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The last act in 1995 referendum drama

At the entrance to Salle 1601 of Montreal's Palais de Justice, a sign instructs you to turn off your cell phone or your pager and to be quiet inside.

For the proceedings there over the last two days, it should have also instructed you to leave at the door whatever expectations of courtroom drama you have acquired from watching Law & Order on television.

There is drama here, but it is not immediately apparent. The setting is anything but theatrical, a drab room too small to seat a jury for this case is being heard by a judge alone.

The judge and the lawyers wear ordinary business suits, no robes, no wigs. There are no impassioned speeches from the lawyers, only lengthy, repetitive arguments delivered mostly in calm, civil tones.

It is the law and it is orderly.



DON MACPHERSON
ON REFERENDUM CASE

"It is the law and it is orderly, and the ratings are terrible."

and the ratings are terrible. After the first morning session, after the radio reporters have got their clips from the lawyers and left, only five of the 48 blue chairs in the spectators' area are occupied, all by people who have either a connection to the case or are being paid for their presence.

There are as many lawyers and their assistants on the business side of the metal bar that divides the room. This is not the trial of Dorey Hilton, much less Kobe.

But there is drama here, political drama. What played out here over the last two days was the first scene of the last act of the 1995 sovereignty referendum. It is the act that might finally reveal what really happened in the middle acts of this plot: the campaign, the voting and the counting.

This is the "rejected ballots" case, as it has been dubbed in media shorthand. But it is about much more than just the rejection of valid No votes by sovereignist vote-counters in at least a few ridings.

It is also about allegations the chief electoral officer at the time, Pierre-F. Côté, and his staff showed bias against the federalist side. And it's about allega-

tions some presumably federalist voters were denied their right to vote or subjected to long delays or interrogations before being allowed to vote and that there were irregularities in the counting of the votes, other than the legally rejected ballots.

A tenacious lawyer, named Michael Bergman, after taking 10,000 pages of statements over two years, this week obtained a day in court for his clients, a voter in the referendum in the Lével riding of Chomedey and the English-rights organization Alliance Quebec (though the Alliance is not providing the funding Bergman introduced late last April).

Bergman wants the court to order the current chief electoral officer to give the Alliance access not just to the rejected ballots, but to all the ballots cast in the referendum, as well as voters' lists, vote tally sheets and other

documents.

First, Superior Court Judge Jean-Jacques Croteau will have to decide whether the courts have jurisdiction to hear the Alliance's request.

Paradoxically the Liberal government, whose party led the No committee in the referendum, has intervened in the case on the side of the chief electoral officer to oppose a request that might turn up new evidence of cheating against the No side. Government lawyer Benoît Beliveau said the government intervened to defend the constitutionality of the Quebec law against a challenge Bergman introduced late last April.

The implications of Croteau's decision are huge. If he rules the court does have jurisdiction to hear the Alliance's request, then Bergman can call witnesses to testify, for the first time under oath and in public, about the al-

leged irregularities.

That testimony could be sensational. Bergman said yesterday he might call Jacques Parizeau, who as premier was chairperson of the referendum Yes committee. Bergman has also said he has a witness who would testify to having attended a pre-referendum meeting of the governing Parti Québécois legislative caucus at which tactics for depriving federalists of their right to vote were discussed.

If Croteau rules against the Alliance, it could appeal. But if such a ruling were upheld, then there would be no testimony about the events of eight years ago, and nothing to prevent the chief electoral officer from finally getting rid of the documentary evidence of whatever really did happen.

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Jean Chrétien leaves the House of Commons for the last time Thursday, following a day of tributes from MPs.

Jean Chrétien showed us anyone can become prime minister

Exit the big guy

Good grief, more Gladstone. On his final day as prime minister in the House of Commons, Jean Chrétien recalled the faded longevity of the Grand Old Man of British politics, William Ewart Gladstone.

"Someone gave me a book," he chuckled. "It was about Gladstone — and he came back when he was 96. I say to you all, watch me." It was a good omen on one of Ottawa's rare friendly occasions, but not perhaps history at its most accurate.

In reality, the GOM was not 96 but, in Queen Victoria's words, "an old, wild and incomprehensible man of 82" when he began his fourth term as prime minister in 1892. She never liked him, complaining, "He always addresses me as though I were a public meeting."

Victorians much preferred Gladstone's great rival, Benjamin Disraeli, who summed up his view of the GOM in the withering remark: "He has not a single redeeming defect."

Another British politician rebuked Gladstone's sanctimony by remarking, "I do not mind your playing with a cent up your sleeve. What I object to is your pretending that God put it there."

Disraeli also supplied this helpful definition of the difference between tragedy and disaster: "It would be a tragedy if anybody were to push Mr Gladstone into the river — and a disaster if anybody were to pull him out again."

No one, in fact, pulled the great man out of the quagmire of his last administration, which



NORMAN WEBSTER
ON JEAN CHRÉTIEN

"He was a mechanic of government, just when we needed someone who would take care of the shop in Ottawa and let citizens get on with their lives."

was bedevilled by the issue of Irish home rule. In 1894, the 85-year-old Gladstone, half-blind and half-deaf, rode to the palace and resigned. It was over.

