perhaps surprising: when his appointment was announced in 2000, Commissioner Zaccardelli was described not only as a 30-year veteran of the force but as the holder of “a Bachelor of Commerce in Business Administration from Loyola College in Montreal.” This would have been an unusual qualification in the past. Moreover, other senior RCMP posts are held by individuals who have little police experience but bring efficiency with financial resources. For example, Paul J. Gauvin, named “Deputy Commissioner, Corporate Management and Comptrollership” in 1999, is an accountant with no prior police experience. According to the RCMP website, he “began his career as an accountant with Blue Cross/Blue Shield” and “has dedicated over 30 years to public service, in increasingly senior financial and program management positions, in some of the largest, most complex federal government departments,” not including Justice or Solicitor General. Among his “career accomplishments” is “leadership of the successful development and implementation of the Government’s first major integrated finance and materiel management system” [RCMP, 2005j].

Even an RCMP officer who joined the Force following experience in the CF Military Police, such as Assistant Commissioner J.A.J. (Mike) Buisson, is described in his online biography not as a good officer or as a fearless and dogged investigator but as having “a solid background in project management and strategic planning,” and “an impressive variety of operational and executive experiences including participation in the RCMP contingent to the peacekeeping mission in Namibia, and RCMP Firearms Act Program Manager.” In the latter role, he

pursued continuous process improvement and was a noted trend-setter in the development of new systems and products ... Under Mike’s leadership, the Missing Children’s services received an award of excellence from the Treasury Board of Canada ... A visionary and progressive leader, Mike leads one of the RCMP’s largest and most complex business lines ... Dedicated to front-line policing, Mike Buisson is committed to providing seamless, consolidated services to clients ... A graduate of the Queen’s University Executive program, Mike is fluently bilingual and has some knowledge of Spanish. [RCMP, 2005h]

Clearly Mike Buisson is an impressive individual and there is nothing wrong with having all these skills, particularly in addition to many years of genuine police work. However, the discourse used by the RCMP, and the emphasis placed on non-policing achievements, suggests that the priority seems to be efficiency, experience in budget-planning and processes, and language skills even though it also mentions that he is “dedicated to front-line policing.”

Regional identities and organized crime

Regional identities are a significant part of the Canadian political landscape but they have no place in a national police force for the same reason they do not belong in the Canadian Forces. This is especially true where commercial crime and international organized crime are concerned. During the 1960s, as noted above, the Commercial Crime Branch was an elite nation-wide unit within the RCMP. It operated independently of regional or provincial commands. Each CCB detective was an experienced police officer, often with additional post-secondary training and specialization in areas such as bankruptcy, stock-market scams, crimes involving public funds, or cross-border fraud. One of the strengths of the CCB was that it dealt with organized crime as a national problem rather than relying on local commands and detachments. However, the trend in the 1990s was toward regional operations. Instead of having one commanding officer for all criminal investigations, an individual in a position to survey and coordinate operations against organized criminals all across Canada, the command and control of investigations was divided among four regional commanders. The result of regionalizing national criminal activity has been to ensure that regional commanders have no incentive to consider the national picture, a kind of perverse NIMBY effect. As former Commissioner C.W. Harvison put it:

Among experienced, top-flight police administrators and executives, it was appreciated that law enforcement could no longer be considered a purely local affair. A parochial outlook that held to the view, “I’ll keep my area clean, you look after your own problems,” might deal with home-grown, amateur talent, but the professional criminals were too mobile, and many of their activities were too complex and widespread to allow any one police force or any single community to rely solely on its own resources [Harvison, 1967: 239]

Other internal changes to the administrative structure of the federal police made matters worse. Commissioner Norman Inkster (1987–1994) was of the opinion that all RCMP officers holding the same rank should be paid equally. His directive provided an incentive for experienced police to move to rural or other low-cost detachments, which then meant that junior officers had to go to high-cost detachments where they could not afford to live. As a result, Salmon Arm, British Columbia, or Kindersley, Saskatchewan, have plenty of experienced police officers on hand to maintain law and order whereas Burnaby is staffed with inexperienced officers who, moreover, have to live a long commute away up the Fraser Valley. The effective destruction of the Toronto-based CCB has essentially removed the RCMP presence from that city and helped turn it into the commercial crime capital of Canada as well as the country’s commercial capital.

