

Shooting the Messenger

Till Death Do Us Part

Bernard Payeur



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In memory of my beloved *Lucette* who believed
in me in spite of everything

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Prologue

One of my first memories is of a man crying. I had been playing with his son in a sandbox that afternoon. It was not a real sandbox, just a pile of sand dumped in the middle of a muddy driveway. The boy's father, who was in the gravel hauling business, came home at the end of the day – unaware that his son was still playing on the pile of sand – and drove over him.

My older sister took me to my friend's house to see him one last time. I was standing in front of the open coffin admiring how good he looked in his tidy little suit and tie, his black hair combed back all slick and shiny, when the tiny coffin started rocking back and forth and a voice started to shout.

I looked up and noticed a man with his hands resting on the open end of the coffin, jerking it back and forth and yelling, "Wake up! You're not dead; wake up!" (*Réveilles toé! T'es pas mort; réveilles toé!*) over and over again. The man was crying, with big tears running down his face. It was the first time I had seen a grown man cry. I promised myself I would never do that when I got older.

I did not cry when, maybe seven years later, I suffered a similar fate to my childhood friend – crushed under a giant wheel. This near-death experience would serve to remind me, later in life, that we are not here just to occupy space; that we are here for a reason and not just "to live well," to quote George Herbert [1593-1633], while waiting the join humanity's fickle invisible friend in the Hereafter. It's not that I don't get emotional; an unexpected kindness can bring on the outset of the tears I swore I would never shed. I am easily disappointed, not easily discouraged, as you will discover. This does not always lead to good things.

Truth is mighty and will prevail. There is nothing the matter with this, except that it ain't so.

Mark Twain, Notebook, 1935.

PART 1

A Laudable Model of Behaviour

“Correct conduct,” according to Mencius [372–289 BC], “arises, not through external forces, but as a result of virtues developed internally through observation of laudable models of behaviour.” A laudable model of behaviour for me was a priest. I was particularly fond of the man for whom I was an altar boy, a Cub Scout and scout leader. My fondness for Father Tremblay was a mix of admiration and gratitude. The priest had saved my life.

I was twelve or thirteen when, with my brothers and a few friends, we hitched a large flatbed trailer used to haul heavy equipment such as bulldozers to logging or construction sites to a farm tractor and all, except for the driver, jumped onto the trailer and headed for a lake about seven miles down a solitary country road.

A short distance from Lake Pivabiska, it started to rain. We had brought a tent. To shield ourselves from the rain, we partially unfolded it and raised it above our heads. I was closest to one of the two large wheels between which the trailer bed was balanced like seesaw.

For only a fraction of a second, I saw the wheel closest to me spinning in my direction before I felt myself floating in the air, landing on my back somewhere by the side of the road looking up at the sky. The wheel had caught a corner of the partially unfolded tent and dragged it and me with it, crushing a few vertebrae and less valuable bones and organs.

Eventually, a car came by and the driver was sent into town to fetch an ambulance. The town's only ambulance was out on another call. Rather than wait for it to return, Father Tremblay, hearing that his altar boy was in trouble, jumped into his black station wagon and rushed to the site of the mishap.

They had laid me flat on my stomach on the trailer and everyone waited in the pouring rain for the ambulance. When the priest got there, he decided there was no time to waste. They wrapped me in some blankets and slid me into the back of his station wagon, then I was rushed to the hospital.

I thought we got there in plenty of time. I was still aware of my surroundings as the hospital's nursing staff (nuns, mostly) started taking off my clothing; I could hear them complain about boys playing

with tractors before I finally passed out. I was later told that, if they had waited for the ambulance, I would have died of internal bleeding from a punctured spleen. Father Tremblay was the difference between life and death.

Father Tremblay always tried to do the right thing, even when it was not convenient—*especially* when it was not convenient—for that was the test; it was a test I would always try not to fail.

Father Tremblay may have taught me right from wrong as the *church* saw it, but it was my parents who taught me that doing what the law requires is not always doing the right thing, long before I became acquainted with the character Jean Valjean in *Les Misérables* who steals a loaf of bread to feed his family. My mother and father faced this type of choice.

I was born in Hearst, Ontario, a mostly French-speaking town about 150 miles southwest of James Bay on a northern leg of the Trans-Canada Highway. When the glaciers retreated, they deposited a lump of clay in the middle of the great Canadian Shield, and on this lump of clay, in the middle of muskeg and stunted pine trees, grew the town of Hearst. On this lump of clay, hardy farmers managed to grow some vegetables and enough forage to support some animal husbandry—mostly dairy cattle—but it is with the logging industry that Hearst is first and foremost associated.

Sawmills were the town's primary economic growth engine. Whenever a new sawmill opened in or near the town, Hearst experienced a mini economic boom. Those who could profit from these periodic booms, by risking big and not going bust, would be set for life. Enough did that it was said that Hearst had, at one point in time, more millionaires per capita than any other town in Ontario.

Many of the people who got rich were those who obtained the contracts to supply these sawmills with trees and, to a lesser extent, the vendors who sold and maintained the equipment to harvest the forest for these sawmills. My father was one of these vendors.

I was not yet a teenager when Hearst experienced another of these economic booms. This time it was not just another sawmill that was coming to town, but a plywood plant. A plywood plant whose appetite for trees would dwarf the demand of most of the sawmills that dotted the Hearst landscape. The owners of the logging companies, who would get the contracts to supply what some claimed was destined to become the largest plywood plant in the world, would be the new millionaires.

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My father teamed up with one of the owners of a small logging operation. His company financed the purchase of the equipment the logger would need to make him a serious contender for these lucrative contracts. The logger did not get the sought-after contracts and my father was left with having to pay for a large assortment of expensive logging equipment, only a portion of which could be resold to the successful bidders. My parents might have been able to weather this setback if fate had not been particularly unkind and if my father had not used this setback as an excuse to drink more heavily than usual.

It was sometime in June after midnight when I was awoken by people shouting and the glow from a fire that illuminated the basement bedroom where I slept. The house next door was on fire. The family home, along with most of its contents, was quickly reduced to a pile of smoldering embers when the fire next door caused a rupture in the natural gas line where it entered our house. This momentarily turned the gas line into an impressive flame thrower that spewed fire into every corner of the basement where three of my siblings and I, only a short time earlier, had been sound asleep.

My parents loved this nondescript little town floating on a lump of mud in the middle of a swamp. Hearst was home. They were middle-aged and the idea of being left homeless and penniless with six children still at home must have been frightening. They rebuilt the family home after the fire, but not enough time had passed to build any equity when their worst fear became reality. In the fall of 1967, Traders Finance forced them into bankruptcy.

In November, they received advanced warning from the Sheriff that he would shortly be coming around to seize everything they still owned to be sold at auction. He may have suggested that they might want to hold a small auction of their own before he showed up. Word got around. Farmers, loggers, lifelong friends, and relatives dropped by to say goodbye and purchase a piece of what my parents had built or acquired during more than twenty years of hard work.

On a cold Sunday afternoon in November, in a scene reminiscent of *The Grapes of Wrath* – with a snowstorm threatening, my mother at the wheel, and my father nursing a bottle of gin or rye – the family set out on a journey of more than 2,000 miles to begin again. Would the small stake from the sale of garage and office equipment that, legally, should have been surrendered to Traders Finance be enough? A few hours into the journey, the gently falling snow became a blizzard. Somehow we made it to Thunder Bay where we spent the night.

Glenna and the French Connection

I was packing groceries when a well-dressed, polite, middle-aged woman approached me. She introduced herself and asked if I knew her daughter Glenna. The name didn't mean anything until she described the head-turner who had almost caused me a minor neck injury when she first walked by the big Red and White supermarket on Railroad Avenue, Ashcroft's main street, where I worked after school and on weekends.

If you were a French Canadian family moving to an English-speaking province, Ashcroft would probably not have been your first choice as a place to settle. How welcoming would a town that catered to miners, ranchers and cowboys be to people who spoke English with an accent and were responsible for that foreign language on cereal boxes? The hoped-for final destination had been the city of Kamloops where my oldest sister, my adopted sister Lea and her husband Ray had moved a few years earlier. It was not to be, but this was a blessing in disguise.

After a few months of searching, my parents realized they could not afford a business in Kamloops that would allow them to raise the kids. They found such an opportunity in Ashcroft, a small town about 50 miles from Kamloops, 3 miles or so off the highway to Vancouver at the bottom of another valley carved by the Thompson River. They purchased a small supermarket from a very British owner, Mr. Parson. The people of Ashcroft not only made my family feel at home with words and deeds, but with dollars, almost doubling sales in the first year and forcing one of the other two supermarkets to adopt a new line of business.

The passage of the Official Languages Act (1969) was still at least a year away and its guiding principles, still more than a decade away from being incorporated into the Canadian Constitution as Section 16 of the Canadian Charter of Rights and Freedoms (1982). Constitutional amendment or no constitutional amendment, at Ashcroft High, learning French was not an option if you wanted to graduate. Nobody seemed to mind; it was all part of being Canadian. Even Americans who moved here expected to learn French. I was very impressed with

my classmates doing their best to learn a language that most of them would never have the opportunity to use.

My parents were not the activist type, and the kids were probably too young to care. There was really nothing to be upset about. When we moved to British Columbia, my parents expected the kids to fit in, and when in Rome... That meant speaking English, going to school in English, working in English. There was nothing wrong with that then and there is nothing wrong with that today. My parents made a choice to move to a predominantly English-speaking province; it was up to us to adapt, and we did.

The woman who had asked if I knew her daughter explained that they had recently moved to Canada from the United States and her daughter could use some tutoring in French. Glenna had recently enrolled in the same high school as me—the town's only high school, Ashcroft High—and would be in grade 10. I was in grade 11.

The tutoring did not last long, my understanding of French grammar being inadequate to the task, but I did get to know Glenna better, as well as her wonderful mother, her stepfather and later, her brother when he returned from Vietnam, a very troubled individual who had great difficulty living with the memories.

They were Mormons from Salt Lake City, Utah. Glenna's parents may have come to Canada to establish a sanctuary for her brother. He was part of a maintenance team that met the helicopters when they returned from combat missions or raids on Vietnamese villages to pick up suspected collaborators. On a few occasions, when alone with me, he would break down and cry as he described helicopters returning with prisoners who were simply lined up on the tarmac and shot. He would raise his arm and make a “bang-bang” motion as if he was shooting off a revolver, and, between sobs, say over and over, “They just shot them, they just shot them...” That is when I suspected that he may have been the reason for the family relocating to Canada.

These truly disturbing stories left me strangely unmoved. At the time, my faith in my government—in the government of the United States, in the government of democracies of the Western mode—was steadfast. They just did not do that sort of thing. The My Lai massacre of 300 unarmed Vietnamese civilians including women, children, and the elderly on March 16, 1968, carried out by soldiers of Charlie Company under the command of Lt. William Calley, was still not common knowledge. Glenna's brother had to be wrong about what he saw, what he experienced. Today, I realize that this conscientious American was probably accurately relating events he had witnessed. It

is unfortunate that I was not more compassionate when compassion was what was called for.

My faith in democracies like the United States is still unequivocal, but I am more realistic as to what war does to ordinarily decent human beings; that war – like religion, like money – can make good people do bad things, and this is something we have to guard against.

I would join Glenna and her family to go fishing on a small, secluded lake just off the winding road that links the Caribou Highway (Hwy 97) to Lillooet, Mile 0 of the Gold Rush Trail. I don't remember catching anything. All I remember is sitting with Glenna at one end of the boat, her mother and stepfather at the other, fishing lines dangling in the water and being rocked by gentle waves on a beautiful, sunny Sunday afternoon, all silently hoping the fish wouldn't bite and spoil the moment.

On other occasions, we went hunting in the hills above Ashcroft. We never shot at anything. It was more of an excuse to go on a picnic and get to know each other better. A short distance into the forest, Glenna's mother and stepfather would go off on their own with a simple request that we not shoot at anything in their general direction.

Glenna and I had a favourite spot high up on the mountain where, if conditions were just right, as the sun rose (these hunting picnics were early-morning affairs), you could just make out the snow-capped coastal mountains in the distance. A few hours into this make-believe hunt, we would all meet at a pre-arranged rendezvous to enjoy whatever was in the picnic basket.

I would also join Glenna, her family and coreligionists for picnics and softball games. When someone decided it was time to bring out the bats and mitts, just like Moses parting the red sea, everyone on one side of an imaginary line was on one team and everyone on the other side, members of the opposing team. There was none of the (sometimes humiliating) public display of team captains handpicking the best players, then arguing who would be saddled with the less talented. Except for perhaps tennis, I was not particularly gifted when it came to sports. I never felt they were trying to convert me; they were just making me a part of their family activities, and I appreciated that.

It was Glenna's stepfather who introduced me to a variation of "intelligent design" decades before it became the subject of controversy. On that same winding road to Lillooet there is a red exposed cliff. One day, Glenna's stepfather stopped and parked by the side of the road a few metres from the cliff face. I was following with the beautiful Glenna in my car and so I did the same.

We all walked up to the red cliff. After rummaging around the loose stones, Glenna's stepfather picked a sliver of rock and handed it to me. On the surface of the rock was the outline of a trilobite, a snail-like creature from the Cambrian Period, 570-505 million years ago. We spent perhaps an hour searching the cliff face, finding maybe another dozen fossilized creatures from Earth's distant past, mostly more trilobites. For Glenna's stepfather, they may not have been put there 6,000 years ago but they were all part of God's creation, all part of His plan.

I prided myself in being able to look at both sides of an argument before coming to a conclusion. I also did not like confrontations. This may explain my penchant for looking at any situation from the other person's perspective, hoping to find in that perspective a reason to agree or at least a reason why I should respect the other's point of view. I respected Glenna's stepfather's argument, in part because I respected him and knew him to be an honest man. To this day, I am still undecided about teaching "intelligent design" in schools for fear that Darwin will get short-changed.

It's never too late to apologize or make amends for past transgressions or thoughtlessness, and I would like to make such an apology now, though many will consider it completely out of place. It's perhaps even silly, as someone said, because Glenna's parents—Glenna, even—may no longer be with us. It may be silly, but we only have so much time left to make fools of ourselves and we should use that time wisely; that includes taking the time to say we're sorry to people we may have hurt, deliberately or inadvertently. If they are no longer with us, the more reason to honour their memory by recognizing their impact on our lives.

I said goodbye to Glenna twice. The first time was when her family left Ashcroft for Vancouver. The evening before she left, she gave me the most innocent, warm and unexpected of kisses. Her family lived at one end of town and at the other end was the old gold rush era cemetery. I walked the length of the town to wander among the headstones and crosses in the moonlight and reflect on the end of things. I wanted to write about this first goodbye, and this memorable kiss, to apologize for how we parted the second time and to thank her, her mother, and her stepfather for countless kindnesses not forgotten.

The Road Back

After only a few short years in Ashcroft, we moved to Kamloops. Following completion of grade 13¹ at Kamloops High School, I applied and was accepted to Simon Fraser University. During the summer months, I would return to Kamloops where I managed a small campsite on the eastern edge of the city.

The owner of the campground was president of a small mining company, Taseko Mines, which was listed as a penny-stock on the Vancouver Stock Exchange. One share of Taseko Mines cost a nickel or less. One day, when my employer was giving me my paycheck for the week, he told me to use it and any other money I had saved to buy as many shares in Taseko Mines as I could afford. Drilling samples from a site in the Yukon looked promising, and when the word got out that gold had been discovered, he assured me, share prices would rise dramatically.

Shares of Taseko Mines had risen to 25 cents per share when my employer drove up to the campsite to warn me to sell all my shares immediately. The assay office in Victoria was about to make its findings public: *it was fool's gold*. I sold my entire stake in Taseko just before shares plummeted into near oblivion. What I did was not illegal, but I was profiting from the illegal act of whoever in the assay office informed my employer prior to informing the public, therefore it was theoretically unethical. Should I have informed on the person in the assay office in Victoria?

¹ In my social studies class (grade 13) at Kamloops High School, a classmate once suggested that a solution to the so-called "Québec problem" was to exile Québecers to Greenland. An original, if not enlightened, response to Québec's growing insistence on being allowed to chart its own destiny within Canada or as a separate state (the October Crisis was just around the corner). My classmate had undoubtedly made the remark in jest; however, when the entire class swivelled in their seats to look at me (for no particular reason I had chosen the last desk of the middle row), I felt a response was necessary. I began my argument against exiling Québecers to Greenland by talking about what being Canadian meant to me and why I considered all of Canada my home, throwing in a short course on early French-Canadian history for good measure. I had barely finished my off-the-cuff panegyric to Canada when the entire class, including my classmate who made the Greenland remark, stood up to applaud.

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Whistleblowers are neither snitches nor informers. To have exposed a junior public servant would only have jeopardized the relationship I had with a man who only had my welfare at heart and would have made little difference, *and whistleblowers are about making a difference*. They also know that perfection is not of this world, and that people will make mistakes, which is why they rarely jump to conclusions and tend to give the benefit of the doubt.

After my third year, when my mother had died, I left Simon Fraser to work full-time for a finance company in Kamloops. Industrial Acceptable Corporation (IAC) was a finance company specializing, as its name implied, in loans for the purchase of cars, trucks, tractors, logging and construction equipment, and eventually, mobile homes. Today, IAC is unrecognizable as the Bank of Hong Kong.

My job at IAC was collections and repossessions with some credit counselling. Repossessing cars, trucks and tractors was one thing, mobile homes quite another. After a year or so, I transferred to IAC's Kelowna office where I did my first mobile home repossession, giving a young family the standard twenty-four hours to vacate before a truck would come to haul their home back to the dealer's lot, when I decided that this was not for me. The mobile home repossession completed a transformation that a visit to a ranch near Merritt, to make arrangements to pick up a car, had begun.



Night had already fallen when I knocked on the door. A young woman nursing a baby answered. She recognized me and I recognized her; she invited me in. In grade thirteen, at Kamloops High School, we had had a brief flirtation, often skipping classes to drive into the mountains or go to the park by the Thompson River to enjoy a beautiful day in each other's company.

Julia Ann liked to sketch. To the left is one of her drawings. That is how I remember her, minus the hat. We were sitting on the grass beneath a tree in Kamloops' Riverside Park when she made this sketch, which may have been inspired by a magazine she was reading at the time. I liked it, so she gave it to me.

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She made me a cup of coffee. We sat at the kitchen table and talked while she continued nursing her baby. The infant's father was expected at any time. When he showed up, I said hello and shook his hand, the hand of a cowboy, a genuine cowboy. We knew each other. I respected him but I doubt very much he respected me. I lost Julia Ann because I would not fight to defend her honour. Some punks, when we were returning to the car after a rock concert, made some disparaging remarks after her and all I could do was pretend not to hear anything.

When it came to physical confrontations, I always took the easy way out, the coward's way. The fact that I shied away from fisticuffs is probably why IAC kept me on for as long as they did. I could not be provoked into a fight to embarrass the company, even when dealing with their most difficult clients. I could be counted upon to embarrass myself instead. The impromptu visit with Julia Ann and her husband reminded me that I was a coward and that what I was doing was not very nice. I would leave IAC in the spring. The summer of 1972 would be my last British Columbia summer.

I am not sure why I chose to come to Ottawa when August gave way to September. It may have been the glimpse I got of the city from the train I took to Expo 67 with my sister-in-law Laurette as a teenager. I knew I had missed something. In high school in British Columbia, because I came from (*Northern*) Ontario, whenever Ottawa was brought up, they assumed I knew the city and what went on there. I didn't, but I was curious about what it would be like to work for the Federal Government, even for a short time.

Before leaving, I called my old man. He wished me luck. That was the last time I would speak with him. My father, when he got drunk, often made threats. He made one too many and the woman who had replaced my mom stabbed him to death.

I made the return trip in early September when I was half my mother's age and conditions were ideal. She did it in near-winter weather during the unpredictable month of November. She drove more than two thousand miles in under three days, driving from sunrise to past sundown on a highway where four lanes were the exception; driving from dawn to dusk with four kids in the back seat, the youngest in the front sandwiched between her and an alcoholic husband who could not be trusted to help with the driving.

As I encountered one familiar sight after another from that remarkable journey, I could not help but marvel at the courage it took. Three days after leaving Kelowna, I was in Ottawa having a cold beer

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on the terrace of the National Arts Centre next to the legendary Rideau Canal. Now, where to stay?

Pestalozzi

Unlike Kelowna, rent in Ottawa was prohibitively expensive, but there were alternatives for those short on cash. One option was Pestalozzi College, an urban commune named after Johann Heinrich Pestalozzi [1746-1827], the famous – or infamous, depending on your point of view – Swiss pedagogue and educational reformer.



It was a college in name only. Pestalozzi was a modern twenty-story apartment building on one of the National Capital's more famous streets: Rideau Street. This was a prized location only a short distance from Parliament Hill and an even shorter distance from the University of Ottawa (l'Université d'Ottawa), Ottawa's downtown bilingual university.

It was the layout of the apartments that made Pestalozzi special and the rent affordable. Most apartments consisted of three or four small, spartanly-furnished bedrooms featuring a bunk bed with pull-out drawers, a closet and a desk. In some configurations, you had two or three small bedrooms and one large bedroom with two bunk beds, two desks and one closet. The bedrooms opened into a central living and dining area. Depending on the number of bedrooms, you shared one or two bathrooms.

Unless you went to Pestalozzi as a group, you had no idea who your communal companions would be. I moved into an empty apartment with three one-bunk bedrooms and one large two-bunk bedroom. With the start of the fall semester, the building quickly filled up, including my little corner of the world on the 16th floor. The first to check in after me were Bob and Marina, who took the larger bedroom.

Bob was a tall, thin young man with long black hair. He had this booming voice, or should I say, booming laugh; Bob did not so much talk as laugh, a slightly hysterical laugh. He also had this vaguely frantic disposition, bouncing around the apartment like the proverbial butterfly. Bob was more into fashion and make-up than most women I have known, and better at it! Bob and Marina's large bedroom would occasionally double as a makeshift beauty salon for the residents of Pestalozzi. Bob's makeovers were nothing short of spectacular. Bob

was your stereotypical gay guy. Marina, however, was not your stereotypical lesbian.

Marina was a short, slightly overweight, large-breasted young woman. She may have been considered overweight by today's standards but perhaps not to the Inuit community from which she came. Like Bob, she had long black hair. Unlike Bob, who wore his hair like Jesus Christ Superstar—that is, unkempt but so clean it sparkled—she always had hers tied back, which only emphasized her pleasant round face. Marina taught Inuktitut part-time at Ottawa U.

I never got close to Bob, perhaps for obvious reasons, but with Marina it was different. We never really became bosom buddies, no pun intended, but she was the only one I found comforting when things did not go as expected. Marina was into Tarot Cards, usually 72 cards, 22 of which represent virtues and vices, death and fortune, and are used to ostensibly tell the future. Whenever I felt my life was going down the tube, the cards predicted that times would get better, which they usually did.

Marina had been the victim of multiple sexual assaults until she came up with her own solution to stopping the attacks on her person. Her radical solution was not to resist and to laugh at her disconcerted assailant as he attempted penetration, and even after. In her "milieu," rape was somewhat commonplace. She said that for a rapist, a struggling victim is half, if not most, of the fun. She took the fun out of it by not resisting. Laughing at her assailant meant she was diminishing him as opposed to him diminishing her. After her reputation was made, the rapes and attempted rapes stopped. Short-term discomfort for long-term relief; it had to take guts.

On a number of occasions, Marina asked me to accompany her to a strip club a few blocks west on Rideau Street so she could hook up with a girl or woman who understood her. In those days, women did not go to a strip club without a male escort. The male friend would camouflage her intentions: to buy a girl a beer and discretely arrange for a bout of intimacy, usually at her place. I became her chauffeur on some of these outings.

Marina became a model for me on how to talk to women. I already knew how to listen. From the conversations I had with her and the conversations she had with women and girls she fancied, I came to appreciate that women want to be treated both as sexual objects and as human beings—not unlike men. Marina, the woman who loved women and the intimacy of igloos on cold arctic nights, was partly

responsible for my finally needing the fingers of my other hand to count the women I would get to know as friends and lovers.

Canada recognized women as persons in 1929, 52 years after Confederation. It took only a few years after my discovery of women as sexual beings to come to the same conclusion. Having realized that women were people too, it was only natural that I would extend the same courtesy to Bob, his short blond-haired boyfriend, and their acquaintance, a pasty Little Orphan Annie look-alike.

When the boys were short of cash, *Little Orphan Annie* would go down to the park behind Ottawa's premier hotel next to the Parliament Buildings, dodging queer-hunters with bats and broomsticks, to tend to the men and boys waiting in the bushes where the Rideau Canal meets the Ottawa River. The area behind the Chateau Laurier has since been extensively renovated and most of the action has moved to a park on Ottawa's other river, the smaller Rideau. You can still, however, get your mind—and other parts of your anatomy—blown in a variety of ways a short distance from Parliament Hill.

With the arrival of Pierrette from Québec City and André from Mont-Laurier (a small town in North-Western Québec), our little, randomly thrown-together commune was complete. Pierrette was a slightly taller, thinner version of Marina and wore her hair the same way. Pierrette was a natural leader, although our community acknowledged no such person in theory. You picked up after yourself and kept the place clean because Pierrette expected you to. She was a woman of few words, but when she spoke, you listened: a single loud, "ÇA VA FAIRE!" (That's enough!) when she was studying was sufficient to quiet even the most raucous crowd. Like André, she had difficulty with the English language, which may explain why she and André did not associate much with Marina, Bob and friends.

