

Equal Justice for MPs

by John H. Reimer, MP

In 1985, I was under RCMP investigation for "spending irregularities" pertaining to the Federal election of 1984. I first became aware that I was under investigation on May 3, 1985, through a Canadian Press wire story carried in the *Globe and Mail* and in my local newspaper, the *Kitchener-Waterloo Record*. The Election Commissioner had not notified me of the investigation. If the article had not appeared in the press I would not have known that an investigation was being conducted.

I contacted Joseph Gorman, the Elections Commissioner, who confirmed that I was under investigation, however, he could not tell me what the specific allegations were. He could only say that a complaint had been lodged with him by someone in Kitchener. He mentioned that either I or my Official Agent, Dick Pedlar, would be contacted by the RCMP.

On August 29, 1985, an RCMP officer went to Mr. Pedlar and reviewed the complaint and related details of our election expenses. The accusation was that we had overspent by not reporting all election expenses. Five areas were raised: The party leader's letter-campaign from Progressive Conservative Headquarters in Ottawa; alleged payment of telephone canvassers; lawn signs; brochures; print media advertising.

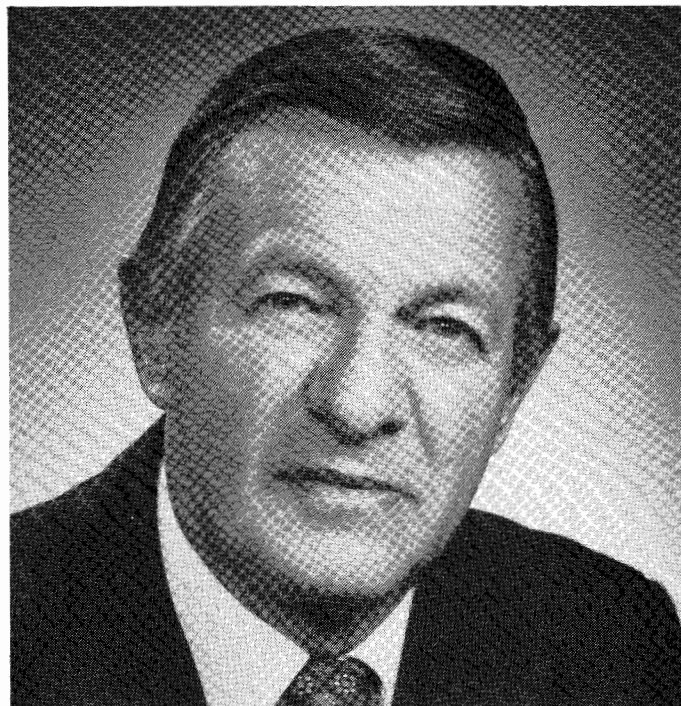
Members of Parliament, though clearly not above the law, should at least receive the protection of the law and the presumption of innocence granted to all other citizens.

I was never directly informed when the investigation was completed nor that I was cleared. In late September, 1985, there was a press report that a Minister was also under investigation. When Progressive Conservative Party Headquarters contacted the Election Commissioner's Office for further details, Headquarters was informed, as an aside, that another investigation had just been completed.

When pressed further, the Commissioner's Office revealed that it was my investigation that had been completed. Headquarters relayed this information to me. I called the Commissioner for confirmation. Indeed, he told me that I had been exonerated: there were no spending irregularities, everything was in order, and the matter

was closed as far as the Election Commissioner was concerned. I requested the Commissioner to put this in writing. With some reluctance, he agreed. My experience illustrates five points:

- The Member of Parliament is not informed that he is under investigation, unless he learns of it in the press.
- He is not informed of the specific nature of the allegations until an RCMP officer contacts him or his Official Agent.
- The process is quite slow. After I first heard of it, the investigation took 15 more weeks to complete. It takes another month after the conclusion of the investigation before the result is available.
- The Member of Parliament is not even then informed that the investigation has concluded.
- He must pursue the matter himself and coax a letter to that effect from the Commissioner.



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Although I was glad to be exonerated, I must question a process in which anyone, for whatever reasons, can trigger an investigation merely by registering a complaint. Secondly, I question why the Election Commissioner's Office discloses the names of people under investigation if the media simply inquires. This creates a situation where one is made to appear guilty by a complainant who, knowing the process, may be playing political games to smear the winner.

Surely, common courtesy should dictate that the Member of Parliament be informed of the fact of the investigation before it is made public by disclosure to the media. Better still, and far more importantly, the investigation should first be conducted privately by the RCMP and the Commissioner for Elections. Then, only if charges are to be laid, should the charges and the fact of the investigation be made public.

The democratic process would be enhanced by reducing the number of frivolous allegations, and by removing the deterrent to decent people seeking political office caused by the threat of unwarranted damaging publicity.

In normal legal procedure, the police first do a private, thorough investigation to be certain that they have

grounds to support a charge before they charge someone and publicly state the nature of the charge. In the case of an alleged violation of the *Canada Elections Act*, the fact of the investigation is made public before either the Election Commissioner or the RCMP know whether they in fact will lay a charge. That process is wrong. It creates a situation of conviction by innuendo in the media. Further, it presumes one is guilty without any charges being laid. This is especially true given the present low regard in which politicians are held by the public in North America.

I have no quarrel with the need for the RCMP and the Elections Commissioner to look into every possible spending irregularity. That is totally correct. However, they should do so in private, and then only make the issue public if charges are going to be laid. Therefore, I propose that the *Canada Elections Act* be amended to include provisions similar to the relevant sections of Bill C-79 (*An Act to amend the Canada Elections Act and other acts in relation thereto* which received first reading, June 30, 1987).

I also recommend that a provision be added to require that a Member of Parliament be notified in writing that an investigation of him has been completed and that he has been exonerated. These changes would correct the present procedure to protect the innocent from wrongful and totally unjustified accusation and conviction in the media.⊗