Commissioner Inkster's decentralization efforts also had the effect of dismantling the Special Federal Investigations unit. Previously, the unit employed specialized investigators to deal with major investigations relating to government corruption and national security. However, under Commissioner Inkster, this elite unit was dismantled and decentralized to regional units as well. "It is a recipe for disaster," Assistant Commissioner Thivèrge said. "It doesn't make sense to have these units spread all over the place when they are expected to operate at the federal level. In such a climate," he warned in 1997, "it is inevitable that another problem like the one they had with Airbus is going to happen" [quoted in Palango, 1998: 123]. Indeed, the lack of such a central, specialized investigation unit—a watchdog on corruption in the federal government—may go a long way toward explaining the "culture of entitlement" (and of impunity) in which the Chrétien regime operated for the decade after 1993.

To some extent, the problem seems to have been recognized, in that some new initiatives have been set up on a national scale. "The RCMP received funding in 2002 in support of the National Initiative to Combat Money Laundering (NICML) for 34 positions. NICML, a recognized international model of integration, has several objectives designed to detect, deter and combat money laundering" [Canada, Solicitor General, 2004]. In 1996, Canadian police adopted a "national" approach to motorcycle gangs, including the Canadian Association of Chiefs of Police (CACP) three-tier National Strategy [RCMP Gazette, 2002].

Employment equity and human rights

While fighting crime has been regionalized, however, the RCMP has had to deal with a wide range of issues that are often presented as national in scope but in fact are merely social issues unconnected to law enforcement. For example, in Canada, the *Employment Equity Act* (1986) requires all government departments, agencies, and federally regulated enterprises to give preference to women, visible minorities, and other designated groups when filling positions. Within the RCMP, the Employment Equity Section and its coordinator are responsible for "effective implementation of the *Employment Equity Act*," the "development of internal policy in compliance with the *Employment Equity Act*," and "annual reporting obligations to the Canadian Human Rights Commission" and the Treasury Board. The section also ensures the equitable labour force representation and distribution of the designated groups within the organization" [RCMP, 2005b]. There are also Human Rights Advisors to ensure that RCMP operations are "in conformity with legislation, regulation, policy, and overall RCMP objectives," in particular the *Canadian Human Rights Act* and equality rights provisions of the *Charter of Rights and Freedoms*. The point is not to advocate that the RCMP be indifferent to human rights or equality rights, which would be absurd, but that a concern with monitoring internal "equity rights" can reduce the effectiveness of regular police work.

In 1992, for example, the RCMP undertook an “employment equity census” to measure progress in meeting several politically inspired “equity” targets. The report, released four years later, states that RCMP recruitment priorities, in order, are visible minorities, aboriginals, women, and Caucasian men [see Donnelly, 1998]. In response, the force established hiring “targets.” The problem with such targets is that they are political, not functional. No one could argue with the usefulness of recruiting police with specific language skills for deployment to detachments where they would be usefully employed. Aboriginal Special Constables are very useful in the north, for instance. But that is not the argument being made.

Another finding of the 1996 report was that the RCMP’s entrance examination posed a “systemic barrier” to the recruitment of women and minorities because aboriginals and visible minorities tended to score below average in written composition, logic, and mathematics. “The RCMP does a fairly large recruiting process,” RCMP spokesman Staff Sergeant Mike Gaudet told *Alberta Report*.

It’s routine for the test results to be monitored and re-evaluated. In this case, it was found that some cadets were scoring lower, so now we have to ask ourselves if the test questions were fair and equal to everyone. We’re not out to lower standards, but this is an ongoing process that will reflect the diversity of the clients we attract. We live in a changing society, and this must be reflected in our processes. [Donnelly, 1998: 31]

To address the issue of client diversity and fairness, the RCMP rewrote the examination. RCMP applicants must still have attained Grade 12 but the new tests place less emphasis on forms of assessment that could be construed as Eurocentric [Donnelly, 1998]. Changing standards is not the same as lowering them according to a media-relations officer, Staff Sergeant Donna Brownlee: “The standards for engagement into the RCMP are the same for every person. The standards are not lower at all.” Obviously, Staff Sergeant Brownlee did not address the issue of lower standards by noting that they are the same for every recruit. She did, however, provide an explanation for why the tests had to be changed. It was, she said, “part of a larger organizational strategy of living within the philosophy of community policing. Policing is a very big thing. It’s not just about putting bad guys in jail” [Avram, 1996: 29]. The “big thing,” whatever it may be, is understood as being more important than mere law enforcement, “putting bad guys in jail.”