André worked as a disk jockey at a local radio station on the Québec side of the Ottawa (Outaouais) River. To this day, he remains the funniest person I have ever met. Dinners were a laughing riot. It wasn't long before Pierrette fell in love with André, but he was not interested. André is the only man I have ever known who expressed no interest, in the more than eight months we were together, in an intimate relationship with either sex.

Many weekends, when Pierrette and André returned home, Marina and I would share a bunk, with Bob and Blondie on the other makeshift bed, passing around a joint and listening to Pink Floyd, the Stones, Led Zeppelin or whatever, talking late into the night. It was not all small talk or rambling on the politics and pop-philosophy of the

day; we also talked about Adam Smith, Hume, Kant, Nietzsche's influence on Wagner's music, etc. German philosophers seemed to be a favourite of Bob and his boyfriend.

At the end of the school year, Pierrette moved back to Québec City. André would shortly find a job with Canadian Armed Forces Radio and leave for Germany. The dynamics of the commune were about to change with soulmates of Bob taking over the space vacated by Pierrette and André. It was time to move on, in this instance to another apartment with the same configuration on a different floor.

Charles, a retired airman, occupied the large bedroom. It must have been the mother of all divorce settlements for him not to be able to afford accommodations more in keeping with a man his age and status. His conservatism and parochialism meant he was no competition for the two professional young women who occupied the remaining smaller bedrooms. Huguette had recently graduated from teacher's college and started teaching at an elementary school in the French enclave of Vanier while Rhona was articling for a law firm.

They were serious young career women for whom Pestalozzi was just a convenient and inexpensive place to call home while they planned their futures and paid off some debts. Huguette had an out-of-town boyfriend. Rhona admitted to never having experienced an orgasm during intercourse; I accepted the challenge. She was a good sport, with only the occasional "I told you so" shrug when a requested change of position proved as inconsequential as the previous. Both Huguette and Rhona, and even Charles, were good company, but it was the truncated time I spent with the young woman across the hall that left an indelible regret instead of a pleasant memory.

She lived alone in one of the smaller communal apartments. Her place was always a mess. Everywhere you looked, there was a piece of clothing—even underwear—strewn about. The kitchen counter was seldom free of empty packaging from takeout or a dirty pot or pan from the day before. The walls were bare except for what could pass for a child's attempt at painting still-life: flowers surrounded by a smooth, cheap grey frame made of balsam.

How could a woman who always appeared impeccably dressed and groomed in public live in such a mess? I got to know and often shared a drink with the slender, Twiggy-like blonde living in that mess. We would sit at her kitchen table—a four-by-four vinyl and wood imitation of a butcher's block on stainless steel legs—drinking and talking about our impossible relationships. I don't remember what she poured in my glass except that it wasn't wine, and it wasn't beer. All I

remember is that I did not like it that much. It was probably rye or whiskey, something my father drank.

She had the saddest blue eyes I had ever gazed into. I stared at her; she stared at the painting. Even when she looked at me, she was looking past me. She talked about the man she yearned to be with. The man whose company she craved she described as brilliant, a brilliant misunderstood artist. The man she talked about was confined to a state institution. Montréal is only 120 miles from Ottawa, but she was spending today's equivalent of a thousand dollars a month on long-distance telephone charges. Our short evenings together usually ended with, "Il faut que je fasse un appel" (I have to make a call).

It may have been the Twiggy-like figure with the sad, misty blue eyes who first mentioned seizing the moment before self-preservation interfered and spoiled it. It was just talk; we were just talking. Who has not talked or thought about leaving this world on his or her own terms, and not according to some mythical god's timetable? Sometimes, when I spot a Minister walking the Halls of Parliament or on Wellington Street accompanied by a good-looking blonde with a binder or a briefcase, I am reminded of her. She spent a lot of time with government movers and shakers and at least one Minister.

She was not from Québec City but somewhere else where English is a foreign language; it might have been Gaspé or maybe Rouyn-Noranda. Young Québec women with a college degree or even a high school diploma, who could not speak English but had a pleasant personality and good looks, easily found jobs with one of the many personnel placement agencies that specialized in providing ministers, members of Parliament and senior bureaucrats with private one-on-one tutoring in conversational French.

One evening, I found her in a much-improved mood. There was life in those beautiful blue eyes and the mist had dissipated. She said she had found a new job or something and that she was leaving. Before I left her that evening, she took the painting off the wall and gave it to me. "Pour toi; j'en n'aurai plus besoin" (For you; I won't need it anymore). She gave me a hug and held on for the longest time. Before closing the door, she said: "Tu sais, si pour toi la vie ne vaut rien, rien ne vaut la vie" (You know, if life means nothing to you, then nothing makes life worth living).

Back in my apartment, I turned the painting over and, in the most beautiful handwriting, I read: "Si pour toi la vie ne vaut rien, rien ne vaut la vie." I thought the message was for me. How arrogant. How could it have been? It was not signed, and her giving it to me had been

a last-minute decision. It was his message to her. Why did I not see it at the time? The painting was her link to the man in Montréal for whom her heart ached, and she would not part with something so precious unless...

The next morning, someone made their way onto the roof of Pestalozzi and, as the sun rose, jumped. I was told that a body had been found on the stairs in front of the eastern entrance to the building, but nothing else. To the east was Montréal and the man behind the painting. It did not occur to me at the time that it could have been her, and that giving me the painting was her way of saying goodbye forever. How could I have been so clueless?

Try as I might, I cannot remember her name. Forgetting her has been the worst, reminding me of my own failings as a human being. With her name I might have been able to find out what happened to her. Maybe it wasn't she who jumped, and I shouldn't feel guilty. It doesn't help that, more than a few years later, as I was cleaning out my garage, I came across the painting. It had suffered water damage and was so moldy, I had to throw it out.

Pestalozzi College has since been redeveloped into a typical apartment building and is now called Horizon Towers, the urban commune concept having fallen into disrepute – too many visits by the police and the fire department, I suspect.

It was during my stay at Pestalozzi that I took the public service exam and was given my first assignment.

The Wrong Lesson Learned

To tell or not to tell, that was the question. I did the math from the previous year's publication and some of the numbers did not add up. If this messenger had been better acquainted with the more celebrated Greek playwrights of antiquity – especially tragedians like Sophocles – he would have known that the lesson he was about to learn was the wrong one. It was Sophocles who, in *Antigone*, warned us: "None love the messenger who brings bad news." Unfortunately, my first public service boss did not fit the Sophocles stereotype.

My first job with the Federal Government was a four-month assignment with Statistics Canada reading mining, oil and gas exploration companies' balance sheets and adding up the numbers. Who would have thought that switching to accounting and commerce during my last year at Simon Fraser would land me my first job with the Canadian Government?

During my free time at work I read the previous year's publication of the statistics I was tabulating and collating for the current year – people tell me I'm funny that way. I found what I believed was a substantial error and showed it to the statistician in charge of the Financial Statistics Division, the guy I worked for.

The statistician was impressed. So impressed, he offered to extend my term past the four months--an offer he made only to me, and not the dozen or so others whose term assignments were coming to an end. Unfortunately, I had already accepted a position with the Department of Communications (Communications Canada). I think I would have liked to spend more time working for this man, a public servant who was more concerned with doing his job well than his ego and wanted to keep people around who, like him, cared about such things.

Perhaps what I had been told in Social Studies about the Canadian Public Service being the most competent, the most dedicated, and the most honest in the world was true.

Getting High on the Job

The machine looked vaguely familiar. That's it! It was one of those big electronic calculators that I had used for some statistical calculations at Simon Fraser. But it wasn't—this machine had a huge memory, 15 thousand bytes (15K), a full keyboard, a printer, a big old-style reel-to-reel tape drive and an attached 300 bytes per second modem. WOW. It even had an accessory called a floppy disk drive—whatever that was for?



Hewlett Packard called the HP-9825 a "Programmable Calculator" with "Computer-Like Capabilities." The calculator label was for marketing purposes only. According to Hewlett Packard, "The US Department of Defense procurement regulations (and some company regulations)

made it a lot easier to get approval to purchase a calculator than a computer."

The HP-9825 was an early personal computer. If Hewlett Packard had marketed it as such, today we might remember the HP PC and not the IBM PC as the first personal computer embraced by business and government, thereby igniting what has become known as the personal computer revolution.

Hewlett-Packard sold the six-thousand-dollar HP-9825 to the Government Telecommunication Agency (GTA) with the manufacturer's assurances that the machine could easily be programmed, by just about anyone who could read, to perform some of the more mundane, repetitive calculations as well as print invoices. Something the communications engineer on staff should have been able to do.

The GTA was an agency of The Department of Communications (Communications Canada). The GTA was responsible for billing and collecting from other government departments the cost of leased

telephone lines (trunk lines). We calculated the amount to be paid by departments based on the number of calls made, their duration, and so on. Billing was a completely manual operation.

When I joined the agency, this equipment had been unpacked and stored in a separate closed office but had not been put to use more than a year after its delivery. Next to the HP-9825 was a stack of User's Guides, some in their original wrappers. During my lunch hour, after work, and when there was nothing else to do, I would withdraw to the computer room to read the complete set of manuals that came with the machine. As I said before, I was funny that way.

I read the manual that told me how to get started, then pressed the ON switch. I read the manual that explained how to program the equipment using Hewlett Packard's version of the BASIC programming language to create applications. I read all of the manuals. To make sure I understood the programming process correctly, I signed up for computer programming courses at Ottawa's other university, Carleton.

I discovered I had a knack for computer languages. I even managed to get the HP-9825 to communicate, via its primitive modem, with Carleton's mainframe computer, thereby eliminating the need to go to the university for some of my programming assignments. Before my term came to an end, I was able to demonstrate a prototype billing application. Again, my term was extended, and I was allowed to work on completing the system during regular working hours.

Loops within loops, within loops... and my still tenuous grasp of binary arithmetic was causing me a problem. The total amount shown owing on larger invoices was out by a few cents. I only had a few days to fix the problem or it would mean another round of manual calculations and typing up hundreds of invoices sent out at the end of another accounting period. My boss was aware of my difficulties and decided to send me on a course offered by Hewlett Packard in, of all places, Detroit.

I would solve the problem in time, but my boss was still convinced that I should take the course. He was probably right. Before he had a chance to tell me, his secretary jumped the gun. She was so excited and happy standing in front of my desk that Friday afternoon, telling me that she had just finished typing a requisition for a cheque to cover my expenses. I was going to Detroit. I would be told on Monday, so she asked me to keep quiet until then.

I did not tell anybody. The communications engineer, whose office was in front of my workstation, must have overheard. He almost ran

over the secretary as he rushed down the corridor where the boss had his office.

On Monday, my boss called me into his office. It was not to tell me I was going to Detroit. The trip was off. Instead, he was making me a permanent employee for the good job I had done. He had come to the conclusion that someone with an engineering background was best suited to operate the HP-9825. Helping him arrive at this conclusion was the communications engineer who had recommended an acquaintance from his university days for the job. The new guy would be joining us shortly, and would I mind showing him how the billing system worked? It was a toss-up as to who felt worse after hearing that piece of bad news: me or the poor secretary who had jumped the gun. I told her not to feel bad, it was okay.

The new guy, who was not only a friend of the communications engineer but fellow pot users, had *dropped out of engineering school*. They would invite me to join them after the afternoon coffee break to share a joint. I declined. There was a place and a time for everything and smoking pot at work was not one of them. They would return from their pot break giggling like schoolgirls. People who took the elevators at the end of the day wondered out loud where that marijuana smell came from.

When it finally sank in that I had lost out on a wonderful opportunity because of Cheech and Chong, I no longer felt comfortable in their company or with what they were doing. The new guy thought it was cool to grow pot in a government planter next to his desk. He would complain about the people who maintained these planters and kept yanking out his sprouting marijuana plants thinking they were weeds, even after he left notes for them not to do so. It was time to leave.

I had only been a permanent employee for a few months when I learned that the newly created Energy Supply Allocation Board was looking for a junior financial analyst. Not only was the position two grades above my current classification, but being involved in a government attempt to manage and allocate energy supplies in peacetime spelled excitement and possibilities. There was a catch. It was a one-year term assignment—*permanent employees need not apply*. There was only one thing to do: I quit!

Later on, I would learn that Terry, one of the two young mothers—the other being Janice—who worked with me, left the GTA, her husband, and her children to go partying with the new guy during Mardi Gras celebrations in New Orleans.

An Appalling Indiscretion

When I came back from lunch she wasn't there. "Where is she?" I asked Arthur. When he told me, I only felt a twinge of remorse. That would change. It wasn't my decision, after all. It wasn't even Art's. I had told Art, who had told the chairman, who had told Art what to do, or so Art told me. Only years later would I fully appreciate the pain and humiliation I must have caused.

The Energy Supplies Allocation Board (ESAB) was part of the Trudeau Government's commitment to what it called a *Made in Canada Price for Oil*. This initiative took on a new urgency after the first energy crisis in 1973 which saw OPEC prices for crude more than double. Eastern Canada got most of its oil from OPEC; the pipeline carrying oil from Alberta stopped at Sarnia in southern Ontario. If nothing was done, most of Ontario, Québec and the Maritime provinces could expect to pay a lot more for oil, while Western Canada would continue to enjoy low prices. Something had to be done. Trudeau had a number of options:

1. He could allow Alberta to sell its oil at the world price to Canadians from *A Mari usque ad Mare* and everyone in Canada would pay an exorbitant price, as they do today, for a resource they ostensibly owned.
2. He could extend the Sarnia pipeline to Montréal.
3. He could use new revenues—from the sale of oil to the United States at world prices—to pay oil companies that supplied Eastern Canada from the Middle East and Venezuela to keep the price of oil below the world price, and relatively equal across Canada.

Alberta did not have the disproportionate clout it has today. For Trudeau to allow Alberta to take a page from OPEC, doing to Canadians what OPEC was doing to the rest of the world was unthinkable. Option number one, for a nationalist like Trudeau who believed in a strong central government, was no option at all.

Option number two was even less palatable for it meant not only upsetting Québec voters, but stoking the paranoid fears of the

separatists. Extending the Sarnia pipeline would have threatened jobs in the East End of Montréal where a large refinery complex processed most of the imported crude for Eastern Canada. It would also have made the province of Québec dependent on Western Canada's oil, inviting more separatist rhetoric about a federalist plot to make Québec dependent on Western crude for its economic survival. He chose the third option—the most costly in dollars and cents, but the least costly politically.

For what Canada paid the oil companies in one year alone under the Oil Import Compensation Program (OICP) administered by ESAB, the country could have paid for an extension of the pipeline to the Atlantic coast with a few hundred million dollars to spare. During the year I was with ESAB, it paid out approximately a billion and half dollars (at least four times that in today's dollars) under the OICP.

The oil destined for the Eastern Canadian market arrived at two main points of entry: Portland Maine (the start of the Portland-Montreal pipeline) and the refinery at Come-by-Chance, Newfoundland. Every morning I received documents, usually by fax, on the amount of oil delivered to Portland and/or Come-by-Chance. Using these documents, a colleague and I calculated the amount of compensation due. Cheques were deposited in the oil companies' bank accounts that same day—you just don't leave cheques for ten and twelve million dollars lying around. All the companies that supplied Canada with OPEC oil were foreign-owned.

Before the Canadian Government decided to subsidize oil companies to make up for the difference in domestic and international oil prices, a large portion of Canada's oil imports were from Venezuela. After the subsidies began, oil destined for the Canadian market from this South American country was diverted to the American market, and oil from the Middle East whose final destination would ordinarily have been a United States port ended up in Canada. Why?

Tankers have to burn oil to get the oil they are carrying to its destination. The carrier was assumed to have paid the international price for this *bunker crude* (the cheap oil that powers most tankers). There was money to be made burning as much bunker crude as possible if the oil your tanker was carrying was destined for the Canadian market. All of a sudden, oil companies could not find places far away enough for crude destined for the Canadian market. Before you knew it, Canada was getting next to no oil from Venezuela, with Canada's traditional supplies going to the United States instead.

To the Board's credit, when the subterfuge became known, the formula for compensation for bunker crude was amended. Compensation would be paid based on traditional delivery routes, before the creation of the Energy Supply Allocation Board. Canadian taxpayers would no longer be subsidizing, to the tune of millions of dollars every month, American oil imports. Exxon could claim its oil came from the moon; it would get compensated for oil burnt in transit as if it came from Venezuela. Burning bunker crude at Canada's expense was just companies taking advantage of a loophole in a law — unethical, but not illegal. This is not to say that nothing illegal was going on.

On a regular basis, our registered accountant and auditor, who was also my boss, would travel to every oil company's head office in the United States to confirm that the documents submitted as justification for billions of dollars in compensation were legitimate. It was during a visit to the New York offices of the owners of the refinery at Come-by-Chance that he discovered claims paid out for more than 30 million dollars of oil that had never been delivered.

There was no secret about what went on at ESAB; it was a small organization, 30 employees, maybe less. I should have known that when the secretary asked, "What if the press got a hold of this?" she was just doing what everybody else did: indulging in idle, somewhat pointless speculation and gossip. I told Arthur what the secretary had said about "the press getting a hold of this." When I returned to work after lunch, she was gone.

When the guards came for me, I imagined what it must have been like for her. This made me feel both better and worse. Better, because in a way I felt it was what I deserved for that appalling indiscretion — poetic justice and all that; worse, because I imagined what was happening to me happening to her.

The Board not only moved quickly to fire the secretary, but to obtain an Order-in-Council to seize the oil in the next ship to dock at the Come-By-Chance refinery. The whole affair almost became known when the RCMP seized the tanker, *after the oil was unloaded*, something they were not supposed to do. They were persuaded to give it back before the Panamanian or Liberian owners of convenience complained. No one was ever prosecuted and, as far as I am aware, charges were never contemplated.

Prior to the Board winding down its operations, all term employees were placed on the government's priority hiring list. Before any department could hold a competition, it had to consult this list to

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see if anyone on the list met the qualifications for vacant positions within their organization. If they did, they could be appointed to a position without an open competition.

This list was usually reserved for permanent staff that, for one reason or another, saw their jobs phased out or, as was the case for the term employees of ESAB, deemed deserving of special consideration for a job well done. I was still with the Board when I got a call to report to the Surveys and Mapping Branch for a job interview with a John MacArthur.

Rakesh

She was crying her eyes out and could barely speak as she collapsed in a chair in my office. Her husband had just called and accused her of cheating on him.

When the mandate of the Energy Supplies Allocation Board came to an end, I accepted a job with the Canada Map Office as head of its Cost Recovery Unit. The Canada Map Office is responsible for the sale and distribution of government produced maps, aerial photographs and satellite imagery. Even if I did not have any experience in supervising staff, I took the job offered by John MacArthur, a director with the Surveys and Mapping Branch of the Department of Energy Mines and Resources with overall responsibility for the operations of the Canada Map Office. He made me an offer I could not refuse.

Before I met with MacArthur, I read the job description given to me by his secretary. When I met with the man, I handed it back explaining that I did not wish to waste his time; I did not meet the educational requirement, a three-year college diploma in accounting or equivalent. MacArthur took the job description, put it aside and invited me to sit down. He had read my résumé. He asked if I was still working toward an accounting degree with the Certified Management Accountants of Ontario. I answered yes.

“How many courses before you have the equivalent of a three-year college diploma?” he asked.

“Four courses, or one semester full-time.”

What interested the Surveys and Mapping Branch Director was not my education but my experience in credit management and accounts receivable. He had an urgent need for someone with that type of expertise. In the latest Auditor General report, the Canada Map Office had been severely criticized for inadequate financial controls and shoddy accounting practices, especially in the handling of cash and past due accounts. MacArthur expected a return visit by the Auditor General in about a year and needed the problems at the Canada Map Office fixed before then. Could I do that?

I wasn't sure. Fix the problem, he told me, and the department would pay for me to attend college full-time to complete the

educational requirements. Upon successful completion of the required course material, he would appoint me to the full position on a permanent basis – another substantial promotion.

I think what finally convinced me to take the job was when MacArthur made it clear that, *short of committing an indictable offence*, I was free to do whatever it took to fix the problem. That was a good thing, for the deficiencies identified by the Auditor General were just a symptom of an organization unable to cope. I knew that I could make all the changes I wanted, but if my employees were not committed to doing a good job, or were prevented from doing so, I was wasting my time. The vulnerable, young, distraught Indian Canadian (Hindu) woman in my office wanted to do a good job.

The Cost Recovery Unit was a mini-Canada with English Canadians, French Canadians, Indo-Canadians, Pakistani Canadians and Caribbean Canadians; it comprised of nineteen mostly young women and two young men when I took over. Rakesh (not his real name) was one of these two young men. He was a bright, ambitious Pakistani Canadian who was obviously destined for greater things and was frustrated in his job. He took out his frustrations in a number of ways; one of these was telling dirty jokes which the girls found offensive. The beautiful young Indian woman crying in my office was the preferred target of his questionable humour and witticisms. His supervisor was not willing to officially reprimand him for fear of being accused of *racism*, a fear Rakesh played on.

Every now and then, the girls had a girls-only lunch at a local restaurant. These lunches sometimes lasted a little longer than an hour. It was after one of these longer-than-usual lunches that she burst into my office sobbing uncontrollably. While the girls were out, Rakesh had called her husband asking if he knew where his wife was.

I could not reprimand him without his supervisor's cooperation but I could move him. His job involved liaison between the Order Processing Unit and Shipping and Packaging, located in the adjacent warehouse complex. He could do his job in either location. The office environment was similar, if smaller, and mostly men worked there. I called the warehouse supervisor and made arrangements to have his workstation moved that same day.

Rakesh did not enjoy working where men made up most of the work force. Can't blame him! He quit a few weeks later, but not before giving me a book about how to be a good manager.

I liked Rakesh, even if I did not appreciate what he had to say about women in positions of authority or how I should do my job. I did

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not move him because I wanted him to quit. I honestly believed that, because of the sometimes brutally honest discussions we had, he would come to realize that it was his attitude towards others, women in particular, that was holding him back from living up to his potential. I would have time to reflect on this decision when I was moved to my own small, out-of-the-way beige corner of the world. It was not the same thing; not the same thing at all.

The Death of Janine

Rakesh quit and moved on. Janine quit and died. Janine (not her real name) had worked in the mailroom.

My first meeting after being named Head of the Cost Recovery Unit (CRU) was with the Head of the Canada Map Office. Under ordinary circumstances I would have reported to Peter but for this assignment, I reported higher up. Peter offered his opinion as to who were the “troublemakers.” He identified the usual suspects: those who complained the loudest. Janine was not one of those. I was not about to follow the example of the Chairman of the Energy Supply Allocation Board—or Arthur, for that matter. Before making a decision that had the potential to ruin a person’s life, I wanted to make sure I had all the facts and was doing the right thing.

I then met with Juliette, the outspoken supervisor of the Order Processing Section, and Fran, the soft-spoken supervisor of the Accounting Section. I met and talked with just about everyone within the CRU. When I believed I had a firm grasp of the situation, I made the first decision aimed at solving one of the problems identified by the Auditor General.

Thousands of invoices were outstanding, most by months, some years past due. Clients complained when called about some of these unpaid invoices, claiming they had already been paid. Who do you believe? If your accounts receivable are followed up on a timely basis and cash received through the mail is properly accounted for (two areas where the CRU was deficient), the onus is on the client to prove that an invoice has been paid.

I recommended to the Treasury Board that they write off about \$200,000 of these unpaid invoices. To try to collect these questionable receivables would only have made the bureaucracy look bad. Then, like today, I was well aware that to portray the people who collect your taxes, pay your pension, and represent you abroad as incompetent, let alone dishonest, is not always a good thing. The Treasury Board agreed; “Just make sure it doesn't happen again.”

Before tackling the problem of the timely collection of receivables, I decided to solve the more straightforward—I thought—and more

pressing issue of the handling of cash and negotiable instruments received through the mail. The opening of mail containing cash or other negotiable instruments is usually witnessed by two people. One opens the envelope and takes out its contents while the other writes down, in a ledger, what has been received, then they both sign off that what has been recorded is an accurate record of what has been received. It goes without saying that these two *witnesses* should not be related so as not to facilitate fraud or invite accusations of such. At the CRU, this function was performed by two middle-aged sisters.

One of the sisters would be offered another position within the CRU that did not involve opening mail. I had left it up to the mailroom supervisor, a matronly grandmother in her late fifties or early sixties, as to whom that should be. When I explained the situation to her and Fran (her immediate supervisor), they had not raised any objections. The CRU matriarch did not say much of anything; her pursed lips and icy stare were the only indication that she did not approve. This did not matter; it had to be done.

A few days after this discussion, I went to the mailroom to enquire as to whom had accepted a transfer, and did they have any questions? I reiterated that whoever accepted the move would be given a job of her choosing at an equivalent level within the Cost Recovery Unit, if it could be done.

The mailroom supervisor was biting down hard on her lower lip. Janine, one of the sisters, was the first—and from my recollection, the only one—to speak. She said she would quit if I insisted on splitting them up. By quitting she would, of course, be solving the problem in the mailroom. No amount of assurances—including my explanation that it was not a question of trust, but a question of *rules* over which I had no discretion—would change her mind. Janine quitting to protest what she considered an unfair demand was, in some ways, admirable if misguided. What is the point of quitting if it will have no impact on the issue you are protesting and leave you worse off?

It was maybe a month or so after she walked out of the building at 130 Bentley Road when she called and asked to return to work. Was there anything I could do? She missed her friends. Some turn-over in temporary positions could be expected. I told her that as soon as a temporary position opened up, I would let her know. Once back with the CRU she would be able to compete for a permanent job and things would almost be the way they were before.

It wasn't soon enough. A few weeks after she sought my help, she had a heart attack and died. She is buried on the Québec side of the

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river, in a cemetery along the road leading to Pointe Gatineau. I did not know Janine that well, but accompanying her friends and family to her final resting place was one of the more difficult duties I ever had to perform. I felt sorry for Janine. I felt some responsibility for her perhaps untimely demise, but I don't know how else I could have handled the situation.