The point here is not that Gladstone was a failure. Far from it. He and Disraeli were the twin giants of British, and Imperial, statecraft in the 19th century.

The point of the story is there is a time for everyone to take his leave from leadership, and that time almost always will be before the age of 86, or even 92. As we have noted here before, when politicians start duffing off the Grand Old Man and his return to power in his 80s, it's time for the hook.

But now that he is really and truly on the way out, what of the big guy from Shawinigan?

What does he leave for the historians, besides a nasty quarrel with the successor and the immortal allowance "a few million dollars might have been stolen" by friends of the government?

Mainly, I think, he leaves a calmer place than he inherited. From the beginning of Trudeau in 1968 to the end of Mulroney in 1993, Canada endured a quarter-century of frantic growth, over-arching visions and gut wrenching change. Think of official languages, multiculturalism, the National Energy Policy, the Charter of Rights, separatist governments, free trade, the GST, Meech Lake.

They were years of huge consequences and passionate debate. Canada became poised, nervous, unilingual until adulthood, he climbed to the very top of the group pole.

It was an extraordinary accomplishment, by any measure, achieved by discipline, grit, cunning and a magical ability to communicate. Tough as old boots, self-absorbed, really a bit of a loner, he came across as warm and gregarious, a man with the common touch.

People like that. Critics snorted he couldn't speak either of the country's official languages. This might have been true of grammar and syntax, but not results. Most of the time, Canadians liked both the messenger and his mangled prose.

Jean Chrétien had many redeeming defects. We might miss them.

Norman Webster is a former editor of The Gazette.

Charest close to violating spirit of promise



HENRY AUBIN
ON DEMERGERS

"Many voters were pleasantly surprised that Charest was simply marching in the same path as Quebec's most famous democrat."

People on both sides of the demerger issue have accused the Charest Liberals of reneging on various aspects of their campaign promise on demergers. In the National Assembly this week, the speaker twice had to order Parti Québécois leader Bernard Landry to stop violating parliamentary decorum by using the word "deceive" (trouper) to describe the Liberals' conduct.

Are the Liberals really worming out of their commitment? Yesterday, Premier Jean Charest took pains to reassure demerger leaders on one important point. He told them when he had said earlier that reconstituted towns would not be able to return to their pre-merger state he had not meant they would become mere vassals of the megacity.

Rather, Charest told them, he meant only they would have an increased fiscal responsibility toward the region. They would have to pay for centralized services and also give money to disadvantaged areas.

In theory, this is hardly a new burden. In pre-merger days, suburbs on Montreal Island made such payments under the Montreal Urban Community.

Everything, however, will depend on how the Charest government will set the size of these payments, and the premier gave no hint of that yesterday. Some megacity advocates have urged the tax load be so great as to represent a disincentive to demerging.

Punitive taxes, then, are still possible. The time frame of demergers is another issue on which the Charest government's respect of its electoral pledge is being called into question.

The government now says it is leaning toward holding the referendums next fall. Earlier, he had said the target was next May. As well, the government says the formal rebirth of towns that vote to demerge would not take place until January 2006 — a full

33 months after the Liberals' election.

Yesterday, Charest said nothing about advancing the timetable.

Yet in dragging his heels, Charest would not really be breaking his promise to voters. Here is his carefully crafted pledge, which he made during the leaders' debate on March 31:

"The Quebec Liberal Party is not campaigning for demergers. We want to give back to citizens the power to express themselves on the future of their community."

"This position is exactly the same as René Lévesque's on municipal mergers in 1978."

"Citizens will recover their right to speak out, and that is called democracy."

"I want to state clearly that each citizen will always pay his fair share of the common cost."

"Now I myself hope that the new cities succeed, which in my view can only happen if they contain the added ingredient of democracy. As a taxpayer, I have a favourable prejudice toward these same cities' success."

The statement, which caught Landry flabbergasted, was the turning point of the campaign. Particularly astute was the invocation of the PQ's founder. Many voters were pleasantly surprised Charest was simply marching in the same path as Quebec's most famous democrat.

As the months pass, however, Charest's claim is sounding hollow.

Lévesque's claim to fame in demerger politics is in the 1976 election he pledged to give residents of Buckingham a referendum on seceding from an amalgamation an earlier government had imposed.

Lévesque delivered on that pledge fairly and squarely. He did not erect a high electoral obstacle by asking 50 per cent of eligible voters cast ballots — as Municipal Affairs Minister Jean-Marc Fournier has been musing about doing. Nor did he stray from any other democratic norm.

As well, Lévesque did not prevent the reconstituted towns from regaining highly valued activities, as the Liberal government is doing in suggesting that demerger municipalities might not get back their fire departments. Never was there a question of emasculating them by taking key services from them.

So far, Charest has not been overly deceptive, as the Liberal government is by not violating the letter of his campaign pledges. But honouring its spirit is another story.

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