As with other elements of politicization, lowering of standards to attract more diverse recruits has its parallels in the Canadian Armed Forces. In the latter case, great importance was also attached to encouraging the admission of women to as many non-traditional roles as possible. In 2000, Canadian Alliance researchers charted the decline of training standards in the Canadian army from the 1980s to the 1990s as proven by documents obtained under the *Access to Information Act*. Echoing their

findings, the Conference of Defence Associations pointed out that reduced standards of fitness and physical or mental performance were not conducive to a more effective army. “This approach,” the CDA observed, “does not seem to equate with the goal of producing high levels of operational readiness” [CDA, 2001: A3]. These words might well be applied equally to the RCMP.

Much has changed, and changed for the better, since the days when police recruiters typically insulted female applicants by asking: “So, tell me why you want to be a Dickless Tracy” [Capponi, 2000: 17]. The proportion of female officers in Canada continues to grow. There were almost 9,000 female police officers in 2002, up 8% from 2001. In comparison, the number of male officers increased 1%. Females now account for 15% of all police officers [Statistics Canada, 2003].

There are two aspects of the feminization of the RCMP that have a further impact on policing activities. First, resources have to be expended to monitor “equity” in the Force. Thus, there is an RCMP Women’s Issues Advisor, who ensures “that the RCMP responds effectively and efficiently to the needs and aspirations of the rapidly growing number of female members and therefore, is committed to creating an organization that is responsive to gender and family issues.” The RCMP adds that “[t]he Advisor will work with members, clients and partners to foster an environment that values and promotes diversity” [RCMP, 2005b]. The point (again) is not the absurd one that diversity or having female RCMP officers is a bad thing but that promoting and monitoring such *desiderata* divert resources from the primary mission of the police, which is, precisely, “putting bad guys in jail.”

There have, undoubtedly, been many positive contributions made by female RCMP officers since 1973. There has also undoubtedly been a lowering of standards in order to make entry possible for more women. Standards of physical fitness were lowered and special pre-examination courses created in order to help women pass the physical requirements [Head, 1999: 13–14]. This is why, in 1988, the RCMP launched an initiative to promote female RCMP members over the heads of males in order to introduce female instructors at the Force’s training depot in Regina. Opponents supported the idea of female instructors but not the inequitable method of promoting them over long-serving male members solely on the basis of gender. At the time, Commissioner Inkster described the lack of female instructors as a “terrible situation” out of step with the *Canadian Human Rights Act*. He said affirmative action was the “only way” to remedy the situation. As a result, an advertising and recruitment campaign was begun for instructors’ positions open only to women [Bindman, 1998: B8]. The policy followed a 1986 internal survey that concluded that women “are still not accepted as equals” in the RCMP, that male officers had a bad attitude, and that that some policies created “a permanent career obstacle” to women. Quotas were originally set for 11 females out of 96 instructors.

Retention rates among female recruits have long been a problem. An internal Regular Member Survey conducted in 1993 by the Research Branch Personnel Directorate found that 96% of RCMP members overall said they were “proud to work for the RCMP,” but many also reported that affirmative action is having a negative effect on morale, particularly when entrance standards are lowered. “Why do we have to do it in two years when it took one hundred and some years to get us where we are without lowering standards?” An RCMP sergeant serving in central Alberta who requested anonymity said that many in the force “have lost our pride because of the lowering of standards. I would not want my own son to join” [Avram, 1996: 29]. In this same story, a serving 25-year Saskatchewan veteran was quoted as saying: “members with 15-years-plus service are very disheartened with the present process whereby you are given the advantage of your minority and sex over other members ... They are not hiring the member, but by race, colour, creed and sex [sic], and that’s where it’s wrong” [Avram, 1996: 29]. This is, of course, a problem with all employment equity hiring: it harms the alleged beneficiaries by removing the element of pride and self-respect in order to promote what are seen by senior administrators as the interests of the “disadvantaged.” It is a simple fact of life, however, that no one, neither benefactor nor alleged beneficiary, can take pride in an appointment made on the basis of employment equity or affirmative action.