Audrey

Audrey was a statuesque black woman from the island of St. Lucia. Audrey had a temper, which may explain why she was at the top of one manager's list as the person I would have to “deal with” if I was going to turn things around. Landers said he had tried, but all he got for his troubles was a wastebasket kicked in his general direction when he interrupted her work. Landers, a fixer from HQ sent to investigate what was wrong with the CRU prior to my appointment, was right. She would have to be dealt with, but not in the way he suggested. Yes, she complained, and yes, she was loud, but this was music to my ears. She, too, cared about doing a good job.

Except for perhaps Fran and Juliette, I probably spent more time with Audrey than with any other employee. Audrey was one of the two B80s (Burroughs Accounting Machines) operators. These were another significant step up the evolutionary ladder toward the automated office, for those who were not afraid of heights. Audrey was more than cooperative when I decided to investigate what these machines could do.



The B80 could be programmed to complete tasks like *Aging Reports* that provided the status of your accounts receivable at a glance, an absolute necessity if you're going to efficiently manage and follow up past-due accounts. I arranged for the machines to be programmed to produce, among other things, an Accounts Receivable Aging Report on demand. With these and other useful management reports that the B80s were now programmed to produce on a regular basis (and the write-off of what I had considered uncollectible), the CRU began to get a handle on past-due accounts.

I spent time with Audrey not only because she was the key to getting accounts receivable under control, but also because I had decided to give the B80 operators a raise. Classification had not yet caught up with the complexity and demand of the work that employees like Audrey performed with these sophisticated pieces of

automated office equipment; they were more than just data entry clerks. The other operator was Diane, still a work-in-progress when I left the CRU. Diane was a *closet* alcoholic. Unlike another young female employee who enjoyed drinking, who was easier to deal with since she made no bones about it, I did not realize that Diane had a problem until much later.

The B80s occupied a separate enclosed space because of the noise they made and their need for a controlled environment where the temperature was constant and dust kept to a minimum. Operating these machines was tedious and stressful. Whether to relieve the stress because she was bored or simply to bug Audrey, Diane would quote verses from the Bible while working. Typical of alcoholics, she knew exactly what to do or say to wound or harass, and how to do it when her target was most vulnerable. Apart from that, Diane was quite personable and agreeable to change.

I told her that religion was a private matter so quoting the Bible aloud at work had to stop, and it did. She was spending less and less time working with the B80s and that helped. As work with the accounting machines decreased with a reduction in receivables (small buyers were also encouraged to buy from local retailers of maps and such), Diane was asked to do other odd jobs, including working in the mailroom now that Janine was no longer with us. She liked that.

Then there was Carole. She had the body, personality and drive that when she walked into my office to tell me about a problem and not to worry, she had it under control, she often left me speechless. Carole was a living, positive affirmation that beauty is so much more than skin deep (Carole had a Pierre Trudeau-like skin condition, i.e., with pockmarks).

Dedicated people like Carole and Audrey are the public servants that make government work at a very basic level. At the managerial level there is another class of employees who are essential to the good functioning of government operations; they are the professionals who advise and assist the managers. As a line manager, I could call at any time on the services of lawyers, accountants, engineers, doctors, and, of course, staffing professionals. I could not have done my job without them. I did not always take their advice even when I should have but they understood this and did not take it personally, and would even help undo a bad decision on my part. A case in point!

I faced my first staffing action for a permanent position. I was determined to make it the fairest competition ever. To that end, I prepared a purely objective interview questionnaire. There would be

no room for any subjective evaluation of a candidate's suitability for the job. I don't remember if the staffing professional who assisted me told me that this was a really stupid thing to do. If he didn't, he should have, and if he did, this was one piece of advice I should have embraced.

The winner of the competition, after adding up the scores, was the worst possible choice. I decided to hold another competition. The staffing professional recommended that I accept the result so as to avoid a grievance (complaint), that I not cancel this competition and hold another. As Chairman of the Selection Board, it was my prerogative. I cancelled the competition and told the winning candidate why. He understood. There was no grievance.

It is not enough that a competition is fair; it has to be seen to be fair. Nothing destroys the credibility of the staffing process faster than the general perception that the most meritorious person did not get the job. You see it all the time. The person who everyone expected to get the job was well-liked, knowledgeable and industrious. She had been doing the job on a temporary basis for months, and doing it well. She flubbed the interview simply because she was nervous and missed a few simple questions. Because I had made no allowance for personal suitability, I was faced with not only appointing the less qualified person, but a person for whom the girls had no respect. It was not only that they questioned his ability to do the job better than the losing candidate, but they also found his morals questionable.

This was not your MTV generation of young women. They did not think it was funny that this young man made out, in the parking lot, with a girl who had only recently reached the age of consent and had the mental age of someone even younger. The young lady did not work for me.

Foreign Affairs Beckons

John MacArthur was as good as his word. When the Auditor General returned and reported that he was satisfied with the progress made fixing the problems at the CRU, he sent me, at government expense and on full salary, for three months to Ottawa's Algonquin College to complete my three-year college diploma in accounting. When I returned to work, I received the promised promotion. I was now a full-fledged Financial Officer second grade; it was time I was indoctrinated into the ins-and-outs of the Financial Administration Act (FAA).

The FAA, according to the Treasury Board, is “the cornerstone of the legal framework for general financial management and accountability of public service organizations and Crown corporations. It sets out a series of fundamental principles on the manner in which government spending may be approved, expenditures can be made, revenues obtained, and funds borrowed.” Indoctrination is not too strong a word to use for the course I attended on the Financial Administration Act. It was a good type of indoctrination, one that emphasized that Financial Officers had an almost sacred duty to safeguard the Public Purse.

After returning from my training into the duties and responsibilities of a Financial Officer, I now spent more and more time at the headquarters of the Surveys and Mapping Branch down by Dow's Lake, a small man-made lake on the Rideau Canal known for its surrounding park, the site of most of the flower displays of Ottawa's annual Tulip Festival.

My mind was no longer on the job. I was a goal-oriented type of guy. I found day-to-day financial administration a bore. Part of me wanted to return to British Columbia, beautiful British Columbia. I still aspired to become a writer. Maybe it was as good a time as any to pursue that dream by returning to university and completing a degree in English Literature. My Simon Fraser professor who had introduced me to Jane Austen and Jonathan Swift had encouraged me in that direction as a means of improving my writing, which he saw as promising.

I was still unsure about what I wanted to do next when I read about a job opening. It was a Financial Systems Analyst position with the prestigious Department of Foreign Affairs². The successful candidate would have a good understanding of business and government accounting practices and computer-based accounting systems. That was me! Foreign Affairs had a reputation for hiring only the best and the brightest. There was bound to be an army of candidates, but I applied anyway.

I was the last to join the team put together to overhaul the way the department tracked and accounted for expenditures made by diplomats and their staff. The Auditor General suspected that *la crème de la crème* of the Canadian Public Service, the Foreign Service, had sticky fingers. It would be my misfortune to confirm the Auditor General's suspicions.

² Until 1995, the Department of Foreign Affairs and International Trade was known as the Department Of External Affairs. In *Shooting the Messenger*, except in official sources or quotes from official sources where the old name is used, I referred to the Department using the short version of its new name, Foreign Affairs. Also, until 1993 the political head of Foreign Affairs was called the Secretary of State for External Affairs and his senior bureaucrat was the Under-Secretary for External Affairs, or simply the Under-secretary. Except in official sources or quotes from official sources where the old names are used, I employ the new designation and the more familiar titles, Minister and Deputy Minister.

EXTRA

Lucette

Communications Canada is where I met my future wife. She was a professional translator on a temporary assignment at the agency. I would not have had the courage to ask out that beautiful young woman still working away in an enclosed office on a Friday afternoon, but it was either giving that a try or admitting to my sister Rosa, who was in town with her husband for a teacher's conference, that I did not have a date for a ball at the Chateau Laurier, to which they had invited me.



Lucette loved to dance. She admitted later that that was the reason she accepted my invitation: she would get to dance. I definitely did not woo her with my awkward impression of Fred Astaire. Still, at the end of the evening she said she would like to see me again. Shortly after we became an item, she joined the elite of government translators and interpreters, the fifty-or-so professionals who provide translations and simultaneous interpretation to the House of Commons, the Senate of Canada, Parliamentary and Cabinet Committees, and Party Caucuses. Her range of interest; her knowledge of art, food, and history; and her extensive travels, before and after we met, meant that many an evening, when she could not talk about her day because of that secrecy thing, there was still plenty to talk about.

It was not her Master's in Linguistics, and later, her Master's in Business Administration, that made for the most interesting dinner conversations, but her interest in and knowledge of the Classics (literary works of Ancient Greece and Rome) and Renaissance literature, art and history.

We had now been seeing each other for about seven years when she decided it was time. We were playing backgammon at my place. I think I was winning when she said, "If I win this game, we get married." She liked to talk about how she won me in a game of backgammon. I like to think I let her win because I would have been a fool not to. Remember her.

PART 2

The Fifty Percent Solution

The Estimates contain the details of the government's projected expenditures by department and agency. They consist of the Main Estimates and the Supplementary Estimates. The Main Estimates contain expenditure details for the upcoming fiscal year. The government presents the Main Estimates to Parliament for review and approval usually in early March, although the timing will depend on the Budget. It is impossible to forecast all financial needs in advance. Therefore, the government may also table Supplementary Estimates, often in the fall and the spring, if the amount voted in the Main Estimates is insufficient or if new funding or a reallocation of funds is needed.

From the House of Commons Standing Committee on Government Operations and Estimates web page.

It's the little things that trip you up, the unexpected little things. For the diplomats, it was a request that I build a small database and user interface to facilitate the preparation of the Estimates for Parliament that would lead to the discovery of probably the largest and longest sustained raid by public servants on the public purse in Canadian history.

The preparation of the Estimates at Foreign Affairs is slightly more complicated than in other departments because a large portion of its budget is spent in other countries' currencies. The Estimates preparation process, when I was with Foreign Affairs, began in September. One of the formalities was opening *The Globe and Mail* newspaper to the page where it publishes the exchange rates for the Canadian Dollar against the world's currencies. These rates became the budgeted rate of exchange—the exchange rates used to convert budgeted expenditures in a foreign currency into Canadian Dollars. This Canadian Dollar total for planned expenditures for the coming fiscal year was the amount that Parliament was asked to approve as part of the Estimates process.

It is next to impossible to predict what the Canadian Dollar will be worth from one day to the next against the American Dollar, let alone

accurately predict what our dollar will be worth against most of the world's currencies eight to twenty months down the road. What you can predict with absolute certainty is that, in some countries, the Canadian Dollar will gain in purchasing power and in others, it will lose. The idea, then, was to pass on any increase in purchasing power in countries where the Canadian currency saw gains against the local currency to posts (like missions, this refers to any Canadian embassy, high commission or consulate) in countries where the Canadian Dollar experienced a decrease in purchasing power. For example, if Parliament had authorized the rental of affordable, comfortable housing similar to that found in Canada, in Paris for instance, as guaranteed under the Foreign Service Directives (FSD), the increased purchasing power of the Canadian Dollar against the French Franc did not mean you could now rent a fancy apartment on the Avenue des Champs-Élysées complete with two fireplaces and comfortable seating for twelve at the dining room table, as was done by the Canadian accountant stationed at the Canadian embassy. You had to return any gains in purchasing power (the budgeted cost of the item or service – the actual cost) so that Ottawa could make these *new* dollars, courtesy of a local currency experiencing a downward trend, available to less fortunate posts where the local currency was on the rise.

If you did not return this windfall, then posts experiencing a decrease in purchasing power would be forced to draw dollars from a special emergency reserve, and when that reserve fell below a certain threshold, Parliament would be asked for more money via the Supplementary Estimates process. This is, in effect, what was happening. Canadian taxpayers were being asked to shell out millions of additional dollars to maintain adequate funding for posts experiencing a decrease in purchasing power because diplomats and their staff indulged their penchant for luxuries instead of doing what the law required by returning *all of this currency windfall* to Ottawa. I did not know that at the time.

It was only about a year after I joined the team completing the building of the Post Expenditures Database as part of the project with the ungainly but descriptive name of Full Telegraphic Input of Financial Data (FTIFD) project, that I discovered what was happening.

The Auditor General, in a previous audit at Foreign Affairs, had expressed concern as to the timeliness and accuracy of the reporting of expenditures by posts. To fix this problem, Foreign Affairs had embarked on the ambitious and innovative FTIFD initiative. Expenditures made by all posts would be transmitted via the

department's worldwide communication network on a weekly basis to its powerful mainframe computer (a DEC-20 from the now defunct Digital Equipment Corporation of Maynard, Mass.) in Ottawa, then quickly sorted, analyzed and summarized and made readily accessible for review and action by management. As an incentive, and so as not to add to the administrative burden of posts, *expenditures would be reported in the currency the goods or services were paid for*; the DEC-20 would convert all expenditures made in a foreign currency into Canadian Dollars based on the exchange rate that accompanied every transaction.

Full telegraphic input meant that, for the first time, the exchange rate used by posts to convert Canadian Dollars into the currency of the host country, as well as the cost of goods or services, was available *in electronic format* on the same computer where the Estimates Database that I had built and still managed was located. What did the Estimates Database contain? *The exchange rate at which posts' budgets had been approved by Parliament.* The department and its posts were not aware of the significance of this development.

They say the road to Hell is paved with good intentions. During the implementation phase of Full Telegraphic Input of Financial Data, I spent a lot of time, at all hours of the day and night, in front of a computer terminal waiting for some post halfway across the world to send in their information. Before the information was *packaged* to be included in the Post Expenditures Database, I quickly scanned it for obvious errors or fixed errors detected by error-detection programs before drafting a telex, i.e., telegram, telling the post that had sent the information what they had done wrong.

It was late one night, while waiting for the information from Warsaw or Ouagadougou to arrive, that I realized I could eliminate the need for posts to calculate gains and losses on foreign currency transactions altogether. All I had to do was link the Post Expenditure Database and the Estimates Database (child's play), write a program to calculate gains and losses, and build a database to store the information. The time savings would be impressive. It took more than one hundred (100) people around the world sometimes days to perform these calculations every month using pen and paper and a desktop calculator, something the DEC-20 could do in a matter of hours.

It took more than a few months, working part-time and after hours, to put together what became known as the Currency Fluctuation Reporting System. Most of the time was consumed in writing programs to produce summary, and detail reports for each Canadian embassy,

high commission and consulate. Back then, there was no sophisticated off-the-shelf programs to do this. You had to program every type of report from scratch and this took time. Also, the DEC-20 could only do arithmetic to seven decimal points. This was not good enough to get an absolutely accurate calculation for countries like Italy where the Lira had plummeted to an all-time low. Situations such as this added to the programming complexity. The actual calculation done by the computer was, of course, quite simple, although time consuming if done manually. The following formula can be easily understood by anyone who has traveled to a foreign country and had to convert Canadian Dollars into the local currency:

$$\begin{aligned} & (\text{Expenditure in Local Currency} \times \text{Budgeted Exchange Rate}) - \\ & (\text{Expenditure in Local Currency} \times \text{Local Exchange Rate}) = \\ & \text{Gain or Loss on Transaction} \end{aligned}$$

I had processed more than a year's worth of information and produced the first complete set of computer printouts that would become known as the Currency Fluctuation Report when I decided it was time to show my calculations to the boss. Dave Gordon was the Director of the Financial Planning and Analysis Division, which had overall responsibility for the implementation of the FTIFD. Gordon was incredulous. "That can't be," he said. "The gains indicated are at least twice what posts are reporting."

Why did I wait so long? I was doing this on my own time or when there was nothing else to do. I enjoyed the challenge. I was also doing the type of complex programming that was not part of my job description. I was afraid that, if I told anyone before I was far enough advanced, I might not get to finish what I had started.

Missing Millions

Following is a one-page summary of currency gains and losses on expenditures experienced by Canadian missions around the world in the fiscal year ending March 31, 1983. In the column labelled **Year-To-Date Gain/Loss**, the report showed that the Department of Foreign Affairs had made more than 14 million dollars on foreign currency transactions. For the same period, missions abroad reported gains of approximately half that amount—and that is how a multi-million fraud was discovered, a fraud that had been going on for a number of years.

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DEPARTMENT OF FOREIGN AFFAIRS
Effect of Currency Fluctuations
On Post Expenditures
 March 31, 1983

	Opening Gain/Loss	Current Gain/Loss	Year To Date, Gain/Loss	Unspent Budget	Forecast Gain/Loss Unspent Budget	Total Forecast Gain/Loss	Percent Change March
Africa and Middle East	750,335	193,254	943,589	682,602	18,338	961,927	10.57
Europe	2,176,637	199,444	2,376,081	2,507,448	236,291	2,612,372	8.59
Asia & Pacific	441,550	101,602	543,152	491,634	46,361	589,513	6.83
Latin America	4,961,129	1,067,726	6,028,855	467,047	143,074	6,171,929	49.14
United States	-347,881	-18,903	-366,784	385,635	-17,844	-384,628	-1.72
Total Operating Expenditures	\$7,981,770	\$1,543,123	\$9,524,893	\$4,534,366	\$426,220	\$9,951,113	
Africa and Middle East	601,090	99,410	700,500	369,103	17,775	718,275	28.71
Europe	736,413	90,542	826,955	839,064	124,972	951,927	9.20
Asia & Pacific	271,173	34,292	305,465	141,716	16,498	321,963	6.43
Latin America	2,241,202	391,405	2,632,607	256,137	146,906	2,779,513	59.35
United States	-197,589	-12,048	-209,637	312,108	-6,551	-216,188	-1.94
Total Wages Local Staff	\$3,652,289	\$603,601	\$4,255,890	\$1,918,128	\$299,600	\$4,555,490	
Africa and Middle East	17,012	3,475	20,487	60,777	-9,413	11,074	3.31
Europe	88,646	21,810	110,456	142,555	2,522	112,978	6.86
Asia & Pacific	26,506	23,932	50,438	62,126	3,869	54,307	10.04
Latin America	313,586	98,759	412,345	409,164	192,702	605,047	35.68
United States	-7,417	-2,431	-9,848	5,248	-4,455	-14,303	-1.51
Total Capital Expenditures	\$438,333	\$145,545	\$583,878	\$679,870	\$185,225	\$769,103	
TOTAL WORLD WIDE	\$12,072,392	\$2,292,269	\$14,364,661	\$7,132,364	\$911,046	\$16,275,706	

Tokyo Lets the Cat Out of the Bag

Gordon requested that I draft a telegram (telex), for his signature, asking our embassy in Tokyo to confirm that they had under-reported gains on foreign currency transactions by at least one hundred thousand dollars. Tokyo had been chosen as a test to confirm the accuracy of my calculations because of its reputation for impeccable bookkeeping.

Tokyo's initial response was not at all what Gordon and I expected. Tokyo dispensed with any diplomatic niceties in its telegram telling Gordon what he could do with his calculations. Dave Gordon was a proud and ambitious man. Not only had I made him look like a fool but, if Tokyo was right, a potential windfall of more than seven million dollars had just evaporated, a tidy chunk of change even then. Further savings could be expected as lengthy, tedious calculations previously performed by support staff around the world were now done by a computer in Ottawa.

It was not only more than seven million dollars for the 1983 fiscal year that was gone but promises of even greater savings down the road. This was not a trivial thing for the man ultimately responsible for the preparation of the Estimates to Parliament. The head of the Estimates and Budgets Section, Hugh Burrill, reported to Gordon. It was for Burrill's section that I built the Estimates Database.

Gordon was not a happy man when he showed up with Tokyo's response. I was working at one of the computer terminals in a restricted access room (then, access to all computers was tightly controlled; even personal computers were kept in this room) when he showed up. He only came close enough to where I was sitting so that when he flew Tokyo's telegram like a Frisbee in my direction, it landed on my desk. "Answer this," he said, and walked out.

I wasted no time in getting the powerful DEC20 to print out every financial transaction of the Tokyo embassy and the rates of exchange (both the budgeted and actual rates) used in the calculation of what they owed in currency gains. I pitied the next courier headed for the Far East. It had only taken Tokyo a few days to respond to my (Gordon's) first telegram. Going over the massive computer printout

delivered by diplomatic courier took a bit more time, measured in weeks.

I was busy, as usual, at a computer terminal when the director showed up with Tokyo's second telegram. He did not look happy, but this time he did not throw it at me; this time, he handed it to me. The telegram contained an apology. Tokyo wrote that after a detailed review, my numbers were correct; so, why the gloomy disposition? This was a time for celebration or at least congratulations.

Looking back, I am convinced that Tokyo was aware all along that my calculations were correct. This would explain the embassy's over-the-top reaction to the first telegram. The tone of their initial response was probably their way of telling Gordon, in no uncertain terms, to back off. When they realized that proof existed in Ottawa as to what posts had been doing (for a number of years, it would later be ascertained), it was time to adopt a different strategy, a strategy that would have to involve Ottawa.

There was no thank you or apology from Gordon; just a request for a printout of the gains and losses for all posts by geographical area (Africa and Middle East, Europe, Asia Pacific, Latin America, and the United States). He wanted the printouts for his next meeting with the so-called Area Comptrollers scheduled for later that morning.

What is an Area Comptroller? Foreign Service Officers, as part of what is called re-Canadianization (getting re-acquainted with Canadian values after so much time spent in countries that don't share them), are rotated back to Ottawa after two or more postings. Area Comptrollers were usually Foreign Service Officers in Ottawa on a re-Canadianization tour. Each was assigned a geographical region and given overall administrative responsibility for managing budgets and tracking expenditures for their respective region. In retrospect, there was really no point in producing the more than 200-page currency fluctuation printout. So why did Gordon sacrifice a few trees? Was he still unsure about what to do next?

The Currency Fluctuation Reporting System had not only identified additional savings of more than seven million dollars but also an apparent fraud on the taxpayer and Parliament that had been going on for years. The cat was out of the bag. Evidence of what had been going on was in the computer printouts that Tokyo acknowledged as accurate.

When I showed up at the director's office with the information he requested, Gordon asked if I wouldn't mind meeting with the Comptrollers. They were waiting for me in the division's small

boardroom. *This was highly unusual.* I had never dealt with them directly. In fact, to the best of my recollection, I had never met any of them. Furthermore, a middle grade Financial Officer was, in effect, being asked to negotiate the return of more than seven million dollars, probably fraudulently obtained, with five experienced diplomats. I was, of course, not being asked to do any such thing.

With the massive computer printouts under my arm, I made my way to the boardroom where the Comptrollers were said to be waiting. They were all seated on one side of a medium-sized round table. They did not get up. I don't remember them introducing themselves. We definitely did not shake hands. What I remember is placing the printouts, which I had separated by geographical region, in front of them and having them gently pushed back. What I also remember is that they were not the least bit interested in talking about dollars and cents.

"We already know what your report contains," said the Comptroller directly across from me, the one who did all the talking. It soon became clear why I was the only one invited. It was not a meeting to discuss the return of ill-gotten gains. I had been invited to a lecture. The Comptrollers' unexpected tribute to the hardworking diplomats did not last more than five minutes. To the best of my recollection, here is the essence of what the guy in front of me had to say:

Foreign Service officers are doing an important job under difficult circumstances and deserve to be compensated for their hard work and dedication, something the government is not always willing to do. Under the circumstances, the Foreign Service was justified in keeping a portion of the gains made on foreign currency transactions.

At the end of this homage to the poor, unappreciated, hardworking Canadian Foreign Service officers, I was told to take my reports with me and get out. Until I met with the Area Comptrollers, I was convinced that under-reporting of currency gains was a simple mistake. Now I realized it wasn't.

I briefed my director about my meeting with the Area Comptrollers. Gordon told me to continue producing the Currency Fluctuation Reports on a monthly basis and give them to him. He would look after them. I did so for more than two years. I respected the chain of command and trusted him to do what needed to be done.

The Comptrollers' justification for diplomats and their support staff helping themselves to moneys to which they were not entitled implied that what they did was not *really* a crime. The money the Foreign Service helped itself to was only their due for the hard work done; work for which they were, in their opinion, not sufficiently compensated. The people pocketing that extra cash had secure jobs, above average salaries—*way* above average when you factored in the perks that come with being a member of the Foreign Service serving abroad—and after what they claimed was onerous work on behalf of ungrateful taxpayers was done, a generous pension, largely funded by those same ungrateful tightwads, awaited them.

In asking me to look at the theft from their point of view, they made an argument with which I was familiar. Hadn't my parents done the same thing, though on a much smaller scale, when they sold garage and office equipment that was about to be seized to repay a debt to a finance company?

If you live in a black and white world, yes! I would eventually dismiss the Comptrollers' arguments for what they were: self-serving, spurious arguments of convenience that did not differentiate between moral, ethical and legal choices that people living on the edge have to make every day. The ongoing theft was not motivated by necessity, but greed.

A Mugging in Amsterdam

The multi-million dollar fraud on the Canadian taxpayers could not have been carried out without the assistance of the department's accountants and bookkeepers. Foreign Affairs had scores of these on its payroll. Financial Officers, at the time, were stationed on a permanent basis in London, Paris, Brussels, Tokyo and Washington. Smaller posts had at least one locally engaged staff (LES) member to look after the books under the supervision of a Foreign Service officer or non-rotational Canadian staff on temporary assignment abroad.

It was purely by accident that I discovered that our accountant in Brussels, along with the one in Paris with the apartment described earlier, were in on the fraud. I ran into our man in Brussels coming out of Gordon's office during a short visit to Ottawa. I could not resist asking him how it was possible for Brussels to have under-reported gains on foreign currency transactions by at least a quarter of a million dollars.

