

CAIS CONFERENCE
SPEECH GIVEN BY

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I am glad to be here, for this gives me a chance to play hooky from the House of Commons, which is the only institution in the world where the inmates make their own rules, sometimes not very good rules at that.

It's an interesting topic I want to talk about. I've been working at it for a very long time, and sometimes I wonder if I haven't been working at it too long. Sometimes, of course, time like age is only relative and that gives me a chance to open my talk to you by telling you one of my few stories.

I see some of my old friends here. Some of them may have heard this story before but if so, they won't mind me repeating it. It deals with the question of time and relativity. When I was first a young lawyer in the Peace Country, I was called on a very interesting case. A young woman had come up to the homestead(those were the homestead years) and moved in with an older man and they lived together without benefit of clergy for some months, and the young woman left him after she persuaded him to give her a quarter section of land in her name and the title to another parcel. The man came to see me to see if we could take action against her to get the land back and I said that I didn't think so.

"Well", he said, " I want to try." So I went to court and I was lucky to win the first case. I think there was a judge who wasn't too happy with domestic life himself, so he was on our side. This young woman appealed and as this was my first appeal case, I memorized my peroration and it went something like this.

"My Lords, this is a terrible thing, for this young and attractive woman to be able to seduce this poor old man of 61, and make him part with his land." When I said this there was a hush all over the court and I knew that I had made a mistake, for I looked up and there was the Chief Justice who was 91. None of the judges were under 75, and the Chief motioned to me to sit down and I did so as the five white heads drew together and finally the chief said to me, "Mr. Baldwin, how old are you?" I admitted to the age of 25. "Well, he said, Mr. Baldwin, it may not be relevant, but it is the opinion of this court that you are not senile at 61 and it is just as pleasant to be seduced at 61 as 25." And I lost the case and when I reached the age of 61, I had a better idea of what he was talking about. Anyway, that shows how relevant time is.

Now I'm glad to have a chance to talk to you people, because you're information people as well as being in science and have the greatest measure of interest in a package of facts and information.

The sterility of any society which forbids scientists to pass on information to other scientists is very obvious.

I think that you cannot prohibit it, you should not attempt to prohibit the exchange of information on scientific matters any more than you could prohibit or should attempt to prohibit the free passage of culture or art, or for that matter, attempt to restrain the speaking of languages.

These are things which develop a state of mind, and in an attempt to deal with them, we must permit them to run free, to do otherwise is like trying to damn up the pure stream of human experience, or make it run uphill. So, for a number of years, I have been very exasperated as have other people when I continue to see one of the worst problems we face in connection with the business of government, and the relation of government to Parliament, and the relation of both to the people. (And that is the secret society of government)

I think there are at least three basic reasons and probably many more, but three main reasons which particularly appeal to me for agitating for open government and for information to be made available.

In the first place, I think the people have now grown to the stage in the development of our Society where they do want to know more about the things that the Government does to them or for them or about them.

Whether for good or for evil, over the last generation or so, there has been in most countries, particularly in the democratic countries, a massive intervention by governments in the affairs of people. Whether it was wise or injudicious to do this is beside the point, but that massive intervention now exists to a very considerable extent. There is very little, indeed, where people are not to some considerable extent, involved in the machinery of government, and the activities of government and what government is doing to them. Not just only the laws, but the Orders-in-Council, by the directives by the regulations. People realize this I think and they have somewhat reluctantly accepted it. But many of them ~~are~~ very concerned because they don't know why it is being done. And I think it is important for people that they be made aware of the facts and that they be given the opportunity of finding out the basis of actions. That doesn't mean that there is going to be an immediate rush of everybody to find out all the things that government is doing, or to make requests that all government documents be given to them. I have travelled in most of the countries which have successfully introduced Freedom of Information laws. In Sweden, they have had open government for 220 years. Denmark and Norway and Finland have had similar laws for the past 30 years.

The United States has had an effective law since 1966 which was strengthened and improved since 1973 and 1974 where the sordid affair of Watergate permitted the Congress to override the veto of President Ford. Australia is engaged in debating the issue now, and will I think, have a law before too long. And the Netherlands, Austria, France are all engaged in considering laws. It is left to Canada and the United Kingdom to be amongst the last two democracies where it has been most difficult to try and institute some measure of reform in respect of making information available.

Now, in addition to the helping of people, I think there is another valid reason and that is the issue of Government accountability. I am prepared to give to governments, the right in the kind of society we live in, to act swiftly and promptly. I think that this is inevitable.

But I don't think it should be allowed to act without the necessity to provide full disclosure and explanation and rationalization of all the acts it has done.

If documents are going to be prepared upon which decisions will be based, such decisions may be taken initially in secret. It may well be that because of the particular circumstances, that is the way it should be done. However, under no conditions, should the government not be compelled to account publicly for the things they have done and to produce the documents which they have prepared.

With certain exceptions and I will come to those later, what you do as a member of government, whether in the higher limits of the bureaucracy, or in the cabinet, must be done in the clear expectation and the certain knowledge that it will be made public; that Parliament will have a chance to examine and scrutinize the basis of the action, that the media will be informed of it, will have a chance to print or broadcast the facts and that the people in the final analysis be able to consider the wisdom of the Government action will full disclosure of the reasons. If this be done, then, in my opinion, governments will be careful to ensure that the actions which they take are those which will stand the test of scrutiny and accountability. If the documents are going to be prepared, the factual, statistical material by you people, or by those with whom you are associated, with a sure knowledge that those documents will be exposed to public scrutiny at some time in the future, it is my opinion that many of the difficulties, which we now face, will disappear. I know, I have been in the House of Commons almost 20 years and in my experience, many of the great decisions and many of the great programs, the spending programs, the construction programs have all been announced with great fan fare, with details of the initial cost, their subsequent operating expenses, the benefit which will occur from them, and so on; and with few exceptions, these were lies, or deception or gross ignorance, or simply not giving a damn.

The facts which were disclosed at the time, and upon which these programs were based have not proven to be accurate. I have in my office, on my desk, a number of files which establish this. So I think that on the principle of accountability, that the people of the country, and the Parliament of the country, and the media are entitled to look forward to the certainty that the documentation and reasons for the proposed programs will be made available and can be scrutinized.

And finally, there is another major reason right now for demanding open government. I have done a lot of travelling throughout the country on this issue and in other countries, and in my opinion, never before has there been so much distrust, cynicism, and lack of support and straight anger at governments, politicians, Parliament and the whole process by which we are governed. I think that you can just look at the Gallop Poll figures as to the number of people who have indicated that they are not prepared to take a position on the various programmes. The undecided vote runs along close to 40%, and it has for some time.

Now, all that is not entirely justified. But it does exist, and must be taken into account.