Affirmative action and reverse discrimination

There are related problems as well that may be seen as implicit in the ethos of affirmative-action policies. For instance, retired Staff Sergeant Warren McDonald of Banff, with 26 years service in the RCMP, said it is difficult enough to remove incompetent members but much more difficult to remove incompetent members hired to meet sexual and racial quotas. “When you hire someone based on colour or sex as opposed to the best person for the job,” he said, “when management decides they have a disciplinary problem it can easily be perceived as harassment. The manager is walking on eggshells ... It’s all in perception at that point” [Avram, 1996: 29].

Shortly after the 20% target for female RCMP was announced, the RCMP’s Diversity Management Department was admitting that 20% “representation” for females was “no longer a target.” A more obtainable goal, it decided, was “managing the recruiting approach to our priorities through client surveys, focus groups, and discussion with community groups,” in order to ensure greater “equity” [Avram, 1996: 29]. At least a 20% target was measurable, however ill-advised it might be in other respects; the notion of a management goal reflected in the later statement from the Diversity Management Department is sufficiently flexible as to be meaningless.

There are additional problems with “reverse discrimination” that have to be dealt with when otherwise more highly qualified candidates are replaced by “employment equity” ones. Thus, in a letter to a rejected applicant who took his case to the

Canadian Human Rights Commission, then-Solicitor General Herb Gray wrote: “[R]ecruiters are instructed to select a proportion of qualified candidates” from four discrete groups: visible minorities, aboriginals, women and Caucasian men. “This method of selection is to the advantage of all applicants,” Mr. Gray claimed. “It may, however, displace members of one group who may have been situated higher on the ranked list than the applicants who were offered enrolment. This is done to allow for better representation of members of designated groups” [*British Columbia Report, 1996: 12*]. Commissioner Philip Murray and Canadian Human Rights Chief Commissioner Max Yalden went into even more detail in a 1996 report, indicating that the RCMP had developed explicit racial and sexual targets of 20% women, 4.5% aboriginals and 8.3% visible minorities—meaning the RCMP was, at the time, in need of 1,529 women, 1,006 members of a visible minority, and 202 aboriginals. In fact, in 1996 there had already been considerable growth in minority membership, with women reaching 10.1% of regular members by 1995 compared to 7.8% in 1989. The proportion of visible minorities had increased by 157% and aboriginals by 190% [*British Columbia Report, 1996*].

Inevitably such policies invite reverse-discrimination lawsuits and are justified by a conventional argument regarding disadvantaged applicants. In this respect, the RCMP is not exceptional. A reverse-discrimination human-rights challenge was brought by Barry Ceminchuk, an Edmonton computer programmer who applied to join the Force in May, 1995 but withdrew his application after a recruitment officer told him how the selection process worked. He filed a complaint with the CHRC. In rejecting the complaint, Gerald Savard, the head of the CHRC anti-discrimination programs branch, informed Ceminchuk that the RCMP did not have a discriminatory hiring policy since 66.5% of those hired since 1989 were white men. He did not say what percentage of all qualified applicants were white males. Moreover, on occasion a freeze has been imposed on the RCMP on hiring any white males [*Globe and Mail, 1992: A4*]. Constable Gilles Moreau, an RCMP spokesman in Ottawa, was tasked with defending the hiring policy: “You cannot call it discrimination. In my knowledge of United Nations declarations, you can have affirmative-action policies to make up for past discrimination” [*British Columbia Report, 1996: 12*]. This may be so, but the important question is how affirmative-action recruitment has an impact on the effective policing of Canada’s communities.

Affirmative-action policies are not confined to recruiting more female RCMP officers. The Mounties remain under constant pressure, particularly from advocates of affirmative action outside the Force, to become “more representative of society,” by which is meant ethnically representative. As an example of the kind of opinion that influences bureaucratic and political leaders to interfere with police priorities, consider this editorial from the *Edmonton Journal*:

This year, Ottawa allocated enough money to allow the hiring of 84 recruits for Alberta. So far, K Division headquarters [in Edmonton] has filled 60 of the vacancies; 53 of the successful applicants have been white men. Given the importance of making the RCMP more representative of the Canadian population in the 1990s, it only makes sense that the force attempt to fill at least 21 of the remaining vacancies with women or minority group members ... Reserving 21 of 84 new positions for qualified women or minority recruits is not wild-eyed discrimination. It's a step toward equal opportunity. [*Edmonton Journal*, 1990: A14]

The assumption is that police forces exist to be an “opportunity.” Less politically controversial, perhaps, is the argument in the same editorial that “Police officers must be drawn from all segments of society if the force hopes to win the public’s trust.” On the other hand, it is not counter-intuitive to argue that police are trusted when they are seen to protect the public effectively—whatever their ethnic origin or gender.