He was not as eloquent as the spokesman for the Area Comptrollers in explaining his role in the theft of tens of millions of dollars. Glancing around, he whispered: "Listen, it's always been the practice; we always only reported half the currency gains. Ottawa was happy and we kept the rest."

Unlike the Canadian Financial Officer stationed in Paris who was there on a multi-year posting, our numbers man in Brussels was non-rotational, returning to Ottawa every four months. It was on one of these return trips to Ottawa that he was mugged by a man holding an ice cream cone. It happened while he was transiting through Amsterdam. He and the man with the cone both tried to get into the same cab at the same time, with the inevitable result that our much-travelled accountant ended up wearing the man's ice cream. The man apologized profusely and tried his best to clean up the mess he had made, and in the process, also removed our bookkeeper's passport and wallet which contained four thousand dollars (a hefty chunk of change even now).

I was a little surprised when he submitted a claim for his stolen cash, *and it was paid*. The legal term is an "ex gratia payment," meaning

there was no legal obligation to pay it. I don't doubt that the money was stolen, but what was he doing coming back to Canada, after a four-month stay in Belgium at the Queen's expense, with so much paper currency in his wallet?

The Return of the Double Standard

The Canadian Parliament adopted the first Official Languages Act in 1969 when the Right Honourable Pierre Elliott Trudeau was Prime Minister of Canada. The Act declares that English and French enjoy equal status, rights and privileges as to their use in all the institutions of the Parliament and government of Canada.

Office of the Commissioner of Official Languages website.

The 1980s marked the end of the British invasion that began with the explosive growth of the department after the end of the Second World War. In 1969, the Parliament of Canada passed the Official Languages Act. In 1969, 2,500 miles to the west, high school students in Ashcroft, British Columbia were already honouring both its intent and spirit. At Foreign Affairs in Ottawa, more than a decade after its passage by the House of Commons a kilometre or so down the road, remnants of this British invasion continued a rearguard action against the equitable representation of the two language groups, and with regard to employees being allowed to work in French. In these pockets of resistance, Britannia still ruled.

One of the enclaves was the Management Services Division under English-born Director Paul S. Dunseath, a respected member of the Monarchist League of Canada. Only two of Dunseath's twenty-seven member staff could be considered French Canadian and they were not programmers. Within this division was the Computer Systems section under Jim Rodgers and Office Automation under Melody Duncan. The Management Services Division and my own division, the Financial Planning and Analysis Division under Director Dave Gordon, would spearhead the computerization of the management and financial function at Canadian missions.

I do not know whose idea it was to use automation to, in effect, turn back the clock on language rights. All I know for sure is that Dunseath's division did not have anyone with the necessary skills to build a French interface; therefore, it can be assumed he had not

planned to build one. My section, which under ordinary circumstances would be required to work closely with Dunseath's staff, might have been able to assist in developing a French computer interface. Unfortunately, Richard—the new head of the Financial Systems Analyst Section, a Franco-Ontarian and my new boss—did not think it was necessary.

I don't use Richard's last name for, in my opinion, he did not know any better when it came to the Official Languages Act. As for all the other matters you will be reading about, he was mainly following orders. Richard, like many Franco-Ontarians, preferred working in English even if they had been hired, in part, because of their assumed ability to work in French when required. This preference was usually out of fear that any claim they may have made to being able to work in both official languages, when it came to working in French, was simply not true.

A Chartered Accountant, Richard exhibited all the symptoms of these *insecure bilinguals*. The fact that my spoken French was very good, courtesy of a French-speaking spouse who was also a professional translator and interpreter, only added to Richard's insecurities. When I drove into Ottawa, after seven years in British Columbia, my mastery of the French language was on a par with Richard's, probably worse. My good fortune was in meeting, dating and marrying a girl (BA, MA, MBA) from Montréal who taught French as a second language at Ottawa U. and would later join the elite of translator/interpreters who work on Parliament Hill. She decided she would do something about my tortured French syntax, and she did.

The time that I joined Foreign Affairs was also a time that would see the rapid computerization of the financial and administrative functions at all our missions abroad. I had a minor role in the implementation of computer-based management information systems at two of our five large diplomatic installations, Washington and London (the others being Paris, Brussels and Tokyo). In Washington, we used an American Service Bureau to which the embassy was linked via computer terminals. The London system was built in Ottawa with mainly American technology, as would be all future systems. This was during a period when rapid expansion of the high technology sector in the Ottawa area would earn the National Capital Region the nickname Silicon Valley North.

Next on the automation schedule was Paris, to be followed by Brussels and Tokyo. The Paris and Brussels systems would, except for minor modifications, be carbon copies of the system installed at the

Canadian High Commission in London, a system that responded to a user in English only! During the preparation for the implementation of the Paris system, I enquired if I could work on the French language user interface. Richard said "No," my services were not needed because there would not be a French language interface. Only employees who understood English would be given the opportunity to work with the unilingual English system.

I reminded Richard that this was against the law. Richard started to backtrack. Down the road, he said, they might produce "un système batardisé" (a bastardized system) for those who wanted to work in French. A legitimate offspring for English-speakers, and a bastard for French-speakers...*eventually*.

"What about French user manuals?"

Richard was initially puzzled by the question. If only those who understood English would be allowed to use the system, what was the point of French manuals? Completely logical! The only problem: this was also against the law.

It may not have occurred to Richard, but Dunseath had to be aware that Canadian missions abroad are considered Canadian territory, and are therefore subject to Canadian law—and that law included the Official Languages Act and a Constitutional guarantee! Dunseath and Richard could not unilaterally make English the de facto language of administration at Canadian missions, which was the logical outcome of installing computer-based management information and control systems that responded to the user in English only.

The French-speaking Canadians working at the mainly French-speaking Paris embassy had a Constitutionally guaranteed right to work in French, computer systems or no computer systems, and to have access to manuals and other resources in both official languages. And what about the impression it would give to the locals? Building a French user interface to most computer systems was, and is, a relatively simple and straightforward exercise, if somewhat time consuming when you have not planned ahead. So why deny some public servants their constitutional right to work in one of the two official languages?

It was a pointless discussion. For Richard, he was forcing mainly foreigners to work in English, since a large portion of support and administrative staff at Canadian missions is locally hired. He was only breaking the law *a little*, and who was going to know? I did manage to convince Dave Gordon that user manuals should at least be made

available in French before installing our computer systems at missions where the language of work was predominantly French.

This did not sit well with Richard. Yes, he told me, the English user documentation would be translated into French and become available sometime after the installation. The availability of French user manuals was going to be delayed because he wanted the translation to be done by French nationals and not by any of the more than one thousand translators that the taxpayers pay to do this work. He wanted "Parisian French," he said, and Canadian translators were just not good enough.

Whether he said this because they had no intention of providing French documentation at this time or because he actually believed this slander about Canadian translators not being as good as Parisians, I can only speculate. Richard may have just been projecting his own inadequacies onto the professional translators and interpreters within the Translation Bureau, or he may have wanted to insult my wife who, as previously mentioned, was a professional translator and interpreter.

I also found it unconscionable that he would use my taxes to pay foreign nationals to do a job that Canadians were quite capable of doing and doing well. The conversation again went nowhere. What was it with this department? Richard had been at Foreign Affairs for maybe a year, and already he had fallen for the mantra that whatever Canadians can do, others can do better. During my time in this parallel universe where the laws I was familiar with did not apply, it had never occurred to me to talk to outsiders about the goings-on at Foreign Affairs. The department is supposed to represent Canadian values abroad. It may have been the worldview of Canada, which was being distorted by Dunseath and Richard, that finally caused me to talk to an outsider, and not just any outsider. Before doing so, I made one more attempt at stopping this crazy endeavour, the product of one man's prejudices and another's insecurities.

I talked with Dave Gordon again, and asked him what he thought about Richard's plans to contract work ordinarily done in Canada by Canadians to French nationals. Gordon said that he saw nothing wrong with that. I should not have been surprised. On a previous occasion, he had told me that Richard was right; he had attended a meeting where he had to listen to Canadian interpreters and they weren't any good. Who were these people?

I said that it was a matter of principle; what Richard was doing was unacceptable. This is when Gordon warned me that if I did anything to interfere with their plans for Paris, I would face

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disciplinary action. I left Gordon's office telling him that "sometimes you have to do what you have to do." How corny. When I got back to my office, I did what would have been unthinkable only a few days earlier: I became a whistleblower. I placed a call to Maxwell Yalden, then the Commissioner of Official Languages.

No Future Here

I had been warned that if I informed the Commissioner of Official Languages about the department's plans to turn the clock back on official languages, I would face disciplinary action. The disciplinary sanction contemplated was no less than my dismissal from the public service. Of course, the real reason for this drastic course of action had to be obscured.

It was maybe a day or two after I placed the call to Yalden that I received a visit from Gordon. He asked me what I was working on. I explained that with most posts experiencing massive gains on foreign currency transactions month after month, it was obvious that the budgeted exchange rates used were not very good. (You may remember that the budgeted exchange rates used were the rates published by the Globe and Mail at the beginning of the *Estimates* process in September.)

The department's central computer now contained almost two years' worth of information on how the Canadian Dollar fared against foreign currencies where Canada maintained an official presence. Why not use this information to set a more realistic budgeted rate and thereby reduce the wild fluctuations in gains and losses on foreign currency transactions? He asked me to show him how the Currency Fluctuation Report was produced. The system was actually well documented. Maybe he had not read the user's guide. I had also been providing the 200+ page report on gains and losses on foreign currency transactions directly to the director, as requested, for more than a year now. What was going on here?

Later that day, Richard, the manager to whom I now reported, asked me to accompany him to a beige closet of a room, one with a floor-to-ceiling window that looked out onto a narrow beige high-traffic corridor. On the way there, he mentioned that my regular office was needed "for people who had a future with the department." With thoughts of currency fluctuations and statistical formulas still floating in my head, I didn't grasp the significance of his statement and let it go.

We made our way to a small office that, until I moved in, had been used mainly for the temporary storage of electronic equipment such as the new personal computers that the division was acquiring at a rapid

rate and hadn't had time to install. The office had your basic necessities: a filing cabinet, a desk and a chair. On the desktop was a pen or a pencil, a white legal-size pad and an *adding machine*. In front of the desk was an expansive floor-to-ceiling window with a busy hallway for a view.

Richard explained that they had decided (I assume he and Gordon) that I did not need access to the mainframe computer to do the massive computer-generated monthly Currency Fluctuation Report; it would be a more efficient use of my time to do it using a desktop calculator, pencil and paper.

Richard had some papers in his hand which he then handed to me. He said it was his new *Milestone Reporting System*, which would be used to track my progress in producing the Currency Fluctuation Report. On one of these sheets was an area where I was to write an explanation if I did not provide the report on time. Explain what? There was nothing to explain and they knew it. What they were asking me to do was impossible unless I had access to the department's mainframe computer where the Post Expenditure Database, the Estimates Database, the Currency Fluctuation Database as well as the programs I wrote to perform the millions of necessary calculations and to link, merge and summarize hundreds of thousands of pieces of information were stored. But that was not point.

Richard was not finished. "If I see you reading a newspaper, computer magazine or anything not related to your assigned work, you will face disciplinary action" — in effect, all reading materials.

He was still not finished. He expected me to sign in and out whenever I left the gloomy little room that would become my home-away-from-home for more than eight months. I thought it was all a joke. After I had a chance to sit down and contemplate what had just happened and the task I had been assigned, I realized it was no joke.

The claustrophobic environment, the fishbowl existence, the impossible task, the tight monitoring of my activities, the petty restrictions such as reading the newspaper — these were all designed for one purpose and one purpose only: to get me to quit. Richard's remark about needing my office for "people who had a future with the department" now made sense. I ran after him. We went into his office where I asked him point-blank what was going on. I told Richard that what he was asking me to do did not make any sense; that only the powerful central computer could produce this report on a timely basis. I told him I could not deliver such a report using a desktop calculator

by the end of the month, or by the end of year for that matter. It was impossible!

He smiled — actually, it was more of a smirk — and said, “We know that.” He went on to explain that I had two choices: 1) I could leave, quit or accept a transfer to another department, or 2) be fired. They knew I could not deliver on their request and when I failed to do so, I would be dismissed from the Public Service for incompetence or insubordination; they hadn’t yet decided which it was going to be. His smirk now grew into a Joker-like grin: “By the way, which would you prefer, being fired for incompetence or insubordination?”

“If I am going to be fired anyway, why don’t you make it for insubordination, you son-of-a-bitch!” I shouted and walked out. That last remark, completely out of character, would come back to haunt me. I returned to my little beige cell and waited for the inevitable. I was hoping they would make it quick. A dismissal from the Federal Public Service for cause, bogus or otherwise, is appealable all the way to the Supreme Court of Canada. I now looked forward to my day before a judge when the truth about this gangster-like organization would come out.

They did not make it quick. They left me in my small beige cell with my impossible, pointless task for months on end, on display, an example for the many people who every day had to traverse the narrow corridor in front of where I sat at my desk, behind that floor-to-ceiling wall of glass, with my desktop calculator, pad and pencil staring into space. What were they waiting for? For the Commissioner of Official Languages to complete his investigation into my complaint, perhaps!

Ambassador Chrétien

It was in my nature, if things got rough, to seek the coward's exit. Why did I not take that way out this time? I quit the government when they wanted me to stay; now that they wanted me to go, I decided to stay. Why? One reason was that I loved my job. I thought they would come to their senses and give me back my access to the mainframe computer so that I could do the Currency Fluctuation Report; tens of millions of dollars were at stake—or so I thought. My concern for the taxpayer was valid, even if later I would learn they were not risking a penny.

I would decide to write to the Deputy Minister, Marcel Massé. Under ordinary circumstances I would have written to Gordon's boss, the Director General of Finance and Management Services Bureau, Dan Bresnahan, but not this time. There was no point. I had filed a number of formal complaints (grievances) about my changed working condition, including my first reprimand for failure to produce the impossible report and a reprimand for having been seen allegedly reading a newspaper on government time. Bresnahan had batted them all back, all stamped GRIEVANCE DENIED with no explanation. He obviously approved of what his underlings were up to.

In my letter to Massé dated October 19, 1984, it was obvious that I had lost some of my perspective despite protests to the contrary. My letter contained a litany of lesser evils such as questioning the lack of tender for large purchases when regulations at Foreign Affairs allowed managers to do this. After receiving what was really *a cry for help*, Massé arranged for me to meet with Ambassador Raymond Chrétien. Ambassador Chrétien was the first of a handful of high-ranking diplomats on temporary assignment in Ottawa who would become actively involved, and not for the better, in what was happening to me.

Why Ambassador Chrétien? Raymond Chrétien, the nephew of former Prime Minister Jean Chrétien, was Canada's Ambassador Extraordinaire. His assignments included Ambassador to Zaire, Ambassador to Mexico, Ambassador to Belgium and Luxemburg, and Ambassador to the United States of America. Raymond Chrétien capped a stellar career in the Canadian Foreign Service as Canada's

Ambassador to France. When I met Raymond Chrétien, he was between ambassadorial assignments and was keeping busy as Director General of the Management Review and Audit Bureau. Every department of the Federal Government, like large corporations, has someone in charge of ensuring that the keepers of the public purse are not tempted to help themselves. Between 1983 and 1985, Chrétien was that someone.

I met with Chrétien and his Director of Internal Audit, a Mr. M. G. MacDonald, on November 30, 1984 in Chrétien's office. After telling Chrétien about the misappropriation of funds, he turned to his Director of Internal Audit:

Chrétien: Is this true?

MacDonald: Yes!

Chrétien: Are they allowed to do this?

MacDonald: No!

Chrétien: Are they still doing it?

MacDonald: Correct!

I thought I was starting to lose it, but that was not Chrétien's impression. In his report to Massé, the ambassador writes:

During the interview, Mr. Payeur came across as an intelligent, self-possessed and articulate young man. He gave a clear, objective and cogent presentation of his views on the issues *without in any way personalizing them or criticising his superiors (italics mine)*.

Toward the end of our meeting, MacDonald had asked me: "Do you think that what is happening here simply has to do with a director wanting to get promoted to Director General?" I declined to speculate about Gordon's motivation. The reason for MacDonald's question may have had something to do with Gordon's refusal to cooperate with Internal Audit. Gordon had once bragged that he had given one of MacDonald's auditors the "bum's rush."

The meeting with Chrétien and MacDonald ended with the ambassador warmly shaking my hand (grabbing it with both of his) while thanking me profusely for bringing these matters to his attention. Chrétien, a gifted diplomat, understood instinctively that all that was needed to diffuse this potentially explosive situation was to treat the person before him like a human being, and provide some assurances

that something would be done. It might have worked had he not asked the Director of Non-Rotational Personnel Division, a S. M. McGahey, to see what could be done about my rapidly deteriorating situation. McGahey would promptly relight the fuse.

McGahey

McGahey had just closed the door to his office, after welcoming me with a crisp handshake outside his office in front of his secretary, when the air turned blue. One obscenity followed another: “you bastard,” “you son-of-a-bitch,” “you fuck’n asshole.” So much for Ambassador Chrétien’s polite assurances!

It was time to go. I knew it. They knew it. A number of factors had convinced me that it was time to pack it in. It was not just the solitary hours that had stretched into days, then weeks, then months; it was not just the unrelenting harassment. No, it was not only that. Richard had gotten very good at his job. Good at a job that I could not do. I had proved it to myself, if not to the department, during my time on the Washington project.

What I first took as a failing on Richard’s part was actually an asset, once he filled the void in his knowledge of the environment in which the department operated. My way of getting people to cooperate, as demonstrated during my time with the Canada Map Office, was a slow process. When you have to fly to distant destinations all over the planet and stay in expensive lodgings at the Queen’s expense, you don’t have time to indulge in lengthy getting-to-know-you sessions before getting things done. You have to be able to demand unquestioning compliance. Richard was not afraid to do that, even if at times it made him look foolish. For example, it was only Richard’s second or third day on the job when we had the following conversation:

Richard: What are you doing?

Me: Preparing a telex for Addis Ababa.

Richard: You’re wasting your time! Get on the phone and tell them what you want them to do!

Me: Richard, do you know where Ethiopia is?

Richard: I don’t care!

Me: A call to Ethiopia would not only be very expensive, it could cause a small panic. A telephone call from Ottawa

means an emergency that cannot be dealt with through regular and secure communication channels, and this is not an emergency.

Richard: Fine, do what you want.

It was not an auspicious beginning. It was an unfortunate beginning. I cautioned Gordon not to assume a personality conflict when I met with him to talk about Richard's plan to install an English-only version of the London High Commission computer system in Paris and Brussels. I told him that my disagreement with Richard was on a matter of principle; that, apart from this fundamental disagreement, I thought Richard was doing a good job.

Another reason, probably the most significant reason for my thinking it was time to leave, was that I now accepted that as long as Gordon and Dunseath were in charge, I would never be allowed to do the type of work I loved and was good at: work that involved using cutting-edge technology and computers to promote efficiencies and cost savings. In his report to Massé, Chrétien wrote that Dunseath's all-English programming and development staff no longer wished to work with me since my complaint to the Commissioner of Official Languages.

Chrétien, by addressing me in a civilized manner and by providing assurances that my concerns would be looked into, meant that I could leave with a clear conscience. All someone had to do was ask me nicely, not try to bully, threaten or intimidate me into quitting. All McGahey had to do was follow the ambassador's example and their problems and mine would soon be over.

McGahey was no Chrétien, and he told me so as soon as we were behind closed doors. I was initially taken aback by this Jekyll to Hyde transformation when I was alone with him. Why was this person shouting at me? Why was he calling me all these names, inches from my face, after saying how glad he was to see me just outside his office in front of his secretary? Then it occurred to me. McGahey was looking for a violent confrontation and wanted me to throw the first punch. *I was being set up.* His secretary would undoubtedly testify to how gracious McGahey had been when we first met if punches were thrown.

I didn't blink, or maybe I was just slow in taking in the situation. Today, I wish I *had* blinked. When someone calls your mother a bitch twice and you don't deck him, there must be something wrong with you.

McGahey made his way around his desk still mumbling that if he had his way, he would have thrown a “fuckin’ troublemaker” like me out of his office and out of the department so fast that... (I don't remember the metaphor he used). “I was lucky,” he said, that he wasn’t Chrétien. “Mr. Chrétien, the kind man that he is,” McGahey continued, “still wants me to arrange for a quick transfer for a son-of-bitch like you.”

I hated bullies. Until my meeting with Chrétien, the despotic, third-world intimidation tactics used by the likes of McGahey only served to strengthen my resolve. I did not care if McGahey’s shower of insults and obscenities was meant to provoke a fight or simply to soften me up for the inevitable transfer. If this was another variation of the diplomat’s good cop, bad cop routine, it was wearing thin. I was looking forward to leaving and putting this sorry mess behind me, even if it meant quitting, but I would not be bullied into doing so. All of a sudden, Chrétien’s courteous assurances seemed like so much diplomatic claptrap. If he had put McGahey up to this, then Chrétien was not going to get away with it. “Chrétien wants me to take a transfer?” I yelled back. “I will, but only to the Internal Audit Division,” and I walked out, returning to my cell to await the department’s next move. I would not have to wait long.

Was I that naïve? Chrétien would have had to be out of his mind, and he did not come across as a stupid man, to invite me into a bureau whose mandate included investigating administrative shortcomings and lapses in judgement and ethics. Not that I could not keep a secret. The Royal Canadian Mounted Police (RCMP), shortly after my confinement, was asked to investigate whether I could be declared a security risk. I got wind of this investigation from Wendy (you will get to meet her shortly), who informed me that the police were asking questions about me. If the RCMP found me a threat to national security, losing my job would be the least of my worries. I could be charged with a criminal offence under the Official Secrets Act. If found guilty during normally secret court proceedings permitted under the Act, I faced serious jail time.

I kept my top-secret security clearance. I was not a security risk. That should have been obvious. The fact that Foreign Affairs tried to have me declared as such for getting in touch with the Commissioner of Official Languages is disturbing, to say the least. The transfer, as could have been expected, never materialized. A few days later, the department made any escape from my little beige cell impossible— even quitting would no longer be an option.

The Appraisal from Hell

- 2 -

ASSESSMENT OF OFFICER IN PRESENT ASSIGNMENT DURING PERIOD UNDER REVIEW
ÉVALUATION DU RENDÉMENT DE L'AGENT DANS L'EXERCICE DE SES FONCTIONS ACTUELLES PENDANT LA PÉRIODE DU RAPPORT

(1) Unsatisfactory: Consistently fails to meet the major requirements of the job.
 Non satisfaisant: ne remplit généralement pas les principales exigences du poste.
 (11) Satisfactory: Occasionally fails to meet some requirements of the job.
 Satisfaisant: ne remplit pas toujours toutes les exigences du poste.
 (12) Fully Satisfactory: Meets on a consistent basis and may occasionally exceed the requirements of the job.
 Pleinement satisfaisant: atteint régulièrement et, occasionnellement, excède les exigences du poste.
 (13) Superior: Frequently exceeds major requirements of the job.
 Supérieur: dépasse fréquemment les principales exigences du poste.
 (14) Outstanding: Consistently exceeds all requirements of the job.
 Exceptionnel: dépasse régulièrement toutes les exigences du poste.

	Meets/Atteint les exigences	Exceeds/Excède	Not Meets/Ne Répond pas aux exigences	Exceeds/Excède	Does Not Meet/Ne Répond pas	Exceeds/Excède
(1) KNOWLEDGE/CONNAISSANCES	UNABLE TO ASSESS					
(2) ABILITIES/APTITUDES						
Ability to analyze and evaluate Aptitude à analyser et à évaluer		X				
Ability to plan Aptitude à planifier			X			
Ability to organize Aptitude à organiser		X				
Ability to coordinate Aptitude à coordonner		X				
Ability to direct Aptitude à diriger						(N/A)
Ability to communicate Aptitude à communiquer		X				
(3) PERSONAL SUITABILITY/QUALITÉS PERSONNELLES						
Quality of work Qualité du travail		X				
Initiative Valeur du travail		X				
Initiative/Énergie Initiative/Esprit de décision		X				
Dependability Fiabilité		X				
Judgment Jugement		X				
Interpersonal relations - Relations interpersonnelles -		X				
- with subordinates - avec		X				
- with superiors and colleagues - avec les supérieurs et les collègues		X				
- with subordinates - avec les subordonnés						(N/A)
(4) NARRATIVE ASSESSMENT (optional, separate, optional, separate) ÉVALUATION NARRATIVE (non obligatoire, séparée, optionnel, séparé) Explain in detail and separately any and all tick marks in D(1)-(2) (3) outside fully satisfactory (add extra pages if necessary). Veuillez décrire séparément et en détail toute marque de D(1) (2) (3) en dehors de pleinement satisfaisant (ajoutez des pages si nécessaire). (Answer on separate pages as directed.)						

McGahey had tried to rid the department of my person by attempting to provoke a physical confrontation. Others took a less risky route, that of character assassination. If the threat of character assassination did not convince me to leave quietly, they would still have the satisfaction of having destroyed my reputation, which, like most people, I valued most. As Allan Barth wrote: "Character assassination is at once easier and surer than physical assault; and it involves far less risk for the assassin. It leaves him free to commit the

same deed over and over again, and may, indeed, win him the honours of a hero."

Days had stretched into weeks and weeks into months as I sat alone in my little grey cell wondering when the axe would fall, when Richard invited me into his office. This was after my meeting with McGahey. My scheduled annual appraisal was at least four months away when he presented me with a very special performance review on which Gordon had already signed off. What I refer to as *The Appraisal from Hell* rated me a complete moron unable to accomplish the simplest of task, incapable of making informed decisions, undependable and incoherent.

In my twelve years as a public servant, I had never received an appraisal that had rated me less than fully satisfactory, if not higher. This hateful appraisal was nothing less than character assassination. Director General Dan Bresnahan—the leader of, for lack of a more appropriate label, what I refer to as the character assassins—had told Chrétien, during the ambassador's investigation into my allegations, that a Special Appraisal—with which both his Directors, Gordon and Dunseath, had agreed—was being prepared that would rate me "unsatisfactory on all rating factors." The ambassador was obviously okay with that, his affirmations about my character during our previous meeting notwithstanding.

I sat down in a chair across from Richard to read what the character assassins had to say about me. Richard was not smiling, not even the hint of a grin; he was serious. He did not say a word, letting the implication of what they intended to do sink in.

Richard: Are you going to sign it?

No.

Richard: It will go on your file anyway, and you know what that means.

If it went on my file, I would effectively become unemployable in both the public and private sectors. That appraisal would be available to any prospective employer. Such an appraisal was also grounds for immediate dismissal or, at the very least, a trip to the psychiatrist. They had decided the less risky route for my dismissal was insubordination; they had no intention of using *The Appraisal from Hell* to seek my dismissal on grounds of incompetence or mental defect. We both knew that my dismissal, which was eminent, was going to end up before the courts, something they wanted to avoid.

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Richard: Look, you agree to leave, and I tear it up. We forget the whole thing. What will it be?

What Richard, Gordon and company saw as an incentive to leave, I saw as incentive to stand my ground. If that appraisal went on file, it would be proof positive in any court proceeding of Foreign Affairs' deceitful, duplicitous conduct, or so I thought. I did not sign it. The Personnel Bureau gave its blessing anyway; the report went in my personnel file and I was given a copy.

For a government official to destroy an employee's reputation using this type of appraisal – Barth's quotation notwithstanding – is not an easy task. That is, unless the assassins can count on the acquiescence of those whose responsibility it is to stop these bloodless, surreptitious murders. At Foreign Affairs, that collective responsibility was shouldered by R. G. Woolham, Director General of the Personnel Administration Bureau. The personnel administration I knew when I was a manager would never have signed off on such an obvious travesty; either the employee had completely lost his mind or his bosses had gone mad. This gave me hope.

The Appraisal from Hell was unassailable proof of the gangster mentality at Foreign Affairs. All I had to do was hang in there until my objections to this despicable assessment of a man's character and abilities reached a level where competent and ethical people in positions of authority could be found. All I needed to do was hang on just a little longer. What I did not anticipate was Woolham running interference on behalf of the assassins.

The Ambassador and the Commissioner Trade Jobs

She did not stay long. She did not even bother to sit down. Holding back tears, the young investigator said she was quitting because of the “bullshit” (“de la merde”) report the Commissioner of Official Languages was about to make public. She said she was transferring to Correctional Service or Parole Services, or some other organization having to do with the care, feeding and rehabilitation of convicted felons, where she hoped to meet a better class of people than she had at Foreign Affairs. She said she was sorry, but there was nothing she could do, and rushed out.

I have not been able to trace the young investigator who made the *bullshit* remark. The Office of the Commissioner of Official Languages, in response to an access to information request to provide the full name of their investigator, wrote to say that this information had been destroyed.

Foreign Affairs had expected me to acquiesce to a project that, if carried to its conclusion, would have made English the de facto language of administration at all our embassies, high commissions and consulates. Not even Brussels and Paris were to be spared. My director had warned me that if I did anything to interfere with this plan, I would be in trouble. The teary-eyed young woman was obviously worried about what was in store for me once the “bullshit report” became common knowledge.

Early in the investigation she had sat down with me to let me know that Commissioner Yalden had written to Marcel Massé and was not satisfied with the Deputy Minister's reply. A wide-ranging inquiry into multiple breaches of the Official Languages Act at Foreign Affairs was now underway.

Maxwell Yalden started the investigation; D'Iberville Fortier [1926-2006] would finish it. In 1984, Ambassador Fortier replaced Yalden as Commissioner of Official Languages. Yalden, in return, accepted to fill the departing ambassador's sizeable shoes and took up residence at 145 Avenue des Dames Blanches in Brussels – at the time, one of Canada's swankiest official residences with fifteen bedrooms

and several acres of lawn and forest—as Canada's new Ambassador to the Belgium Court.

Why would the government appoint the Commissioner of Official Languages as Ambassador to Brussels when the existing commissioner was conducting an investigation into a serious breach of the public trust by the ambassador's colleagues and bosses, and perhaps the ambassador himself? This charade would suggest that the government was looking for a “bullshit report” when it gave the commissioner's job to the ambassador and made an offer to Commissioner Yalden that would have been difficult to refuse.

“Multiple breaches of the Official Languages Act,” were dismissed by Fortier, in his report to Parliament, as a “lack of sensitivity towards the right of employees to receive services in their language.”

A revealing illustration of the lack of sensitivity towards the right of employees to receive services in their language was the team of four unilingual Anglophones and one bilingual employee that headquarters sent to Paris to set up a computerized financial control system.

Annual Report of the Commissioner of Official Languages, p. 114.

Fortier might have wished to downplay the seriousness of the breach—of multiple, serious breaches of the Official Languages Act—in order to bring about change while sparing the reputation of his former colleagues. I have no problems with that. After all, Fortier did take the unprecedented step of insinuating his office into the hiring process at Foreign Affairs so as to ensure that even the most anti-French areas of the department, such as the Telecommunication Division and Management Services Division, would be forced to hire more Francophones whether they liked or not. What I have a problem with is his office looking the other way when the department decided to follow through on its threat. Fortier tabled his report in the House of Commons in the spring of 1985; that is when the guards came for me.

The Pontius Pilate Letter

The Pontius Pilate Letter is dated March 11, 1986 and is signed by a Gilbert Langelier. Mr. Langelier reported directly to Commissioner Fortier, therefore the former diplomat can be assumed to have given the letter his blessing. The Pontius Pilate Letter denies that there was any connection between what happened to me and the call I made to Fortier's predecessor, Commissioner Maxwell Yalden, now Ambassador Yalden, including my dismissal for alleged insubordination after the content of Fortier's dismissive report to Parliament became known. It was all a coincidence. The pertinent portion of *The Pontius Pilate Letter* (my translation from the French):

It goes without saying that we cannot comment on the reasonableness of the sanctions [taken against you following your call to the Commissioner] since the mandate of our Office is limited to investigating complaints of a linguistic nature.

It is with this mandate in mind that we began a detailed analysis of the documents you provided Ms. Bragg, including a large number of documents provided by the department. We also had discussions with the department to obtain additional information. [After talking to the department] we have reached the conclusion that the disciplinary measures taken against you are not related to your complaint against the department. Therefore, we will not continue our investigation unless you can provide additional information...

That additional information is part of the Federal Court record (to be introduced later), which every commissioner since Fortier has had access to but has refused to consider. I have no wish to speak ill of the dead, especially an Order of Canada recipient, *but something is wrong here, very wrong*. Maxwell Yalden started what D'Iberville Fortier would finish. Their investigation would reveal much more than anyone had bargained for, as explained in a letter to me.

"As I mentioned, our investigation at the headquarters of External Affairs allowed us to appreciate that the incident

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you reported is just a symptom of a much larger problem. Our report, which will be submitted to the department shortly, will be addressing these wider issues..."

"You have our assurances that you will be kept informed of the results of our discussions [with the department] following the presentation of our report ..."

*Mary Lee Bragg, Office of the Commissioner of Official Languages,
November 23, 1984.*

Mrs. Bragg's letter made a mockery of Fortier's mild criticism of his former fraternity in his report to Parliament. Ms. Bragg's letter would also be the last substantial communication from the Commissioner's Office during my remaining short time at Foreign Affairs. The knives were out!

Memories of Wendy

Wendy always wore bright colours. My favourite was an orangey red outfit that was a perfect match for her reddish, sandy blonde hair which was parted in the middle and framed her face like the character of Sabrina in the TV series Sabrina the Teenage Witch. She wore her colours well, and when she walked into my little beige cell and sat down or just leaned on the door frame with her arms crossed, with more than the hint of a sympathetic smile, she brightened up my day.

Wendy worked in Post Accounts. This section was made up of mostly female clerks who performed the tedious and largely thankless task of reviewing supporting documentation for expenditures made at Canadian missions abroad. There were those who wanted to eliminate her section altogether. They argued that diplomats could be trusted to ensure that all the paperwork was in order, rules were not being broken, and all moneys were properly accounted for.

I was asked, when it was clear that Full Telegraphic Input of Financial Data was going to be a success, for my written opinion as to whether the department could build on that success and do away with most Post Accounts. At the time, the currency fraud had not been discovered; therefore I had no reason to even suspect that the diplomats and their support staff were not honest. However, I still recommended against doing away with the section, writing: "This would be like doing away with the police." A risky proposition at the best of times! I was trusting, not naïve. I knew that for some, their conscience was not their moral or ethical guide but, to quote H. L. Mencken, "the inner voice which warns us that someone may be looking." Remove the watchers and see what happens!

After the department declared me persona non grata and confined me to my claustrophobic cell with nothing to read, an impossible task, and only authorized personnel allowed to visit me, the morally ambivalent management of Foreign Affairs might have succeeded in causing me to have a nervous breakdown if it had not been for Wendy. Lee Gottdank, a colleague, told me in confidence that this was their intention. He had overheard Richard, on a plane returning from Paris,

brag to his seatmate that my suffering a mental collapse was their ultimate goal.

I asked Wendy why she was not afraid of being seen talking to me. "Nobody is going to tell me who I can or can't talk to," she said. No coward was she.

It was the last day before Christmas break; a time for diplomats, managers and staff to exchange pleasantries, have a drink, raffle off fifteen-year-old single malt scotch and expensive wine bottles. I could hear them further down the hall. It might have been the last working day before Christmas but for me it was just another beige day when Wendy walked in. It seemed that I had won Post Accounts' annual Christmas raffle. I didn't remember buying a ticket. The girls in Post Accounts were much more practical when it came to office raffles, not having a diplomat's expense account or inflated salaries.

Wendy asked if I wanted to come and collect my prize. "No, not now," I said. "After everyone is gone, if that's okay?" She understood. When everyone had left to celebrate Christmas with family at home, I went with her to a large room with desks neatly lined up in rows – that was Post Accounts.

Wendy opened a door that led out to one of the many outdoor patios that jut out from the Lester B. Pearson Building at 125 Sussex. She reached down and picked up the largest prime roast of beef I had ever seen and handed it to me. It was frozen, which is why they had kept it on the outdoor patio so that it would not thaw until I could come and get it.

"Merry Christmas," she said.

A Sunny Day in May

Every morning, if the sun was shining, for a few hours the corridor in front of the small beige cell where I sat would be flooded with sunlight from the east-facing windows in the section further down the hall where the bosses had their offices. I was staring into the brilliant May sunshine flooding the usually gloomy corridor when Bruce came running in. "Do you have the 15 cents I loaned you for the bus the other day?" he asked.

Bruce more than lived up to the stereotype of the penny-pinching Scot—in other ways, he was not the archetype at all. He was fastidious to the extreme. Some can't see the forest for the trees; Bruce could not see the trees for the leaves. Bruce did not share much and considered just about everything a private matter. This did not leave much room for small talk. I once had him over for dinner and asked him about his parents only to be told, in no uncertain terms, that it was none of my business.

Bruce was a stickler for security, even if most of what we were involved in was not classified. He did admit, in a moment of rare candour, that many of the security procedures were time-consuming and pointless, especially overseas, where locally engaged staff had the run of the place. Even when caught riffling through and photocopying embassy files, you only asked them not to do it again and left it at that. Bruce spoke from experience.

Bruce and I were left much on our own when my first boss at Foreign Affairs, John Turley, accepted a posting as Chief Financial Officer to the London High Commission (it was like going home; John hailed from Manchester). Bruce's boss, the head of Systems Administration, also accepted another assignment, quit or retired—I don't know, but he too was no longer available. They both became unavailable at a critical juncture in the implementation of Full Telegraphic Input of Financial Data. Bets were that it would be cancelled because testing and training on the new system was taking too long and posts were complaining. At this stage, posts were somewhat overwhelmed with having to maintain the current financial reporting system and having to send additional information to Ottawa via our global communication network to allow us to iron out the kinks

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in the new system. The information they were sending allowed us to test their understanding of the new procedures to be followed once the old system was abandoned and the new system took over.

It is difficult enough to train staff on a new system when they're in the same building; imagine what it's like when most of the people you have to train are mostly citizens (locally engaged staff) of another country! That is more than one hundred countries and twenty-four different time zones. Bruce and I spent a summer and many more months at 125 Sussex, working 14-hour days and weekends, testing the new financial reporting system and getting staff around the world to prepare and submit financial data in a manner that the central computer in Ottawa could process. It was crunch-time when Bruce and I were asked to meet with Dave Gordon who, as aforementioned, had overall responsibility for the Full Telegraphic Input project.

"When can we go ahead with full telegraphic input of financial data?" he asked.

Gordon was asking Bruce and me when the department could abandon the old way of reporting financial information altogether. If the new electronic way of transmitting and managing financial information did not work as predicted after the old way of doing things was abandoned, it would be chaos, but not unmanageable chaos.

Except for a few posts—Warsaw in Eastern Europe, Addis Ababa in Africa and a handful of others who could present problems and which I felt we could easily handle—I was in favour of going ahead as soon as possible. Bruce wanted to wait until every post had achieved perfection, a laudable but unrealistic goal. Bruce was not into taking risks no matter how miniscule—no McDuff or Macbeth was he.

Gordon emphasized that the entire project was in jeopardy if we did not go ahead soon. Bruce would not budge. At the end of a rather animated discussion between Bruce and me, I asked Bruce: "Would you rather have an assured failure than risk almost certain success?" The usually soft-spoken, mild-mannered Bruce shouted his emphatic "YES!" I recommended taking a chance on success. Gordon made his decision. We would go ahead with full telegraphic input of financial data the following month, ready or not. Bruce did not express any further misgivings. Somebody else would be blamed if things did not go as planned. We went live the next month and the rest is history.

An ambitious, daring and innovative project to get a handle on the department's expenditures was a resounding success; a success due, in large measure, to Bruce and me (and Dave Gordon who, as project

manager, had the most to lose but stayed the course). Our little team rose to the challenge and saved the day when others, perhaps fearing a disaster with which they did not want to be associated, took their leave.

Getting back to Bruce and his 15 cents! He was almost beside himself. He was literally shaking as I reached into a pocket and found a dime and a nickel. "Yes, I've got it," I said, and gave them to him. Without saying another word, he ran out the door just seconds before two security guards showed up. "Please come with us," one of them said.

I cannot describe what it was like walking past your former colleagues escorted by two uniformed security guards; they were nowhere to be found. Maybe Bruce was the signal to clear out.

The Foreign Affairs complex is comprised of three low-rise buildings (Towers A, B and C) which are linked by a large, cavernous



reception area. My little beige cell was on the ground floor of Tower C. I was escorted down a long corridor which opened up onto the reception area. At a brisk pace—I was thankful for small

mercies—we crossed the vast lobby where curious visitors waiting at the central reception desk looked on and embarrassed acquaintances, exiting from the ground-floor cafeteria, looked the other way.

I was being escorted to Tower A (the tallest of the three), the tower where the really important people had their offices. We took the elevator to the floor where Canada's former ambassador to Belgrade, Assistant Deputy Minister, Personnel Branch, J. G. (Jim) Harris conducted his business. Ambassador Harris was between diplomatic assignments, keeping busy in Ottawa until he could return to the job he was trained for. An important and pressing piece of business that day for the man next in line for Massé's job was firing me. Somehow it seemed appropriate that it was an ambassador on temporary assignment as head of what passes for personnel management at Foreign Affairs who would officially put an end to this nasty piece of business. With me standing in front of him, Ambassador Harris, in the manner of medieval heralds for kings, tyrants and other potentates, read a formal proclamation of my crimes of *lèse-majesté*.

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Sir,

The senior management of the Department has carefully reviewed all facts pertaining to your conduct during the period of March 21, 1985 and April 9, 1985... During this period:

The most serious crime, that of alleged insubordination, led the short list of accusations:

You have neglected to submit to instructions from your superiors to begin work immediately on the project which was assigned to you namely the preparation of the report on currency fluctuation. In spite of instructions from your superiors, you did not produce any work as part of this project which you had been assigned and that during the entire period from March 21 to April 9.

The seventeen-day period in question straddled the Easter weekend, and included two statutory holidays and three days I was on sick leave. I was, in effect, being accused of being insubordinate for only eight days; they just wanted to make it appear longer. I was insubordinate for eight months or not insubordinate at all. What to make of the ambassador's second accusation? In the following, he makes allusions to a period outside this narrow timeframe when:

On a number of occasions, you have disobeyed your supervisor's orders not to read newspapers, magazines or other materials not directly related to the project which you have been assigned.

Considering the project I had been assigned was the impossible Currency Fluctuation Report, this meant a restriction on all reading materials. Of all the restrictions put on me during the time in my little beige cell, the restriction on reading was the hardest to endure. I admit that on a few occasions it became unbearable and I did sneak a peek at the *Ottawa Citizen*, the Capital's leading newspaper. As to the magazine I was spotted reading, it was *PC Magazine*, the computer industry's foremost publication on the micro-computer revolution. Even prisoners in the nation's maximum security prisons are allowed to read as a means of preserving what's left of their sanity—but preserving my sanity was not what management had in mind, as Lee Gottdank's admission will attest.

The third indictment, for those who find it difficult to condone hypocrisy, is proof that the first accusation, that of insubordination, was exaggerated. The period of alleged misconduct in this accusation is actually contained within the first.

During your absence from work from April 2, 1985 until April 9, 1985, you neglected to submit to a demand from your superiors that you call in at the beginning of each working day.

For a supervisor to request an employee to call him every day, while he is sick on legitimate sick leave, to tell him that he is sick was *unheard of* until management at Foreign Affairs decided to use this potentially health-damaging harassment technique. When the guards came for me, I had more than three months of unused sick leave. Normally, if an employer suspects an employee of abusing sick leave privileges, he will inform the employee that *future* approval of continuous sick leave days more than the collective agreement allows (which was three days) will require a doctor's certificate.

I was sick in bed when I heard someone banging on the door. I ignored the banging and went back to sleep. The person banging on the door had been sent by the department. The person banging on my door had a letter for me in which Foreign Affairs threatened me with on-the-spot dismissal. I would be deemed to have abandoned my post if I did not call the department every day to explain the nature of my illness, which they already knew and which they, by their actions, were trying to aggravate.

I had left work telling my supervisor I had to get away from the harassment for a few days to avoid a nervous breakdown and this is what they did! *This was beyond the pale*. To recap, a public servant with more than twelve years of service, an exemplary record of accomplishments and dedication in the service of her Majesty's government until he came to Foreign Affairs, was being terminated for:

- 1) Allegedly having not produced any work during a period of eight days;
- 2) For having read a newspaper and a magazine;
- 3) For having failed to call his employer every day during the three days he was *sick* to tell his employer, who knew he was *sick*, that he was *sick*.

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After Ambassador Harris finished reading my list of crimes against her majesty's government, I was escorted out of 125 Sussex. A poster with my picture and description was put up in a conspicuous place with a warning about letting me in the building unescorted. Less than a year after proclaiming the end of my career as a public servant, Ambassador Harris returned to his diplomatic duties as Canada's High Commissioner to New Delhi.

EXTRA

The Niece

or

What Does the Group of Seven Have to Do with Anything?

The Public Service Commission is dedicated to building a Public Service that strives for excellence. We protect merit, non-partisanship, representativeness and the use of both official languages.

We safeguard the integrity of staffing in the Public Service and the political impartiality of public servants. We develop policies and guidance for Public Service managers and hold them accountable for their staffing decisions...

Public Service Commission of Canada, Mission and Values Statement (partial).

If you think you are above the law, then it logically follows that you can't break laws that you do not acknowledge apply to you. Carried to the extreme, you will reach a point where you are a law unto yourself. You can do no wrong because whatever you do is beyond reproach. You are a modern Louis XIV; you *are* the law. I would stumble upon one after another of these sad, pathetic impersonations of the Sun King.

The people who stole those millions did not see themselves as criminals; they were just rewarding themselves for a job well done. The managers who chose to ignore the requirements of the Official Languages Act were not breaking the law, they were just simply hiring the best people for the job—they just happened to be all English-speaking. They got the job on merit, of course, just like the managers who gave jobs to relatives and family members. Who is more meritorious than your progeny or a close relative?

The Niece is about nepotism and its enablers; it is about a receptionist in a dentist's office who was found more qualified to help in the preparation of the budget and estimates for the Department of

Foreign Affairs than those who had spent years auditing the expenditures of diplomats and were familiar with government accounting and budgeting cycles. These were the girls and women in Post Accounts; clerks who performed a mostly thankless task without complaining, waiting for their merit to be recognized.

To get an unqualified candidate for a job hired was not difficult if you were willing to lie, and the guardians of the merit principle, the Public Service Commission, were predisposed to believing your lies. If the request for staffing came from Foreign Affairs, that was a given. In this instance, the guardians of the merit principle chose to believe, with just a slight exaggeration, that 1) the job required experience that could only be gained from working as a receptionist in a dentist's office, 2) the position needed to be filled immediately or the world would come to an end, and 3) you had already identified the person who could save the world.

It was perhaps a month or so before I was exiled to my little beige cell when the receptionist joined the department as a temporary employee to help her uncle with his paperwork. Her uncle was head of the Estimates and Budget section of the Financial Planning and Analysis Division. She was given the desk next to her uncle's office. Her uncle was particularly proud of his niece, whom, he claimed, was related to a member of the Group of Seven, the famous group of Canadian 1920s landscape painters. The niece's family name was not Thomson, Lismer, MacDonald, Johnston, Carmichael, Jackson or Harris, therefore either she had taken her husband's last name or the relationship was on her mother's side.

A temporary assignment was not what the uncle had in mind for his niece. In a few months, he would not only have her appointed to a permanent position but given a substantial promotion. An employee occupying a temporary position can compete for permanent positions. An employee occupying a temporary position for only a few months will usually not be successful against permanent long-term employees competing for the same job, if the competition is fair.

To quickly get his niece into a permanent position and give her a substantial raise in the process, the uncle could count on the support of his colleagues in the Personnel Bureau where the merit principle was to be observed in theory and ignored in practice. The only risk he ran was if an unsuccessful candidate complained to the Public Service Commission.

As part of the automation of the Estimates to Parliament, I had created the *Locally Engaged Staff Database and Reporting System*. This

system kept track of where non-Canadians employed by the department were located, what they were doing, and how much they were paid. Canada doesn't so much have a Foreign Service as a foreign Foreign Service. In 2007, there were 11,371 of these locally engaged staff (*LES* for short) representing approximately 55% of all employees of the department.

LES are the diplomats' main support staff. They are not only chauffeurs, gardeners, cooks, maids and other household staff, but many are in positions where they could influence, if not decide, whose application to immigrate to Canada will be accepted, who will get visas, and so on. To manage the inputs and outputs of the *LES* Reporting System, the uncle created a supervisory position (this and the fact that the job involved working with computers, with which the niece had no experience, would trigger the raise) within his section. I was asked to prepare the questions and answers to be asked of the candidates for this new position but was not invited to sit on the selection board, as would normally have been the case.

This did not stop the uncle from telling candidates who wanted to discuss the job requirements with me that they could not do so because *I was on the selection board*. He also told candidates that no job description would be provided as a French translation could not be provided in time. This was true to the extent that he wanted his niece in the job before the reason for the rushed staffing action become evident. When the uncle told one candidate that he would favour his unqualified niece for the job because she was more deserving, she tore up her application to his face. She knew the fix was in, as did most of the girls in Post Accounts. Needless to say, the niece got the permanent position and the promotion that came with it.

I thought I had misjudged the niece's ability to do the job; she had successfully answered every question in every category and achieved the highest score overall. After she was confirmed as the successful candidate, I went to see her to offer my congratulations on answering what I thought were difficult questions to get the job. "It was easy," she said. "My uncle gave me the answers." She just blurted it out. She admitted that her uncle had given her the question and answer sheet which she had memorized before the interview.

The girls and women in Post Accounts reminded me of those whose welfare I looked after when I was manager of the Cost Recovery Unit. Maybe that is why, after hearing this outrageous admission, I met with some of them and encouraged them to file a grievance. I may have confused my role; I was now part of the elite that could do no wrong,

even if I could not be trusted to sit on a selection board and pick the least qualified person for a job.

Most of the women I talked to were reluctant to file a complaint; the *caste* system at Foreign Affairs did not encourage grievances and their jobs were already in jeopardy because of automation. A lower caste member did not question the decision of an upper caste member. This archaic pecking order, most often associated with Indian (Indus) society, was alive and well at Foreign Affairs when I was there, even after it was publicly denounced in 1981 by Pamela McDougall, the one-woman royal commission into the state of the Canadian Foreign Service. Its elimination was the third of 53 recommendations.

3. The caste system, which dominates the Foreign Service and unnecessarily reduces the support staff, their families and often other groups to the status of second class citizens, must be attacked immediately.

Royal Commission on Conditions of Foreign Service, 1981.

Someone from the Public Service Commission interviewed me as to the niece's admission. Shortly thereafter, I got a visit from the uncle. The uncle expected the competition to be cancelled and a new competition held. Under ordinary circumstances the uncle would, at the very least, be censored and the niece denied the right to compete in the new competition, if not fired, but this was Foreign Affairs.