As with gender quotas, the pressure to hire more minority members has influenced the structure and perhaps the grading of entrance or recruitment examinations. “Aboriginal applicants to the RCMP tend to have significantly less formal education than applicants from other groups,” said the 1996 review of recruiting practices. “For some visible minorities there are also likely second language issues in addition to educational ones.” Accordingly, the review announced, the RCMP’s “Research Branch has begun redevelopment of a new RRST (RCMP Recruit Selection Test), but this project is in the very early stages” [*Brewster*, 1998: A5]. As Staff Sergeant Mike Gaudet explained, “we have to try to design tests that meet the requirements of the kind of people we’re looking for,” which means being “sensitive to the needs of various groups that we’re hoping to recruit within the ranks of the RCMP ... We want to make sure there are no systemic barriers” [*Brewster*, 1998: A5].

Thus, instead of academic questions involving, for instance, grammar and math as taught in Canadian schools, tests today are more likely to involve “scenarios, role-playing and problem-solving.” The thinking behind this is that “literacy and computation questions” do not reflect the recruit’s potential. “What does it prove in testing the ability of someone to be an officer?” Gaudet asked one interviewer. “Basic academic skills will still come into play, but it won’t be as formal a question as before” [*Brewster*, 1998: A5]. According to the Patrick Donnelly:

The Staff Sergeant explains that the new test will be administered to all applicants. However, he could not provide a definitive explanation why the minority groups are scoring lower on the tests. “Language styles differ from region to region,” he suggests, “and literacy is dependent on exposure. What we’re saying is that the test items must be generally understood by everyone.” An

example of an unduly difficult question involves agreement between subject and verb: “One of the roses _____ wilting, but the others _____ still fresh.”
[Donnelly, 1998: 31]

Even when tests are made easier and “opportunities” created by discriminatory quotas, minorities are still not attracted to a career in policing in “sufficient” numbers, which is to say in numbers thought desirable by senior political and bureaucratic officials. The numbers and the way they are obtained are “sufficient,” however, to reduce the number of non-minority applicants. In 2003, newspaper editors began to realize that police recruiting had gone into decline. “So severe are the shortages becoming that lowering the standards of fitness and education and even ignoring minor criminal infractions are being openly talked about in some quarters,” wrote one paper [Regina Leader-Post, 2003: B7].

As recently as 2002, in the post-9/11 environment, amidst calls to abandon racial quotas that discourage overall recruiting, majority applicants continue to face discrimination. Candis McLean told the story of one rejected RCMP recruit:

He learned that, in order to be considered for candidacy, the requirement for an aboriginal or other minority group member was a test score of 64%, while for women the requirement was 71% and for white males 83%. “It’s robbery; it destroys the merit principle, and it’s wrong,” objects the applicant. “Everyone will be doing the same job, so we should have to meet the same standards. Especially after September 11, if we keep putting political correctness over the national interest, it’s going to be disastrous. Especially now, those standards should be met, not watered down and compromised. But they have nothing to do with either security or equality; they have to do with special interest groups.”
[McLean, 2002: 34]

Veteran officers interviewed by Paul Palango share this concern. Former RCMP Deputy Commissioner Henry Jensen said, “The fact of the matter is that the more a police force allows itself to be subjected to external conditions in terms of government policy—bilingualism, quotas in hiring, enforcement based on political and social objectives, for example—the more the police move away from being a professional service” [Palango, 1998: 118]. At the same time, however, the Commissioner’s Advisory Committee on Visible Minorities, is also required to “be a reflection of Canada’s cultural, regional, gender and age diversity.” Its mission is “to advance and promote positive relations between the RCMP and visible minority persons and communities by: creating an open, equitable and culturally skilled organization; encouraging an effective RCMP response to cultural diversity and to reaching the goals of our national multicultural policy; ensuring fair and equitable recruiting, training, advancement

and promotion policies” [RCMP, 2005d]. Among the Committee’s goals is “advising on the establishment of measurable goals for recruiting and advancing visible minority members and monitoring outcomes.” This remains, it seems, a major preoccupation for the RCMP.

Bilingualism

No discussion of any Canadian institution would be complete without reference to bilingualism. As a federal institution, the RCMP falls under the *Official Languages Act* and is obliged to implement bilingualism to the full. Accordingly, the RCMP has a Diversity Management and Official Languages Branch whose “mission” is to “[ensure] that RCMP practices in the areas of diversity and official languages are in support of federal government priorities.” The RCMP also has an Official Languages Policy Centre, which “provides strategic orientation and coordination in support of the official languages program in the regions and divisions” [RCMP, 2005e]. Each RCMP region in the country has an Official Languages Coordinator “responsible for investigating Official Language complaints,” among other bilingualism-related duties [RCMP, 2005f]. The impact of the policy is felt at the detachment level, with bilingual officers assigned across English-speaking Canada, including areas where there is no demand for francophone officers [Head, 1999: 23]. In one recent case, a court ruled that a Nova Scotia RCMP detachment must provide bilingual services in an almost entirely unilingual anglophone part of the province, after a francophone man was caught speeding more than six years ago and the officer spoke only English. According to a Media report, the Mounties “argued that under the Official Languages Act it only has to provide bilingual service in communities with a French population of more than 500. But the judge ruled that the RCMP is using a formula that violates the *Charter of Rights and Freedoms*” [CBC, 2004b].

The issue of bilingual bonus pay has also been contentious. Officers with long experience in the field, and even those with specialized skills, are not eligible for the bilingual bonus pay for which a younger, inexperienced or non-specialized, French-speaking officer may qualify. This “became an issue when two members [equally qualified in police terms] were working side by side with one receiving more pay” because he or she was bilingual [Head, 1999: 23]. It is clear that bilingualism has little to do with the operational effectiveness of the RCMP in fighting crime in English-speaking areas of the country or even in the management of its operations nationally outside Quebec and a few French-speaking communities in the rest of the country where the number of French-speaking inhabitants warrants bilingual services. The effects of this policy are most noticeable at RCMP headquarters, where most officers owe their position, not to years of hands-on experience as front-line police officers, but to their linguistic qualifications. “Under the present system, the Commissioner must adhere to some preferential appointment policies of government or face the consequences of resignation,” Head

observes [Head, 1999: 13]. According to Palango's account, in 1974 the "francophone participation" program of the Trudeau government obliged the RCMP to scramble to hire francophone recruits. As was traditional, these recruits, mostly from Quebec, were required to serve their first assignments in contract posts in the West or in the Maritimes, usually in anglophone areas. This created friction in areas where police were not fluent in English and where recruits from Quebec became dissatisfied with their lot. The solution to this problem in the 1980s was to allow francophone recruits to *skip* the basic police experience in contract postings. English Canadian recruits would continue to be assigned to the West, the Maritimes, and the Territories to gain experience in street and rural policing. Meanwhile, French-speaking cadets could more quickly enter headquarters and federal policing positions sooner after graduation. The hiring quotas and promotional policies of the 1980s meant that francophone recruits came to predominate in the coveted headquarters and federal policing positions in Ottawa, Toronto, and Montreal [Palango, 1998: 119]. Relatively more anglophones, therefore, were "stuck" in contract policing detachments.

Equally significant, most of the francophone recruits took up their senior postings with *little or no police experience*. Former Deputy Commissioner Henry Jensen comments:

The RCMP had [by the 1980s] evolved into two distinct police forces, with different experiences, identities, and approaches to law enforcement. In the contract provinces [i.e., those other than Ontario and Quebec], all the Mounties had basic training and experience as police officers, and most of them spoke English. In Central Canada, in particular Ottawa, the force was French-speaking, which in and of itself was not a problem. The problem was that most of those French-speakers had no basic policing experience, but they had risen through the ranks [i.e., had been promoted] to the point where they were devising and implementing policy or even running investigative units. Some of those running investigations had never even served a search warrant or testified in a criminal case. Is it any wonder that federal policing by the RCMP began to fall into disrepute. [quoted in Palango, 1998: 119]

This policy of placing francophone recruits rapidly in policymaking positions in Ottawa was stopped by Commissioner Murray in 1995. He restored the requirement that all graduating cadets must serve at least five years in a basic policing position before being allowed to apply for positions in Central Canada. However, the tension between francophone and anglophone remains a debilitating distraction from the core purpose of the RCMP. And the irony is that decades of bilingualism have not improved how the RCMP is perceived in Quebec. According to surveys, the RCMP receives its lowest ratings in that province [Angus Reid, 1997].