The pudgy, balding, middle-aged man with the Buddy Holly glasses was nearly apoplectic when he barged into my office. The little man towered over me—I was sitting down. Stabbing a finger in my direction, he shouted, "How dare you!" He shouted that he would hold another board; he shouted that someone else would prepare the questions and his niece would get the job (one can assume she would be given the questions and answers again, but this time told to shut up); he shouted that there was nothing, *absolutely nothing* I could do about it. Then the shouting became a whisper. He was no longer yelling, he was no longer pointing; he was pleading: "She is related to the Group of Seven," he said. "She deserves the job," and he walked out.

He had not shown up for work the next day when I was visited by the niece. She said I should be ashamed; the previous evening her uncle had suffered a mild heart attack and had to be rushed to the hospital. The niece's accusation that I had nearly caused the death of another human being with my obsession with doing the right thing did hit close to home, but I didn't let on.

She claimed the moral high ground after conspiring with her uncle to make a shamble of the merit principle. She knew, and I knew, it was getting tangled in their web of deceit that had caused the discomfort that led to the heart attack, but it was an opportunity too good to pass up. She could not resist suggesting to me that I was the cause of her uncle's near-death experience. She would have made a fine diplomat. No one from the Cost Recovery Unit ever accused me of having contributed to the untimely death of Janine. They could have, but they were decent people.

Surprisingly, the competition was not immediately cancelled, but an appeal by Leola Anne Hartley, who took the substantial risk of being branded a troublemaker and all the negatives that entailed at Foreign Affairs, was allowed to go ahead. The competition was cancelled on a technicality after a hearing into Ms. Hartley's complaint. The Public Service Commission cancelled the competition *because the applicants had not been provided with the job description. Nothing was said about the niece getting the questions and answers beforehand.*

The Public Service Commission officer who chaired the hearing into the complaint even went out of his way in his decision to praise an uncle's concern for his niece when he told the candidate who tore up her application that the niece would suffer a "greater disadvantage" if she did not get the position. This greater disadvantage would later become evident and also would explain why the uncle was in such a hurry to make his niece a permanent employee. *The niece was expecting.*

Why would the vaunted guardians of the merit principle allow such an egregious transgression of what they claimed was sacred? Why would they praise a man they should have censored? Why allow him to hold another competition when they knew he could not be trusted to hold a fair contest? Who were they trying to impress? This was the first time I witnessed firsthand how Foreign Affairs' corrupting influence reached beyond 125 Sussex.

The day after the niece's visit or the day after that, the uncle was back at work. He did not look the worse for wear, heart attack or no heart attack. He was as good as his word. Every day now, when I made my way to and from my office, she would stare at me without saying a word. Every day that I passed her workstation, I was reminded of the deceitful people whom only a short time earlier I was proud to have as colleagues, and wondered at the example they were setting.

For the uncle to do what he did for his niece, he not only had to be given the green light by the Personnel Bureau, but they would also have been party to every action taken in this illegitimate staffing

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process. I should have realized then and there that when the people in the Personnel Bureau allowed *Uncle Hugh* to do what he did, it was because they were cut from the same ethically-faded cloth, and when push came to shove, I was doomed.

PART 3

R. G. Woolham and the Appraisal from Hell

For public servants who aspired to lofty inspirational goals; from professionalism to being the paradigm of Canadian values and civilized behaviour, you might expect that, in victory, they would be magnanimous. The diplomats would reveal themselves, even in victory, as petty and vindictive. The man who heard my appeal against the Appraisal from Hell was a diplomat by the name of Robert Gordon Woolham. Soon-to-be High Commissioner Woolham was between diplomatic assignments, keeping busy as Director General of the Personnel Administration Bureau. In a letter dated May 3, 1985, Robert Gordon Woolham informed me that:

I have carefully reviewed and considered all aspects of your grievance.

In consideration of the facts I can find no evidence to support your allegations regarding management harassment and/or intimidation tactics [therefore] I find no reason to modify the assessment of [the character assassins] in any respect.

During the actual hearing, Robert Gordon Woolham admitted to not having read any of the materials I had made available to his staff, dismissing my evidence as "irrelevant." Four days after signing off on his letter, Woolham's boss, J. G. Harris, Assistant Deputy Minister, Personnel Branch, fulfilled the promise of the character assassins and terminated me on their behalf.

Shortly after making sure the Appraisal from Hell remained on file and would be available to any prospective employer, Robert Gordon Woolham was named Canadian High Commissioner to Jamaica. It was Robert Gordon Woolham's first appointment as Head of Post. High Commissioner to Jamaica was a prized and sought-after destination usually reserved for diplomats who had served with distinction as Head of Post in much less desirable locations.

J. T. Boehm's Sense of Humour

Soon-to-be Ambassador John Thomas Boehm faced a much more difficult ethical choice than his predecessor. Unlike our new High Commissioner to Jamaica, Robert Gordon Woolham, who was only required to rule on whether the character assassins' appraisal of my character and abilities was justified, Boehm was asked to overrule his boss, J. G. Harris, Assistant Deputy Minister, Personnel Branch. In the topsy-turvy world at Foreign Affairs this made perfect sense. Like Robert Gordon Woolham, John Thomas Boehm was keeping busy in the Personnel Branch while waiting for his next diplomatic assignment. Like Robert Gordon Woolham, John Thomas Boehm had never served as Head of Post. Like Robert Gordon Woolham, that, too, was about to change.

The appeal of my firing before John Thomas Boehm was the last chance for a diplomat to do the right thing. Like Robert Gordon Woolham, John Thomas Boehm wrote me a letter in which he explained why he agreed with his boss's decision to terminate my employment. John Thomas Boehm's letter is dated July 9, 1985. In his letter, Director General Boehm dispenses with any formalities such as Dear Mr. Payeur or Sir in informing me of his decision. He gets right to the point.

This is a final reply to your grievance concerning the Department's decision to discharge you for cause effective May 7, 1985.

Like Robert Gordon Woolham, John Thomas Boehm claims to have carefully considered all the relevant information.

In review of all the facts and circumstances I am satisfied that management's decision to discharge you was both reasonable and justified.

Like Robert Gordon Woolham, John Thomas Boehm takes management's word at face value.

I must deny your allegations that management attempted to frustrate your efforts to execute your duties by changing your

working conditions. Indeed, management attempted to convince you of the importance of completing your assigned duties.

Again, the "assigned" duty was the massive Currency Fluctuation Report produced by the department's mainframe computer which I was commanded to duplicate before the end of each month using pen, paper and an adding machine. After lauding management's attempt to get me to complete my assignment by taking away the means for me to do so—Kafka would have been impressed—John Thomas Boehm couldn't resist adding insult to injury.

I had told my supervisor that I was taking a few days off because I was near the breaking point—the unrelenting harassment and the impossible working conditions were taking their toll. I took three days off for which a doctor's certificate was not required. When I returned to work, Richard demanded a doctor's certificate or they would deduct me three days' pay, *which they did*.

With regard to the remaining portions of your corrective action, you have requested to be reimbursed for three days in which you were absent due to illness.

As you are aware, management requested you to provide a medical certificate in support of your claim for sick leave on April 2, 3 and 4, 1985. As you were also advised that this was a condition of any management approval for sick leave.

As you are aware, *and as John Thomas Boehm was aware*, this request was made after I returned to work. This was both an unlawful and impossible request. To comply with what John Thomas Boehm considered an eminently reasonable demand, I would have had to travel back in time. At this point Kafka would have been in absolute awe. Richard knew, and I had told John Thomas Boehm, that my doctor was an honest man. Doctor Dent would not give me a certificate after the fact, nor would I even think of asking him for one. These people really had a hard time getting their heads around what honest people are all about.

They say that a good diplomat is one who can lie convincingly for his or her country—or at least twist the facts to his or her country's advantage. Here is where John Thomas Boehm shines at his job, misrepresenting the facts to justify the unlawful withholding of three days' pay from a person who has just lost his job.

Indeed, you stated that your doctor would not provide you with the required medical certificate.

Wonderful human beings, these diplomats! Canadian Consulate communications officer Deborah Daoust described Seattle Consular General J. Thomas Boehm, upon his death in 1998 at the age of 56, as "a genuinely thoughtful, compassionate, keen person with a wonderful sense of humour." So that's it; *it was all a joke*.

How could two diplomats operating out of the same bureau, within spitting distance of each other, arrive at such deplorable contradictory conclusions: Robert Gordon Woolham finding me incapable of doing my job, and John Thomas Boehm, insubordinate for not doing it! This is insane!

Was there some method to the madness of Robert Gordon Woolham, John Thomas Boehm and their boss, Assistant Deputy Minister Harris? If the intent was to make a lasting example of the man who dared tell an outsider about the goings-on at Foreign Affairs, Woolham's and Boehm's actions did deliver an effective and impressive one-two punch.

The bizarre contradictory conclusions reached by Robert Gordon Woolham and John Thomas Boehm would explain the Right Honourable Joe Clark's letter to me (the subject of an upcoming chapter) where there is no mention of my offer to resign. The letter, as you will discover, was, for all intents and purposes, a *carte blanche* dispensation for his officials to make an example of a whistleblower.

Nonsense

Conduct hearings in accordance with the law, the principles of Natural Justice and render timely decisions.

Mission Statement (partial), Public Service Staff Relation Board.

Adjudication is “the legal process by which an arbiter reviews evidence and listens to arguments, including legal reasoning.” The Public Service Staff Relation Board *judge* who would review the evidence and listen to all this legal reasoning in the case of Bernard Payeur vs. Treasury Board (Foreign Affairs) was adjudicator Thomas W. Brown.

To argue that my dismissal was all well and good on behalf of the Treasury Board and by extension, Foreign Affairs, Luc Leduc, LL.D and Mylène Bouzigon, LL.D. In the background, Robert Cousineau, LL.D, Q.C., Solicitor for the Attorney General of Canada. To cross swords with this formidable gathering of *Doctors of Law*, the Public Service Alliance of Canada (PSAC), my union, sent Evelyne Henry, a former secretary with training in the art of adjudication. Considering her handicap, Evelyne did a very credible job in presenting the mountain of evidence of systematic abuse of privilege and of the person. Her logic and organization of the facts was impeccable; her pointed, probing cross-examination of government witnesses, impressive.

The hearing before Thomas W. Brown lasted three days; a fourth day was reserved for closing arguments. The government based its entire case for my firing on my failure to produce The Currency Fluctuation Report using a desktop calculator, pencil and paper.

The evidence of *official* malfeasance quickly grew to overwhelming proportions. When they were not spouting nonsense in the defense of the indefensible, Foreign Affairs' witnesses were caught in lies and contradictions. At one point, a completely flustered witness for the department actually blamed me for Foreign Affairs' alleged inability to keep track of millions of dollars in gains on foreign currency transactions *because I had gotten myself fired.*

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To the logical, precise questions of Evelyne, they responded in a manner that would have led a person unaware of what was going on, and walking into Thomas W. Brown's Hearing Room, to think that they had accidentally walked into a rehearsal of a Monty Python sketch. The following is a partial reconstruction from official documents, notes and my own recollections of Richard's impeachable and somewhat surreal testimony. He was the one who had the unenviable task of having to defend the indefensible.

On the impossible report:

Evelyne: Mr. Payeur had been producing the Currency Fluctuation Report for almost three years, using the department's computer, when you requested that he do the report using an adding machine?

Richard: We decided he did not need the computer to do the Currency Fluctuation Report³.

Evelyne: You also claim that, during all these years, no manager, including yourself, enquired as to how this report was done?

Richard: He would not tell us.

Evelyne: Not tell you? What about the detailed report he gave you on how the system worked in January of 1984?

Richard: I don't remember getting that report.

Evelyne: You don't remember getting a report called "Report on the Calculation of Gains and Losses on Foreign Currency Transactions"?

Richard: No.

Evelyne: You say you never got this report. Why would he produce such a report if he wasn't asked?

Richard: Maybe somebody else did.

³ Gordon admitted on the stand that this was his decision.

In cross-examination, Mr. Gordon testified that he had discussed the question of 'tools', meaning the computerized equipment, with the grievor and was convinced that the grievor did not need such equipment to do the work assigned.

Decision of Thomas W. Brown, p.53

Only a computer illiterate would refer to a computer as "computerized equipment."

Evelyne: But you just said that he would not tell anyone how his system identified millions of dollars of unreported income every year?

Richard: That's what I said.

Evelyne: You claim you did not see this report; you claim that you and every other manager did not know how Mr. Payeur calculated the millions in gains on currency exchange transactions for almost three years?

Richard: Like I said, he would not tell us.

Evelyne: Still, you were willing to risk millions of taxpayer dollars so he could produce these reports using an adding machine after admitting that you and other managers did not have a clue as to how these reports were produced. How do you explain that?

Richard: We would not have risked anything if he had done the report as he was told.

Evelyne: Using an adding machine?

Richard: Like I said before, he did not need the computer; the new way was a better use of his time.

Evelyne: When he had access to the computer, did Mr. Payeur produce the Currency Fluctuation Reports on time and in the manner requested?

Richard: Yes.

Evelyne: Why did you not simply give him access to the tools he had used in the past to prepare the reports when you realized that you were losing millions of dollars because he could not do them using only an adding machine?

Richard: Like I said before, he did not need access to the computers to produce the currency fluctuation reports. I already told you that, and it is all his fault if today we cannot keep track of millions of dollars. It's his fault for getting himself fired! Because he got himself fired, we had to dismantle the Currency Fluctuation Reporting System because nobody knew how to run it. We even hired a consultant for \$90,000.00 so he could tell the consultant how

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the system worked *before we fired him*. (Remember this dialogue.)

Evelyne: Did this consultant ever talk, or even meet, with Mr. Payeur?

Richard: No, Bernard was supposed to tell Lee Gottdank what he knew and Lee would tell the consultant.

Evelyne: That was more efficient than having Mr. Payeur talk to the consultant directly?

Richard: Yes.

Evelyne: Was Lee Gottdank familiar with the Currency Fluctuation System and that is why you chose him as go-between?

Richard: No; as I told you before, nobody knew how the system worked. Lee was the one I chose as the contact with Bernard so he could concentrate on his reports.

Evelyne: Was anyone else allowed to talk to Mr. Payeur?

Richard: NO! I wanted him to concentrate on his reports.

In the event that Thomas W. Brown was computer illiterate (it was not unusual at the time; the IBM Personal Computer, which would revolutionize the way we all worked, had only been introduced a few years earlier), Evelyne phrased most of her computer-related questions in terms that even he should have been able to understand.

Evelyne: The information that Mr. Payeur needed to do the currency fluctuation reports was in the department's computer, correct?

Richard: Yes.

Evelyne: The same computer used by Mr. Payeur to do his reports before the department decided it was not needed?

Richard: Yes.

Evelyne: A big computer like that is like a big filing cabinet, right?

Richard: Yes. I guess you could call it that.

Evelyne: Then, could you explain to me how he was to produce long, complicated reports the department

considered vital if he was denied access to the filing cabinet where the information he needed was kept?

Richard: We made other arrangements.

Evelyne: What kind of arrangements?

Richard: Bernard was to ask Lee Gottdank for the information he needed, and Lee would get it for him. Lee would give him the computer printouts of the information he needed to do his reports.

Evelyne: Would it have been more efficient to let Mr. Payeur get the information himself, or let the computer do all those millions of calculations as was done in the past?

Richard: No!

Evelyne: NO?

Richard: NO!

Evelyne: You admit that the Currency Fluctuation Reporting System was a big complex system, a system so complex that no manager at Foreign Affairs could understand how it worked?

Richard: Yes.

Evelyne: And you expected Mr. Payeur to recreate this system, to produce reports from this complicated system, using pen and paper and an adding machine, from memory?

Richard: Yes.

Evelyne: Mr. Payeur was required to sign in and out of his office?

Richard: Yes.

Evelyne: Was anyone else on your staff required to sign in and out.

Richard: No.

Evelyne: Why was he singled out?

Richard: I wanted to make sure he was working on our reports.

Evelyne: After you denied him access to all computers, you also changed his job description to say that his job did not require the use of computers?⁴

Richard: Like I said before, his job did not require the use of a computer.

Evelyne: A Financial Systems Analyst not requiring access to computer systems, ever. Isn't that unusual?

Richard: No.

On the Appraisal from Hell:

Evelyne: Isn't it true that when you invited Mr. Payeur to your office to give him his performance review, you told him that if he accepted a transfer to another department you would tear it up?

Richard: That's not true.

Evelyne: Did you not tell him to use his previous good appraisal to transfer out of the department while he still could?

Richard: That's not true.

Evelyne: Didn't you tell him that if he did not leave, he would be fired for insubordination or fired for incompetence using this appraisal [the Appraisal from Hell]?

Richard: That's not true.

Evelyne: Such an appraisal is grounds for immediate dismissal for incompetence or incapacity, isn't it?

Richard: I don't know.

Evelyne: If this appraisal was not going to be used to get rid of Mr. Payeur, why such an appraisal six months (it was actually four months) before his regular appraisal was due?

Richard: To get him to do his job.

Evelyne: Anyone with such an appraisal is obviously incapable of doing even the most menial tasks, let alone all

⁴ Even though the new job description bore my position number, the position was shown as VACANT.

the complex calculations required to do the currency fluctuation reports?

Richard: We thought that this appraisal would convince him that we were serious about getting our reports.

Evelyne: So what you're saying is that such a horrible appraisal is just the department's way of motivating employees?

Richard: Yes.

Evelyne: To your knowledge, do you know of anyone else who received such an appraisal?

Richard: I don't know of anyone else.

What were all the *Doctors of Law* to do after more than three days of getting pummelled by this nonsensical testimony and other damning evidence? What Evelyne and I did not know was that the government lawyers had an ace up their sleeves—technically an illegal ace, but what does it matter when you are defending people who consider themselves above the law? Foreign Affairs officials had shown themselves to be dismally ethically and morally bankrupt. The lawyers from Treasury Board tasked with defending Foreign Affairs' actions would prove that, when it came to unethical reprehensible behaviour, Foreign Affairs was not in a class by itself.

Blackmail!

The end was near. I had been served with a notice that shortly, at management's discretion no less, I would be required to serve a ten-day suspension. After serving this suspension, as required by law, I would be asked one last time to deliver the impossible report. If I could not deliver that report, I would be deemed to have refused a legitimate request of management three times, at which point I could officially be dismissed for insubordination.

The fact that they did not have me serve my suspension then and there, as was customary, led me to believe that they were still undecided as to how to proceed, not that their resolve had weakened. Or maybe it was just part of their psychotic game, keeping me guessing, keeping up the pressure. Whatever it was, it worked. My resolve to let myself be fired on bogus insubordination charges, then show up the department for what it was in court, more or less evaporated. The financial implications of getting fired for cause, not the least of which was the loss of the government's contribution to my pension, only added to the pressure to quit and not risk losing it all, including my sanity at this point.

What I could not bring myself to do was give Richard, Gordon and company the satisfaction of having finally broken my will to resist. I decided to offer to resign in a letter to the newly appointed Minister of Foreign Affairs, a former prime minister, the Right Honourable Joe Clark. I rationalized my giving up by telling myself that Clark was an honourable, courageous man and he would do something about changing the way Foreign Affairs did business. I did not need to stick around to see it happen.

I could not count on Clark getting my letter offering to quit if I sent it through regular channels. I asked my wife whom she considered the most honest MP she had ever met; someone Foreign Affairs could not bribe or otherwise influenced. She did not hesitate, not even for a moment; "David Kilgour," she said.

I met with Kilgour for about an hour. He asked to me to put my concerns in my letter to Clark to which he would add his own comments and arrange to have both delivered directly to Clark, by-

passing Foreign Affairs officials. These precautions would all be for naught. The paragraph in my letter to Clark where I offer to resign:

Because of my respect for you, Mr. Clark, and my concern for the Department's reputation—I have no wish to cause you or the Department any embarrassment. If I have not proven my case, I am quite prepared to assume the responsibility for having failed to do so, and would willingly submit my resignation given the opportunity.

My letter is dated May 5, 1985. In his note to Clark, Kilgour makes the following remarks:

In a meeting with him last week, I was considerably moved by the nature of his concerns for the serious issues he mentions in his letter... I invited him to put the essence of his concerns in a letter which I'd send on to you with a covering comment.

David Kilgour's letter is dated May 7, 1985—the day the guards came for me. What happened during those forty-eight hours remains a mystery. If due process was observed, I could not be terminated until I had served the ten-day suspension that management had imposed and which I was to serve at its discretion. What prompted the hasty termination, which ignored my right to due process?

To get around an allegedly inalienable right, Foreign Affairs simply *deemed* that I had served a ten-day suspension; *deemed* that after serving the *deemed* suspension I was *deemed* to have been asked to end the alleged insubordination; and *deemed* to have refused. This arrogant blatant disregard of a cherished legal precedent would only be exceeded by the judge who would be called upon to decide whether observing the law in theory is the same as observing the law in practice.

Did Massé, having learned of my intent to offer my resignation to Clark, demand that I be fired on the spot, and due process be damned so as to present his boss with a *fait accompli* and not be denied the opportunity to make an example of me so as to keep the rabble in check? As extraordinary as this statement is, I would learn later from an aide to Clark (to be introduced later) that this was a concern of senior management at Foreign Affairs. They were concerned that *not* firing me would encourage others to come forward with their own tales of malfeasance at the department.

Ten days after I was escorted out of 125 Sussex Drive, I received a reply from Clark. In his letter, the Right Honourable former prime minister not only ignores my offer to resign (which at this stage is a moot point), but dismisses all my allegations, while expressing complete confidence in his officials. This self-serving letter, so quickly drafted and delivered, is obviously the work of someone other than Clark.

Joe Clark's letter was the furthest thing from my mind when Luc Leduc, the lead council for Foreign Affairs/Treasury Board during the hearings before Thomas W. Brown, rose to make the government's final arguments as to why my firing by the diplomats was all well and good. After three days of hearings before adjudicator Brown, where a mountain of evidence had been introduced as to the perfidy of Foreign Affairs officials, including evidence that their actions to force me out were nothing short of criminal, what could Leduc possibly say in rebuttal?

Leduc did not even try! He simply opened his briefcase, took out Joe Clark's letter to me, and as he walked to where Thomas W. Brown sat in judgement, said: "I have here a letter from the Honourable (it should have been the Right Honourable) Joe Clark to Mr. Payeur where he expresses complete confidence in his officials." He placed the letter in front of adjudicator Brown, looked him in the eye, and dared him to call Joe Clark a liar. His exact words, if I remember correctly, were: "Are *we* prepared to call Joe Clark a liar?" Leduc may have said "we," but he meant YOU, Thomas W. Brown!

Now it all made sense. Massé, or a member of his staff, had to have written that letter. A letter they would keep, just in case some arm-twisting was needed. All judicial appointments in Canada are political appointments. Leduc was daring adjudicator Brown to embarrass the very people on whom his job depended. This was out-and-out intimidation, if not **blackmail**! What would Thomas W. Brown do?

Evelyne's Choice

Evelyne was taken aback by this last-minute introduction into evidence of Joe Clark's letter, but not Thomas W. Brown. During the entire hearing, Thomas W. Brown had sat there like a lump on a log taking notes, saying very little. His demeanour when Leduc placed the letter before him daring him to call Joe Clark a liar did not change one bit. He put the letter aside and wrote himself a note. Evelyne, in the meantime, had obtained a copy of the letter from Leduc and was quickly acquainting herself with its content.

Evelyne had told me to let her do all the talking, and to remain silent except to answer questions; but I just had to ask Leduc: "Where did you get that letter? That was between me and Joe Clark." That last remark does demonstrate a certain naivety, I must admit. I also no longer believe in Santa Claus. Leduc, of course, ignored my question, as we all waited for Evelyne to finish reading the letter and take in the implication of what Leduc had just done. Her reaction was what Thomas W. Brown's should have been.

She got up, glancing at the letter, then glancing at Thomas W. Brown, shaking her head, her arms outstretched palms up as if pleading, as she argued that this letter had no business at this hearing, that it was a private correspondence between a citizen and an elected official. She may also have said something to the effect that, if this letter was going to be introduced at all, it should have been during the presentation of evidence, not during final arguments; that this was totally unfair. The normally inscrutable Thomas W. Brown listened to her, then smiled at her, then turned to Leduc:

Brown: Do you have anything else to add (or something to that effect)?

Leduc: No!

Brown then adjourned the hearings. Leduc had had the last word. Foreign Affairs had had the last word. But it did not end there? Thomas W. Brown got up and began a slow walk towards the door to his chambers, but before he got there, he stopped and turned towards Evelyne and me. He asked Evelyne if they could talk for a minute. He

pointed to me, then to the exit to the hearing room and told me to wait outside.

The tête-à-tête between Thomas W. Brown and Evelyne Henry did not last more than fifteen minutes. When Evelyne emerged from the hearing room she was a completely different person. Taking on a distinctly authoritative tone she said: "He wants you to drop this! He does not want to render a decision! He is not about to call Joe Clark a liar! He wants you to negotiate a settlement with Treasury Board!"

I needed the money, but this was not only about money, it was about doing the right thing and not getting your livelihood taken away from you for doing so. I felt I had done the right thing, and now I expected Thomas W. Brown to do the same and rule on the evidence. I told her that.

Evelyne was not impressed. She explained that Thomas W. Brown and she had a good working relationship and she did not want to spoil it. Then, moderating her tone, she said: "If you won't do it for yourself then do it for your union. I have three other cases pending with him and he promised me a favourable ruling if I get you to drop this."

This could not be happening. "No," I insisted, "he is going to do his job whether he likes it or not." I must admit I was upset. I did not care that Thomas W. Brown feared if he ruled in my favour he would be offending Joe Clark, and I absolutely did not care to be an accomplice to an appalling breach of professional ethics on the part of both Thomas W. Brown and Evelyne. Thomas W. Brown and Evelyne were friends; I was just a client, a recent acquaintance. Whose interest would Evelyne champion at this critical juncture? For a lawyer, the ethical choice would have been obvious; for Evelyne, it was not that simple.

Thomas W. Brown and the Monstrous Lie

Thomas W. Brown was a meticulous note taker and this attention to detail is reflected in his one-hundred-and-nineteen-page decision. The adjudicator might have been a good note taker but some of the conclusions he drew from what he heard, read and noted were those of a man who doesn't go much beyond first impressions, or more accurately, first misconceptions. By page twelve you realize that Thomas W. Brown has it all wrong. A computer-based management information and financial control system into which information is fed via satellites and other modern communication links requiring little or no human intervention becomes a labour-intensive system with yours truly providing most of the labour.

Full Telegraphic Input of Financial Data, writes Thomas W. Brown, involves Ottawa getting "paper telegrams" from posts around the world on which are recorded every disbursement made by every Canadian embassy, high commission and consulate. These disbursements, he informs us, were in the local currency of the country and it was my job to manually convert the foreign currency amount into Canadian Dollars, then code the information contained on these "paper telegrams," along with my own calculations, for manual input into the departmental financial management system—a Herculean task that even that mythical hero would have had difficulty accomplishing in his lifetime.

Because disbursements at the various posts were in local currency there was in place a telegraphic system which allowed the posts to report their disbursements in local currency and in turn have them converted into Canadian Dollars and coded [by me] prior to being inputted into the main financial system.

Decision of Thomas W. Brown in Bernard Payeur v. TREASURY BOARD (Foreign Affairs), p. 12.

As if this wasn't enough, Thomas W. Brown goes on to explain that, after I was done processing and coding thousands of telegrams for input into the department's mainframe computer, I was expected to produce the monthly Currency Fluctuation Report—part of the “special reports” referenced in the following:

Another on-going duty assigned to the grievor was the handling of special reports and enquiries emanating from the financial management system.

Decision of Thomas W. Brown in Bernard Payeur v. TREASURY BOARD (Foreign Affairs), p. 13.

As if this still wasn't enough:

He was also involved in the data base (sic) administration.

Decision of Thomas W. Brown in Bernard Payeur v. TREASURY BOARD (Foreign Affairs), p. 13.

From the outset, Thomas W. Brown let his Luddite concept of a telegram, his fear of offending the powers on which his job depended, and Foreign Affairs' lies obscure his understanding of what Full Telegraphic Input of Financial Data was all about. This initial misunderstanding would lead to the next and key misunderstanding—that the reports I had programmed into the central computer could be done manually using an adding machine. Remember, in *Nonsense* I asked you to keep in mind the following:

Richard: Like I said before, he did not need access to the computers to produce the currency fluctuation reports, I already told you that, and it is all his fault if today we cannot keep track of millions of dollars. It's his fault for getting himself fired! Because he got himself fired, we had to dismantle the Currency Fluctuation Reporting System because nobody knew how to run it. We even hired a consultant for \$90,000.00 so he could tell the consultant how the system worked before we fired him.

Compare that testimony with Thomas W. Brown's justification for finding me guilty of insubordination for failing to deliver the impossible report and finding Foreign Affairs blameless.

By this time management was completely frustrated by the grievor and saw as an impossibility the obtaining of the needed report. In fact, the consultant's report was made

without taking into account the required report under the currency fluctuation project (the Currency Fluctuation Report) and to this day the financial management system does not and cannot take into account "losses and gains" in currency fluctuations, it was hoped it would, had the consultant had in hand the grievor's report.

[Therefore] the grievor's misconduct at various periods during 1984 and 1985 has thus been established.

Decision of Thomas W. Brown in Bernard Payeur v. TREASURY BOARD (Foreign Affairs), p. 114.

An obviously confused and outraged, if not outrageous Thomas W. Brown even parrots Foreign Affairs' preposterous claim that I was responsible and continued to be responsible, more than a year after being fired, for the loss of tens of millions of dollars because I forced Foreign Affairs to fire me by insisting that I needed access to the mainframe computer to do what they claimed they desperately wanted. At this point, Thomas W. Brown was obviously thoroughly entangled in Foreign Affairs' web of deceit and couldn't find any other way to end his nonsensical decision except by repeating the *big lie* which, at this point, he evidently believed. In summarizing why my firing was all well and good, Thomas W. Brown contradicted himself and, in the process, exposed once again the monstrous lie, this implausible explanation on which he based his decision.

The grievor had failed to hand in his report before the consultant had completed his study. The report was finally completed by another financial analyst, after the consultant had left the premises.

Decision of Thomas W. Brown in Bernard Payeur v. TREASURY BOARD (Foreign Affairs), p. 118.

This contradictory admission by Thomas W. Brown is further proof that management lied about my being the only one who knew about the workings of the Currency Fluctuation System.

We are at the end of Thomas W. Brown's Decision where logic and rational thought have all but been abandoned by a man trying desperately to make sense out of nonsense. Management's explanations were taken at face value unreservedly while my arguments and evidence were dismissed out of hand. Having decided that I was guilty of misconduct for not performing the impossible task I

was assigned, Thomas W. Brown went on to deal with the issue of due process. The manner in which Foreign Affairs had terminated me was clearly illegal. I was dismissed before I had served a suspension *as required by law* and, *as required by law*, having served this suspension, I had to be asked one last time to deliver the impossible report and if I failed to do so, then and only then could I be dismissed for alleged insubordination.

As mentioned in the chapter Blackmail?, to get around *due process* Foreign Affairs simply deemed that I had served a ten-day suspension, and *deemed* that after serving the *deemed* suspension I was *deemed* to have been asked to end the alleged insubordination and *deemed* to have refused. What does Thomas W. Brown think of all this *deeming* that actions that did not occur have occurred?

I have no reason to believe that more progressive disciplinary measures meted out prior to March 22, 1985 would have *any effect whatsoever on the grievor*. It would only have made a more classical approach to progressive discipline.

Decision of Thomas W. Brown in Bernard Payeur v. TREASURY BOARD (Foreign Affairs), p. 114.

The classical approach is synonymous with the right to due process and is the only protection afforded an individual against arbitrary dismissal, imprisonment, etc. As for not having any effect on the grievor! Thomas W. Brown's approval of the expeditious and unlawful way I was dismissed meant that I was denied the opportunity to resign. *If due process had been observed, Massé could not have presented Joe Clark with a fait accompli.*

The unmitigated arrogance of Thomas W. Brown in thinking he could predict the future and, knowing the future, ignore the law in the present. *If due process had been observed, I would still have been an employee when I received Clark's letter praising his officials.* After receiving the former prime minister's letter, I would have known that all was lost, and that maybe it was time to call it quits, and quickly.

Et tu, Brute?

It took Thomas W. Brown maybe a few seconds, after reading the letter from the Right Honourable Joe Clark praising his officials, to realize that it was probably not in his interest to find these officials guilty of anything. As to when the Public Service Alliance of Canada (PSAC) gave Evelyne the green light to sacrifice her client to save a friend is unclear. For weeks PSAC had strung me along, promising me that any day now, they would be in a position to file a notice of appeal with the Federal Court of Appeal of Thomas W. Brown's decision. Such an appeal, they said, was almost automatic; not to worry, be patient, but then again, *there was that sticky question of one of their officer's backroom dealings with the adjudicator.*

It was the last day for filing. I was in a bit of a panic. I called PSAC to find out if they had filed a notice of appeal with the Federal Court. "Not yet," a brother replied. He asked me to come in. Finally, I thought, they were asking me to come in to sign some papers before the notice of appeal was rushed to the Federal Court building on Wellington Street, not more than a fifteen-minute walk from union headquarters on Gilmour Street.

I was shown into a large office where a tall brother in a grey suit greeted me. The tall brother invited me to sit down, which I did. The brother did the same, settling his posterior down in a high-back black executive chair behind an expansive desk. The brother leaned back a bit and began a rhythmic rubbing of the top of his thighs – one hand on each, going up and down. Still rubbing his legs, the brother matter-of-factly informed me that they had decided not to appeal the Decision of Thomas W. Brown! Got ya! *Et tu, Brute?* An actual stab in the back could not have felt worse.

Maybe it was time to get angry with the brother with the cold eyes and tight-lipped smile rubbing his thighs. I got up, and only for the second time during this sordid affair, I swore at the person in front of me. I told the *brother* that I was going to file a Notice of Appeal and that sister Evelyne better be willing to provide an affidavit of her conversation with Thomas W. Brown or I was going to forget about the

sons of bitches at Foreign Affairs and come after the sons of bitches at PSAC.

It was an empty threat; the cupboard was bare. The tall *brother* quit rubbing his thighs and leaned forward, putting his hands together – the pose reminded me of a Praying Mantis – then looked me in the eye and said: “If you get the Federal Court to hear your appeal, I will talk to Evelyne.” It was a promise I am sure this brother did not expect to have to keep.



There were only a few hours left to file. What to do? I did not even know where to start. I left PSAC headquarters and took the short walk to the old wartime temporary building⁵ next to the Supreme Court where the Court administration could be found. I did not have time, they said, to file a Notice of Appeal. The Notice of Appeal had to include the grounds on which the appeal was being filed. They suggested I ask the Court for an extension of the deadline to file. It was simple, they said; all I needed was a compelling reason.

The only compelling reason I could think of on such short notice was something to the effect of: “In the interest of justice, the Court must grant me an extension; that justice should not be subjected to an arbitrary deadline.”

Some brothers and sisters must have been surprised when the Federal Court granted me an extension to file. My appeal was back on; time for a return visit with the friendly, helpful people at the Federal Court of Appeal to get some advice on how exactly to do this.

⁵ During World War II, an urgent requirement for office space led to the construction of temporary wooden barrack-like buildings throughout Ottawa. All of these wartime constructions, to the author’s knowledge, have now been demolished except for the one on Vittorio Street which has been preserved as an historical monument.

The Tangled Web

Oh, what a tangled web we weave,
When first we practice to deceive!

Sir Walter Scott

Dear Mr. Payeur,

Re: Bernard Payeur v. Her majesty the Queen in Right of
Canada.

“I would appreciate it if you would arrange for your solicitor
to contact me to discuss [Evelyne Henry’s Affidavit] ... “

Yours very truly,

Andrew J. Raven

Andrew J. Raven was a lawyer with Soloway, Wright, Houston, Greenberg, O’Grady and Morin. Evelyne would have access to some of the best legal advice my union dues could buy to prepare for her affidavit about her tête-à-tête with Thomas W. Brown. Andrew Raven was obviously unaware that I was on my own. I had asked a lawyer neighbour, Peter Annis, how much it would cost to get a lawyer to take over. A minimum retainer of \$10,000 (at least twice that in today’s dollars) and, if the government decided to use its exhaustive powers (unlimited dollars, unlimited time), the sky was the limit. I did not have the money, so I crossed my fingers and hoped for the best.

During her deposition, Evelyne’s lawyer would be joined by the renowned John E. McCormick, LL.D. Esq. on behalf of Thomas W. Brown and the Public Service Staff Relations Board; next, Robert Cousineau, Q.C., who signed in as the Solicitor for The Attorney General of Canada; last, but not least, Mylène Bourzigon, LL.D. of the Treasury Board who was Evelyne’s designated cross-examiner. I was told to sit down and keep quiet while this formidable legal assembly, none of which were there to look after my interests, went about their business.

Pertinent Extracts of the **Statutory Declaration of Evelyne Henry:**

(My comments are not offset)

I, Evelyne Henry, of the City of Ottawa in the Province of Ontario, solemnly declare that:

... (More formalities)

3. At the conclusion of the third day of hearing, after all evidence had been introduced, Adjudicator Brown asked if he could speak with me for a moment. In the course of the ensuing discussion, which lasted approximately five minutes, Mr. Brown inquired as to whether or not settlement discussions had taken place between the parties. I indicated that there had been no such discussions.

I won't quibble about her estimate of five minutes.

4. Mr. Brown indicated to me that, in his view, the introduction into evidence of the letter from the Rt. Honourable Joe Clark, Secretary of State for External Affairs, of May 5, 1985, was such that Mr. Payeur's case and the Adjudication Decision might attract considerable media attention. Mr. Brown expressed the view that, in the event that he should find that the grievance should be dismissed, media attention to Mr. Payeur's case might operate to the disadvantage of Mr. Payeur in terms of obtaining new employment.

If the above is true, then Evelyne was being deceived by Thomas W. Brown; if it's not true, then we are being deceived by Evelyne. Thomas W. Brown was troubled about the decision he was about to make, and I don't believe it was because the media might take notice of the firing of an anonymous public servant and an adjudicator upholding that firing. The media might notice, however, if he ruled against Foreign Affairs, against Joe Clark as Leduc warned he would be doing if he found his officials, whom the former prime minister had praised in private correspondence made public, guilty of anything. This is the type of publicity that could have an adverse impact on Thomas W. Brown's career.

Thomas W. Brown's outrage towards me after he had bought into Foreign Affairs' lie—that I was responsible and continued to be responsible for the loss of millions of dollars long after my firing—suggests that his concern about my employment prospects were less

than genuine. Then there was, of course, the Appraisal from Hell, the biggest obstacle to my finding another job, about which Thomas W. Brown had no opinion.

In her conversation with me, Evelyne was adamant that Thomas W. Brown would rule against me because he was not about to "call Joe Clark a liar." It was Evelyne's word against mine, but that was not as important as her admitting she knew, minutes after the hearing before Thomas W. Brown ended proceedings, that he was going to rule against her client and she still did nothing.

Before the Federal Court will hear your appeal, you have to provide your arguments in writing; it's called A Memorandum of Points of Arguments. The same is required of the Respondent, in this instance the Treasury Board (Foreign Affairs). In their Memorandum of Points of Arguments prepared by Bourzigon, the Treasury Board admits that Joe Clark's letter probably influenced Thomas W. Brown's decision, but that the point is moot because neither my representative nor myself asked Thomas W. Brown to disqualify himself after he admitted to being concerned about the impact of the letter.

10. The applicant was immediately informed of the content of this conversation and at no subsequent time did the applicant or his representative request that the Adjudicator consequently disqualify himself from the case.

Cross-Examination of Evelyne Henry, Transcript added to the case by Order of the Court dated December 12, 1986.

I was not aware that this was an option, but surely Evelyne was. If she knew this was an option and did not exercise it, even after the adjudicator told her he was ruling against her client, then her ethical lapse is doubly inexcusable. Also, by stating that we could have asked Thomas W. Brown to recuse himself in their memorandum to the Federal Court, Bourzigon is admitting that they pulled a fast one when they dropped Clark's letter on Thomas W. Brown's lap. Evelyne and Thomas W. Brown might have been willing to compromise their ethics but I wasn't, and for this, in her affidavit, Evelyn takes me to task for not seeking a compromise with people for whom I had lost all respect.

6. At the conclusion of this brief conversation with Mr. Brown, I agreed I would attempt to discuss Mr. Payeur's grievance with Mr. Payeur. In subsequent discussions with Mr. Payeur, he said he was unwilling to compromise.

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If I was guilty of insubordination, as the adjudicator ruled, then I should not have been entitled to any settlement, so why would Thomas W. Brown even make such a suggestion unless he knew I was not guilty?

To a question from Bourzigon as to her “impressions of this conversation” (as a professional, she had to know or at least anticipate what Evelyne’s response to her question was going to be), Evelyne replied:

My impression is that Mr. Brown wanted the parties to get together and work out a settlement, and thus the matter would be resolved without him having to make a decision. And I think he was trying to help both parties resolve this matter.

Cross-examination of Evelyne Henry on her Statutory Declaration in the matter of Bernard Payeur and HER MAJESTY THE QUEEN IN RIGHT OF CANADA, p. 7.

Evelyne’s recollection of Thomas W. Brown admitting to her that he did not want to render a decision is again obviously accurate; as to the why? Evelyne going out of her way to flatter and praise her adjudicator meant that her declaration, for the purpose of an appeal of Thomas W. Brown’s decision to the Federal Court of Appeal, was less than useless. Evelyne had access to excellent legal advice. She knew exactly what she was doing. In her affidavit, Evelyne clearly indicated where her loyalties lay. She sacrificed a client to save a friend. Evelyne could be as diplomatic as she wanted; the conclusion would always be the same.

In the Federal Court of Appeal with a Fool for a Client

Federal Court of Appeal Judge Louis Marceau was adamant: I had not been fired because of my discovery of the theft of millions of dollars. It was worse than that! I was still in denial. I would not admit it. I still believed Foreign Affairs got rid of me because they wanted to shut down the Currency Fluctuation Reporting System and return to the good old days when they helped themselves, with impunity, to millions of dollars to which they were not entitled. They had not only fired me, but done it in such a way that, even if they were again discovered with their sticky fingers in the taxpayers' cookie jar, no one would dare breathe a word to anyone.

Damn it, why shouldn't I believe them? They had shouted it under oath before adjudicator Thomas W. Brown. They had told him, they told the lawyers for the Treasury Board, they told anyone who would listen that YES! we stole millions of dollars, and since we have fired him, we are again stealing millions of dollars, *and here was Judge Louis Marceau saying I had it all wrong.*

Judge Marceau raised his voice in an attempt to get me to listen and acknowledge that I was badly mistaken: "You were fired because of your complaint to the Commissioner of Official Languages," he shouted. "Admit it!"

I understood the power of money to corrupt. What I could not understand was that, in today's day and age—it was the 1980s, after all—there were still people, people who had taken an oath to uphold the laws of Canada, who would go out of their way to ruthlessly castigate and ostracize a citizen for abiding by those laws even when there was no monetary advantage in doing so. I should have admitted what was obvious to Judge Marceau, probably to his colleagues, and what should have been obvious to me. Before the Federal Court will hear your appeal, you have to provide it with your arguments in writing in a Memorandum of Points of Arguments of the Applicant which Judge Marceau had obviously read and that included the following:

33. For the adjudicator the decision was no longer an administrative one but a political one.

34. The implication of such a decision, considering the applicant maintained and proved that the discharge was motivated by a department angered by the applicant's complaint to the Commissioner of Official Languages, did not escape the adjudicator...

If I had written that “the discharge was motivated by a department angered by the applicant's complaint to the Commissioner of Official Languages,” why could I not admit it in open court?

It is one thing to offer an explanation for what happened and then categorically state that it is the only explanation. The circumstantial nature of some of the proof caused me to doubt my own initial and apparently correct conclusion—at the worst possible time. I could not admit to the Court something that I had trouble admitting to myself. Maybe it was because my conscience was confused by contradictory evidence. Foreign Affairs officials, under oath, had sworn that I had been fired for failing to produce the massive Currency Fluctuation Report using an adding machine. This was the reason given by Thomas W. Brown for upholding the actions taken by Foreign Affairs—everything from the Appraisal from Hell to the solitary confinement, to the unrelenting harassment, to the theft of my pay, to my unlawful dismissal! How could I not believe it?

For Federal Court Judge Louis Marceau, this was “the big lie”; a lie so big, so outrageous that you are inclined to believe it. I told Judge Marceau that I could not say, with absolute certainty, that my complaint to the Commissioner of Official Languages had led to my dismissal; after all, Thomas W. Brown, in finding Foreign Affairs blameless, wrote: “Management has explained that ‘coincidence’ as being merely apparent.” Then, like a fool, I asked the Court to let me finish; maybe the situation would become clearer. That last remark was even more stupid when you consider I was reading from a brief the Court had had in its possession for quite some time.

It's no excuse, but I was unburdening myself. I know that now. I was trying to get rid of so much emotional baggage that I lost sight of why I was there. I am usually a good listener, but that day I wasn't listening. I had a story to tell and I was going to tell it. The Court obliged the fool and let me finish. They then adjourned the

proceedings, promising to return shortly, it was assumed, to hear what the assembly of government lawyers had to say.

We all waited in absolute silence. The passage of time must have weighed more heavily on the leader of the government's legal team. He got up, walked over to the court clerk's station, and asked her to enquire as to how much longer they would have to sit there. They may have been Federal Court judges, but he was a Queen's Council.

The door to the judges' chambers was on my side of the courtroom, almost directly in front of where I was sitting. The clerk opened the door to reveal the three judges in animated discussion. They were taken aback by the interruption and one of them waved her off. The Queen's Council picked up his robe and returned to his side of the courtroom to be seated.

I don't know how the communication was made but a short time later the court clerk again went into the judges' chamber, closing the door behind her. She reappeared maybe five minutes later followed by Judges Marceau, Pratte and MacGuigan. Doctor of Law Bourzigon stood up, only to be told to sit down by Justice MacGuigan; they did not need to hear from the government. Justice MacGuigan spoke for the Court. He dismissed my appeal then and there. He said something about not having proven my case under section such-and-such. Then, almost as an after-thought, he awarded cost to the government. I was thankful for small mercies. To have to pay the cost of that mass of government talent occupying the first two benches to my right would have been ruinous, and I could not be ruined much further.

It had taken two years to get this far. To see it end like this was somewhat of a disappointment, to say the least. Evelyne's poisoned affidavit gave the Federal Court an easy way out and they took it. If her affidavit was less than useless, why did I introduce it into evidence in the first place?

I was not aware at the time of the implication of her affidavit on Section 28⁶, the section of the Federal Court used by the judges to deny my appeal, but Evelyne and her advisers had to know that if I

⁶ In considering an attack based on Section 28(1) (c), it should be kept in mind that, for such an attack to succeed, there are, according to the wording of Section 28(1) (c), three conditions precedent, *viz*:

- (a) the Tribunal must have made an 'erroneous' finding of fact,
- (b) that erroneous finding must have been made
 - (i) in a perverse or capricious manner, or
 - (ii) without regard for material before the Tribunal, and
- (c) the decision attached must be 'based' on the erroneous findings.

introduced her affidavit into evidence, I would be severely weakening my case. Did they deliberately engineer a situation where I would be caught in a no-win situation? A situation whereby I could not introduce the letter from Joe Clark into evidence without introducing her affidavit, in which Evelyne declares that adjudicator Brown only had her client's best interests at heart when he found him guilty of a crime he had not committed.

I should have kept quiet about both the letter from Joe Clark and the poisoned affidavit, and instead focused almost exclusively on two other reversible errors made by Thomas W. Brown where malice or absence of malice was not an issue, thereby depriving the Court of an uncomplicated excuse to dismiss my appeal. I should have instead focused on Thomas W. Brown's casual disregard of due process, or better still, I should have gone where Judge Marceau wanted me to go and stayed there.

Thomas W. Brown either deliberately downplayed key evidence that pointed to my having been fired for my complaint to the Commissioner of Official Languages or completely misunderstood the impact of the complaint on the Department of Foreign Affairs, which would explain the draconian actions it took against me. Two of the three judges were francophones. In my oral and written arguments, I pointed out that Thomas W. Brown had misinterpreted or deliberately downplayed the contents of a letter from the Office of the Commissioner of Official Languages. Here is a recap of what Ms. Mary Lee Bragg wrote:

As I mentioned, our investigation at the headquarters of External Affairs allowed us to appreciate that the incident you reported is just a symptom of a much larger problem. Our report, which will be submitted to the Department shortly, will be addressing these wider issues...

Mary Lee Bragg, Office of the Commissioner of Official Languages, November 23, 1984.

In contrast, Thomas W. Brown's interpretation of her letter:

On November 23, 1984, Exhibit G-15, the Commissioner's Office wrote to the grievor, advising him that his complaint was being pursued together with others of the same nature involving the department.

Decision of Thomas W. Brown in Bernard Payeur v. TREASURY BOARD (Foreign Affairs), page 101.

The adjudicator's interpretation of what Ms. Bragg wrote is completely wrong. She was writing about the extent of the problem, not about the number of complaints, of which there was only one (mine), or that the complaint was a run-of-the-mill type. Judges Pratte and Marceau had to know this. Section 28 and Evelyne's affidavit gave the Court a quick and easy way out. Thomas W. Brown's downplaying of the seriousness of the Department's breach of the Official Languages Act—whether deliberate or due to a misunderstanding—was a "reversible error." On this issue alone they could have found in my favour, so why did they not do so?

I would speculate that the judges, with the possible exception of Marceau, like Thomas W. Brown, did not dare render a decision that would have exposed how little a pillar of the Federal Government, the Department of Foreign Affairs, cared about the rights of francophones to work in the language of their choice and how they would actually fire someone who dared complain. The separatist movement was gaining momentum with arguments that the Federal Government could not be trusted to protect or further francophone interests, and here was proof positive. I would speculate further that the Federal Court's deliberate actions, which allowed me to take my argument to the Supreme Court of Canada, were a sop; a small reward for having taken my fight this far.

The judges had just made their exit when the Court Clerk came over and asked me to wait; she had a message for me. After the government side had filed out, she spoke these words, to the best of my recollection:

"They believe you," she said, "but their hands are tied by Section 28 of the Federal Court Act that requires you to prove not only that an injustice has been done, but that it was done out of malice. They believe that, given the chance you will take this to the Supreme Court, which is why you will be getting the order of dismissal in writing. With this written notification you can appeal their decision to the Supreme Court, asking that Court, 'When there is clear evidence of

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injustice, is the Federal Court bound by Section 28 of the Federal Court Act?"

As promised, a few weeks later I received the Federal Court of Appeal's written notification of the dismissal of my petition. I began preparing my submission for the Supreme Court of Canada.

Not a Question of National Interest!