Conclusion

Canadians remain in love with the RCMP's image, according to consistently high public-approval ratings in all parts of the country. However, it remains to be seen whether public esteem will continue to withstand the growing body of evidence that the force no longer reflects the gilded image that the RCMP devotes so many resources to maintaining. The list of scandals and bungled cases continues to grow. Most recently, faulty procedure and training contributed to the fatal shooting of four junior officers [cf. Gordon, 2005c]. Underlying many of these problems is the politicization of the Force, stemming from restructuring of the Commissioner's role during the 1980s into that of an Assistant Deputy Minister. In effect, the status of the RCMP has been reduced to that of another government department—no longer at arm's length from government and no longer able to combat political corruption and crime effectively.

The problem of politicization is exacerbated by the over-centralization of power in the Prime Minister's Office. The participation of the RCMP in the Sponsorship Scandal is in some respects the logical outcome of the preceding decade and a half of change but all the more serious because the Mounties are central to the administration of justice in Canada. In this connection, a useful first step would be a joint-forces investigation with the Ontario Provincial Police (OPP), the Sûreté de Québec (SQ), or a large municipal police department into the findings of the Gomery Commission [Lymburner, 2005]. Politicization has resulted as well in the imposition of a wide range of agendas and priorities that have little or nothing to do with effective policing: gender equity, affirmative action, and official bilingualism. Granted that these politically correct policies have been more or less successful on their own terms, they are still questionable in light of the larger context of failure and decline in core competencies and purpose. As noted above, the reason that the RCMP exists is not to be an affirmative-action opportunity for allegedly disadvantaged minorities but to put crooks in jail. On occasion, those crooks will, as Assistant Commissioner Head observed, be perched in Parliament. A politicized RCMP would *never* investigate such hypothetical crooks. And as we have seen, a politicized RCMP has conducted itself improperly on several occasions. The question to be addressed is: What, if anything, can be done?

Granted that the detailed reformation of the RCMP would be a major and complex undertaking, a few principles nevertheless suggest themselves on the basis of the foregoing analysis. First of all, it may be recalled that, in a previous Fraser Institute report on the RCMP, it was suggested that the federal police should be concerned with federal crime: "organized crime, internal security, interdiction of illegal immigrants, as well as on major crimes that occur inter-provincially" [Cooper and Koop, 2003: 18]. These tasks once were performed admirably by the RCMP. Accordingly, and even though it flies completely in the face of current thinking about the RCMP, the best

solution may be found by combining the latest technical advances in policing around the world with a return to the original paramilitary ethos that built the RCMP's reputation in the first place. This means, quite simply, undoing the achievement of Commissioner Inkster and returning the RCMP to its area of core competence, policing.

The implication is that the federal police should never have become another "government agency" and the RCMP Commissioner should never have made the slightest move in the direction of becoming an Assistant Deputy Minister. Rectification would mean that the Commissioner become an Officer of Parliament, like the Auditor General, not a servant of the executive [cf. *National Post*, 2005]. It would mean turning the RCMP into something more closely resembling the American federal police, the Federal Bureau of Investigation. It would mean getting out of the "police-service business." It is clear that any police force must strike a balance between being held accountable to political authority but without being an agent of politicians nor becoming a law unto themselves. This balance is particularly difficult to strike when the political authority has become a law unto itself with the aid of the police. At the very least, political oversight from the Minister of Public Safety and Emergency Preparedness (or from the PMO) should always be in writing and eventually should be published. When the RCMP investigates political corruption or criminal activity by politicians and officials, it should be under the direction of an independent special prosecutor, along the lines worked out in British Columbia [Spector, 2004: 213]. Whether or not there exists the political and bureaucratic will to bring the reality of the RCMP closer to its formal purpose, one thing seems clear: the politicization of the RCMP has damaged both the police and the political order.

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