In the Supreme Court of Canada

IN THE SUPREME COURT OF CANADA
(On appeal from the Federal Court of Appeal)

BETWEEN:

BERNARD PAYEUR
Applicant

-and-

HER MAJESTY THE QUEEN IN RIGHT OF CANADA
as represented by Treasury Board
Respondent

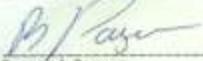
NOTICE OF APPLICATION FOR
LEAVE TO APPEAL

TAKE NOTICE that the applicant will apply to this Honorable Court at the hour of 10:30 o'clock in the forenoon on Friday, the 2nd day of October, 1967 for an Order, pursuant to Section 51(2) of the Federal Court Act, granting to the Applicant leave to appeal from the Judgment of the Federal Court of Appeal rendered the 3rd day of June, 1967 (F.C.A. File no. A-389-66).

AND FURTHER TAKE NOTICE that the said application will be made on the following grounds, namely:

1. that the Federal Court of Appeals erred in not ruling, section 28 of the Federal Court Act notwithstanding, that the actions of government officials during hearings held before the Public Service Staff Relations Board into the dismissal of the applicant from the Public Service for "alleged" insubordination, had brought the administration of justice into disrepute.

DATED AT OTTAWA, this 10th day of September, 1967


Bernard Payeur
Applicant

Present:

The Right Honourable Chief Justice Brian Dickson

The Honourable Mr. Justice William McIntyre

The Honourable Mr. Justice Antonio Lamer

Robert Cousineau, Q.C., counsel for HER MAJESTY THE QUEEN
IN RIGHT OF CANADA and Treasury Board.

John E. McCormick, Esq., counsel for the Public Service Staff
Relations Board

Bernard Payeur representing himself

I had just stepped up to the lectern and was getting ready to address the Court when a group of school children on a field trip were ushered in by their teacher. If anything, they would learn a valuable lesson about getting justice in Canada that day. I had fifteen minutes to convince the Supreme Court of Canada to grant me leave to appeal the judgement of the Federal Court of Appeal. Even if I had been given more time, I did not want to repeat the mistake I had made in Federal Court by telling the whole story. I again prepared my arguments after reading old Memorandums of Points of Arguments given to me by the always helpful Court staff.

The clerk at the Federal Court said I had not proven malice as required under section 28. However, when I got the Federal Court's decision that was not what it communicated from a layman's understanding.

STATEMENT OF FACTS

1. This is an application for leave to appeal to the Supreme Court of Canada from the Judgment of the Federal Court of Appeal, rendered June 3, 1987. The Federal Court of Appeal refused to render a judgment on whether the proceedings before the Public Service Staff Relations Board have brought the administration of justice into disrepute because, in its opinion, "Mr. Payeur, in effect, is asking us to review and reweigh the evidence. This we cannot do in a proceeding under section 28 of the Federal Court Act."

Memorandums of Points of Arguments

How could I respond to that? Rather than argue that the Federal Court should have reweighed the evidence—which, if you read my memorandum to the Federal Court (Appendix Memorandum of Points of Arguments), is not what I asked—I decided to base my appeal on the letter written by Joe Clark, whose undue influence was self-evident.

POINTS AT ISSUE

11. Whether the Federal Court of Appeal erred in not ruling, section 28 of the Federal Court Act notwithstanding, that the actions of government officials during hearings held before the Public Service Staff Relations Board into the dismissal of the Applicant had brought the administration of justice into disrepute.

ARGUMENTS

12. This case raises the following question of importance.

Whether correspondence between a private citizen and a Member of Parliament is privileged information and whether such correspondence can be used by public servants in judicial or quasi-judicial proceedings, in which they are implicated, without bringing the administration of justice into disrepute.

13. By introducing the letter from the Rt. Hon. Joe Clark to the Applicant into the proceedings before the Public Service Staff Relations Board, officials of the Department of External Affairs brought the administration of justice into disrepute by creating a situation whereby the adjudicator could not rule in favour of the Applicant without questioning the competence of the Secretary of State for External Affairs.

14. The adjudicator is clearly troubled by the implication of the letter as can be gleaned from a conversation with the representative of the Applicant at the hearing.

“Mr. Brown indicated to me that, in his view, the introduction into evidence of the letter from the Rt. Honourable Joe Clark, Secretary of State for External Affairs, of May 5, 1985, was such that Mr. Payeur's case and the Adjudication Decision might attract considerable media attention.”

Statutory Declaration of Evelyne Henry of the Public Service Alliance of Canada (Motion Book, Tab 2. p. 1).

15. A decision calling into question the competence of the Secretary of State, a former prime minister, “might attract considerable media attention.” A decision against a faceless

public servant, the reputation of public servants being what it is, would go unnoticed.

16. This case goes far beyond a dismissal for “alleged” insubordination. If section 28 of the Federal Court Act is strictly applied, without consideration for justice and fairness, decisions of administrative tribunals are for all intents and purposes “unappealable (sic).”

17. The applicant wishes the opportunity to further develop the arguments presented here in the Supreme Court of Canada. This, we believe, is the first opportunity the Court will have to rule on what is acceptable conduct by government officials implicated in judicial or quasi-judicial proceedings.

ORDER SOUGHT

18. The applicant’s request that leave to appeal from the judgement of the Federal Court of Appeal be granted.

The Court staff had emphasized that for my appeal to be successful, I had to convince the Court that my case was “a question of national interest,” and this is what I tried to achieve in my memorandum and during my presentation.

This case is of major importance to any Canadian who has or will appear before one of the countless federal judicial or quasi-judicial tribunals. It is important because it raises the issue of the impartiality of such tribunals; it is important because it raises the issue of whether, under present regulations, even tainted decisions of such tribunals can be successfully appealed. The issues raised in this document, respectfully submitted, are of national importance.

Chief Justice Brian Dickson was not of that opinion. “This is not a question of national interest,” he responded. “Goodbye.” In hindsight, maybe I should have argued lack of due process. In hindsight, I don’t think I had a hope in hell of getting the Order I sought. If Thomas W. Brown was worried that a decision in my favour was going to attract attention, think about the type of attention a Supreme Court hearing might attract! Had Foreign Affairs' corrupting influence reached the highest court in the land?

Not a Question of National Interest!132

According to Chantal Portelance, Manager of Communications Services for the Supreme Court of Canada, only “one self-represented litigant was granted appeal before the Supreme Court between 1999 and 2007.” Only one “self-represented litigant” in almost ten years! The Supreme Court of Canada is obviously not in the habit of granting citizens without professional representation leave to appeal. Given this depressing statistic, I must assume that if the Right Honourable Brian Dickson decided to ignore my plea for justice, it was not because he did not want his Court to become entangled in Foreign Affairs’ web of lies.

Proof of Perjury

I had always wondered why the department would risk losing tens of millions of dollars by insisting that I do a job that required the use of a large mainframe computer using only an adding machine, pencil and paper. It did not make sense.

I need not have wondered. They were not risking anything except my mental and physical health. The computerized Currency Fluctuation Reporting System (CFRS) that I had developed had already been integrated within the larger departmental Financial Management System (FMS) when they demanded their impossible and now pointless report. Managers at Foreign Affairs were a rather ruthless and arrogant bunch, but they were not stupid. You can't stop accounting for tens of millions of dollars without someone noticing—someone at Treasury Board, for instance.

The Treasury Board, like Foreign Affairs, is a pillar of the Federal Government. The Treasury Board sets overall government policy for both financial and personnel administration. As financial accounting overseer, it is responsible for ensuring that all moneys are properly accounted for. As general manager of the public service, it has overall responsibility for the welfare and equitable treatment of public servants. In carrying out both its primary functions in the story told so far, it failed miserably. As manager of the public purse, the Treasury Board had a duty to investigate Foreign Affairs' claim that it was losing millions of dollars through managerial incompetence and theft.

Under oath, Foreign Affairs officials swore that millions of dollars had been lost and that they were still hemorrhaging millions more because of my alleged refusal to do what they claimed was a simple report that no manager or other financial officer was capable of doing.

Under oath, Foreign Affairs managers swore that during the course of almost three years, they never bothered to learn how a system which accounted for tens of millions of taxpayer dollars actually worked.

Treasury Board had to know they were lying. How else can you explain their indifference to the loss of millions of taxpayer dollars? They knew it was a lie, a lie its legal team—like the letter from Joe

Clark—was only too happy to exploit, compromising their ethics to perpetuate a crime. In 2008, I found unassailable proof that Foreign Affairs' officials had lied under oath and that the Treasury Board knew about it. The proof is in an unclassified memorandum dated November 4, 1982. It is from Richard to Dave Gordon. The salient portion of the memorandum (*italics mine; underlining* is the author of the memorandum's doing) appeared as follows:

Subject: Currency Fluctuation Reporting System (CFRS).

As a result of the October 27th meeting with Bill Crandall (Bill Crandall was with Treasury Board) on this subject, we have gone through a re-assessment on the monthly reports on the effect of currency fluctuation on post expenditures. In order to properly understand the system, I attach Appendix A which traces through our present system (*the system I developed on my own initiative*) an application of currency fluctuation for reporting for Warsaw's LES (Locally Engaged Staff) budget for the first six months of the 1982/83 fiscal year.

2. The rationale (*my methodology*) or basis on which the year-to-date currency fluctuation gain of \$45,524 is calculated is very sound and justifiable for the purpose of reporting the actual currency fluctuation gain to Treasury Board.

Later in the memorandum, its author acknowledges the value of my method of forecasting future gains and losses.

3. The next step in the CFRS is the computation of a forecasted currency fluctuation gain/loss on the estimated post spending for the remainder of the fiscal year... The application of the gain/loss percentage to the unspent budget balance calculated in this manner (*my formula*) provides a very reliable forecast of currency fluctuation of gains and losses on the estimated post spending for the remainder of the fiscal year.

He finishes his memorandum with a recommendation.

6. Included in Appendix B are three alternatives which would be aimed at satisfying not only Treasury Board requirements but also managerial budgetary control requirements for the effect of currency fluctuation on post expenditures.

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Alternative #1 may seem to be a drastic change ... but it seems to be the most valid one at his point in time.

What was Alternative #1, the option they chose?

Integrate the system I developed independently (the CFRS) into the larger Departmental Financial Management System (FMS).

What was the main advantage of this approach?

i) there would be no need for a [separate] Currency Fluctuation Reporting System.

This memorandum proved beyond any doubt that Richard Goneau, Dave Gordon and the Treasury Board knew how my system worked because I explained it to them in great detail in person and in writing. Three years later, Richard, the author of the currency fluctuation memorandum, speaking for the department, said *under oath* that the CFRS was dismantled because no one understood how it worked.

Richard: Like I said before, he did not need access to the computers to produce the currency fluctuation reports. I already told you that, and it is all his fault if today we cannot keep track of millions of dollars. It's his fault for getting himself fired! Because he got himself fired, we had to dismantle the *Currency Fluctuation Reporting System* because nobody knew how to run it. We even hired a consultant for \$90,000.00 so he could tell the consultant how the system worked *before we fired him*.

Thomas W. Brown swallowed this outrageous and implausible testimony, this outrageous lie, hook, line and sinker, and repeated this monstrous lie in finding me guilty of insubordination. I know you have read it before, but it bears repeating.

In fact, the consultant's report was made without taking into account the required report under the currency fluctuation project and to this day the financial management system does not and cannot take into account "losses and gains" in currency fluctuations [as] it was hoped it would, had the consultant had in hand the grievor's report...

[Therefore] the grievor's misconduct at various periods during 1984 and 1985 has thus been established.

Decision of Thomas W. Brown in Bernard Payeur v. TREASURY BOARD (Foreign Affairs), p. 114.

Under oath, Foreign Affairs managers swore that the person who designed and programmed the *Currency Fluctuation Reporting System*, which had identified millions of dollars in savings, was found—after he informed the Commissioner of Official Languages of a serious breach of the Official Languages Act—to be abysmally deficient in every rating category in a special performance appraisal, the Appraisal from Hell. No further proof was needed. My firing, the Appraisal from Hell, the unrelenting harassment... Everything had to do with my call to Max Yalden and nothing to do with my discovery of the multi-million dollar fraud! Why didn't I see that?

The Betrayal of Joe Clark

Joe Clark betrayed me and he, in turn, was betrayed by those who convinced him that betraying me was the right thing to do. Lucette was in Montréal at a government-sponsored conference at the Place Victoria Hotel where she recognized Denis Beaudoin. Beaudoin was Special Assistant to the Right Honourable Joe Clark. She introduced herself as my wife and pointedly asked him what had they done to her husband? (“Veux-tu bien me dire qu’est ce qui c’est passé?”) Denis Beaudoin, perhaps taken aback, was extremely forthcoming. The following is my understanding and interpretation of what she repeated to me.

Mr. Clark would have liked to help your husband but he had an understanding with Massé that he would not interfere with his running of the department. He still blames them (Foreign Affairs) for his disastrous trip (the trip around the world where they lost his luggage) and needs their cooperation.

The conversation ended with a promise that they would extract some payback for what had been done to me.

If it’s any consolation, the careers of those responsible for what happened will suffer a setback.

And they did, but friends in high places would make it up to at least one of them. I was in Ottawa’s historic ByWard Market when I ran into a former manager with the Financial and Accounting Division of Foreign Affairs, the division where Post Accounts was located. My first car had been a 1950s vintage Volkswagen. There was a gathering in the market that day for a Volkswagen fan club of which he was a member. He asked if I wanted to see the club’s *bug* collection. I did.

As we walked over to the area where the cars were on display, he asked if I was aware that Dave Gordon had retired. I wasn’t. He said they often played golf together and that he was enjoying his retirement. Did he want to rub it in? I don’t think so. He enquired if I knew that, upon retirement, Gordon had been given a substantial bonus to make up for lost promotions because of my discoveries.

I gave no indication of how disappointed I was that Foreign Affairs would again, when it thought no one was looking, pick the taxpayer's pocket to reward one of its own for, according to former Ambassador Raymond Chrétien, "taking a bullet for the department." I sent an advanced copy of chapters (in the first edition where the ambassador is mentioned) to Chrétien. I owed him that much for the things he said about me in his report to Massé. He called me at home and we had a very pleasant conversation. We talked for almost an hour.

The events described in my book were milestone events for me; not so, obviously, for the ambassador. He had no recollection of these events until I mentioned that the story was about me. In the first edition of *Shooting the Messenger - A Whistleblower's Tale*, I refer to the protagonist in the third person, leaving the reader guessing. About halfway through our conversation, he asked if I would tell him the name of the Foreign Affairs' whistleblower. When I did, a light went on: "You mean *you* are the guy who discovered that posts were not returning millions of dollars to Ottawa?"

The conversation was almost entirely in French, except when I asked what he thought of Gordon getting a bonus upon retirement. "He took a bullet for the department," he said. I asked former Ambassador Chrétien if he thought it was fair that the man at the center of my controversial firing got an ostensibly substantial boost to his already generous pension while I lost my job and my meager pension was taken away.

He agreed that it was not fair, but what can you do? He wasn't in government anymore and would rather not get involved. He suggested I get in touch with Denis Comeau, another ambassador keeping busy between diplomatic assignments as Inspector General for Foreign Affairs, Chrétien's old position when I first met with him. I wrote Ambassador Comeau. Nothing came of it.

If Gordon didn't order my firing—the inference that can be drawn from the ambassador's use of the English expression "he took a bullet for the department"—then who did? Gordon said under oath that terminating me was his decision. Perhaps, but as a simple director he could not have gotten an Assistant Deputy Minister to short-circuit the normal disciplinary process and terminate me forthwith, and neither could his boss Director General Dan Bresnahan. Only Joe Clark or Deputy Minister Marcel Massé were in the position to do that. Denis Beaudoin's admission rules out Joe Clark. That leaves only Marcel Massé, the man who, in later incarnation as Minister, gave us the

Sponsorship Scandal. In testimony before the Gomery Commission, former prime minister Jean Chrétien informed the committee that the suggestion for the sponsorship slush fund came from Marcel Massé. Go figure!

Right after the referendum, I asked Marcel Masse (sic), then Minister of Intergovernmental Affairs, to chair a cabinet committee to make recommendations to me on an action plan for national unity.

After accepting Massé's suggestions, the former Prime Minister made him President of the Treasury Board. If, instead of letting Massé make an example of me, Joe Clark had made an example of Massé, the following may never have happened:

The Auditor General of Canada has confirmed serious problems in the Federal Government's management of its Sponsorship Program for a four-year period beginning in 1997. Most significant was the widespread non-compliance with the rules, which extended to five major Crown corporations and agencies, according to Sheila Fraser in her Report tabled today in the House of Commons.

In that four-year period, the Sponsorship Program consumed \$250 million of taxpayers' money, and more than \$100 million of that amount went to communications agencies in fees and commissions.

Office of the Auditor General of Canada, News Release, Ottawa, 10 February 2004.

So What?

What did I really accomplish? Did I really save the taxpayer tens of millions of dollars? They may have implemented my design and used my formulas, but if history is any guide, some compensating mechanism would have been put in place or rules changed to keep the money *legally* flowing to sustain the lifestyle to which the diplomats had become accustomed courtesy of the currency exchange windfall. When it was discovered that diplomats were exchanging their first class and business class plane tickets for economy class and pocketing the difference, which was illegal, regulations were changed to make it all legal, retroactively of course.

What about my complaint to the Commissioner of Official Languages, which compelled Foreign Affairs to open up large sections previously off limits to French-speaking Canadians and stopped the department from turning the clock back on language rights? Somebody was bound to raise a complaint *eventually*, and the changes that I caused to happen would have happened, *only later*.

Whatever I did accomplish, was it worth it? What is worth the risk to my physical and mental health and the scars that won't heal? Was it worth being cheated, slandered, libelled, and eventually unceremoniously deprived of my livelihood? I have managed to put most of it behind me, although the withheld government pension, at this stage in my life, serves as a constant reminder of what was lost.

I must admit, I am slightly bitter for being such a chump, for believing that a job well done was its own reward. At the time that I discovered that diplomats were stealing millions of dollars, the government had a program whereby public servants who identified savings, when it was not part of their job description, were entitled to ten percent of the first year's savings to a maximum of one hundred thousand dollars. I did not apply because I was working at a job I loved, and being well-paid for, and that was compensation enough—and then the roof fell in.

Investigative Journalism, Canadian Style

The type of investigative reporting done after the Watergate break-in by *The Washington Post* is an American tradition, not ours. Also, in the American tradition, it is the Davids, not the Goliaths, who get the benefit of the doubt.

The day after Ambassador Harris informed me that I had been found guilty of insubordination then had me escorted out of 125 Sussex, I went to see my Member of Parliament Michael Cassidy, NDP. It was a short meeting. After hearing my story, he offered to help, but first I had to help him help me, and I could do that by getting my story in the papers and blaming the government. If I could get that done, he would raise the issue of my dismissal in the House of Commons. That was it. He returned to whatever he was doing when I walked in and wished me luck as I walked out.

I first went to the Ottawa offices of the iconic *The Globe and Mail* not to blame the government—which, as far as I was concerned, had nothing to do with it, Clark's letter praising his officials notwithstanding—but to tell my story. I was introduced to a young woman reporter. She was sitting in the middle of three or four rows of desks in what we have come to associate with a newsroom, albeit a small one. I was asked to take a seat next to her desk.

I waited. She was listening to that day's Question Period in the House of Commons, which was piped into the newsroom over loudspeakers, while typing furiously. Her column, a recap of the previous day's Question Period, was front page news the next day. Eventually we moved to a closed office. The room had a glass wall opening up into the newsroom. The first thing she did after we sat down was point out who in the newsroom was having sex with whom. On some other day I might have been interested in the sexual peccadilloes of *The Globe and Mail* reporters and editors, but not that day.

She stopped talking about the life and times of her colleagues long enough to listen to what I had to say. To the best of my recollection, she did not ask a single question. She thanked me for coming in; she would be getting back to me shortly. She was a woman who kept her word.

She got in touch with me the very next day. She had called Foreign Affairs, who told her that I had been dismissed "for cause" and she should not believe anything I had to say. She ended the conversation with, "Please don't call us again."

She must have spent a whole five minutes investigating my story. That would be five minutes more than did the middle-aged gentleman from the *Ottawa Citizen*. The *Ottawa Citizen*, the capital's leading newspaper, sent an editor to my home after getting my call. *The Globe and Mail* chose to believe Goliath but at least they spent a few minutes listening to what I had to say and made a phone call to get the big guy's reaction. The *Ottawa Citizen* could not even be bothered to do that.

The *Citizen's* man sat down in my living room and opened a notepad of sorts, getting ready to take notes. I had just begun telling my story when he interrupted to enquire if I knew what Eric Neilson was up to at Foreign Affairs. For those old enough to remember, Eric Neilson had been tasked by the Mulroney government to review all government programs with a view to making cuts⁷. I told him that I did not know what Neilson was up to and even if I did, I would not be divulging any confidential information. What I wanted to talk about was a simple bookkeeping fraud involving millions of dollars. He promptly closed his notebook, got up and showed himself out.

I would speculate that after getting that call from *The Globe and Mail*, Foreign Affairs, or someone acting on its behalf, anticipating where I would go next, got in touch with the then Editor-in-Chief of the *Citizen*, Keith Spicer, to obtain his cooperation. The former Commissioner of Official Languages would have been predisposed to go along if it meant protecting the reputation of the Office of the Commissioner of Languages and that of his successor Max Yalden who, in the midst of an investigation he was conducting into widespread breaches of the Official Languages Act at the department, traded places with the Canadian Ambassador to the Belgium Court, D'Iberville Fortier. I submit that it was in the interest of all concerned that my allegations not be investigated and risk exposing Fortier's and Yalden's connection to my firing, let alone embarrassing Canada's diplomats.

How else would you explain a newspaper—for which a government official dining at a fancy restaurant at the taxpayer's expense (remember George Radwanski, Privacy Commissioner and

⁷ Eric Neilson would abruptly end his search for savings at Foreign Affairs because, in his own words, "they did not spend money in Canada." Go figure!

gourmet) is front page news – not caring to hear about public servants helping themselves to millions of dollars to which they were not entitled? Why send to my home an ill-mannered editor who was obviously on a fishing expedition, and who reported directly to Spicer, instead of a regular reporter who might have conducted a proper interview? I still wonder what they would have done if the editor (whose name I wish I could remember) had managed to get me to break my oath of secrecy.

The *Citizen's* cooperation with those responsible for my dismissal did not end there. After reading Thomas W. Brown's decision, I picked up the phone and called his boss. The head of the Public Service Staff Relations Board, the former House Leader of the NDP in Parliament, actually answered the phone: "Ian Deans here."

"Mr. Deans," I said. "My name is Bernard Payeur."

Click. He hung up, just like that! I immediately called back. Someone else answered. I was told that Mr. Deans was not available and would not be for some time.

I don't remember how long it was after that phone call that the *Ottawa Citizen* published a puff piece about the Public Service Staff Relations Board in which it singled out the excellent work of one Thomas W. Brown. Should what had transpired at my hearing become public knowledge, the *Ottawa Citizen*, on which Goliath's behalf I can only speculate, ensured that it would be the word of a nobody against that of an adjudicator it had publicly praised.

Mulroney and a Different Lesson Learned

When former Greek Prime Minister Andreas Papandreou needed to send a *highly* confidential message to President Reagan regarding not following through on his election campaign promises, he chose a more secure, more direct, if unconventional method than diplomatic channels. He chose as his messenger a beautiful Greek Canadian woman who just happened to be a childhood friend of Mila Mulroney, the wife of the prime minister.

I met the quite stunning and absolutely delightful Mary Francis Loisos at the then somewhat exclusive Rideau Lawn and Tennis Club. Mary Francis was the social secretary to the Greek Ambassador to Canada. She not only planned but hosted official functions for and with the ambassador. She was with Mila at the exclusive Mont Royal Tennis Club when the future prime minister and the future Ms. Mulroney first laid eyes on each other.

When her ambassador returned to Greece, she did the same. I had not seen her for a number of years when she rang my doorbell. She was accompanied by a reputed Greek shipping magnate by the name of Paul M... Paul was in Canada to convince the Canadian Government to allow his ships to ply the Saint Lawrence River, picking up scraps of wood and sawdust from sawmills that dot the waterway from Gaspé to the Great Lakes, without having to pay the normal levies and taxes for foreign ships operating in Canadian waters. The wood scraps would be transformed into ethanol on board his ships and delivered to the American market via the St. Lawrence Seaway and the Great Lakes. To get his way, Paul appeared ready to offer the prime minister a substantial bribe.

At one point during his visit, he asked me if I would keep an eye on the briefcase he had with him at all times. He and Mary were stepping out to rent a car. "What's in the briefcase?" I asked.

"Monnnneeeey," Paul purred. "Would you like to see it?" Without waiting for a reply, he placed the briefcase on the kitchen table and began fiddling with the latches.

"I don't want to see it," I said, "and please take your briefcase with you, if you don't mind." Why did I not accept the invitation to check

out the cash in the briefcase and, if the briefcase did contain cash, alert the authorities that an attempt might be made to bribe the prime minister?

I had been out of work for more than a year; if it was not a joke, could I resist asking for a piece of the action? Even if I could resist asking for a few crisp ones to pay the mortgage, would I have informed the authorities if Paul had opened his briefcase and it had been full of cash? The answer would have to be no. I no longer gave a damn. It would take years before I would do so again. If Paul did intend to bribe the prime minister and he took the bribe, so what? I now knew better than to stand in corruption's way.

Mary Francis was, of course, not here to bribe anyone; she was here to visit with her good friend Mila and deliver a confidential message from the Greek Prime Minister to Prime Minister Mulroney, who would convey it to President Reagan. Papandreou was in the middle of an election campaign and did not want it delivered via official channels for fear that it would be leaked to the press.

Mary was quite miffed when she showed up at my place. The royal treatment she had expected from Mila had not happened. She had met with Mila that day and would meet with her again, but there was no way she was sleeping under the same roof as her and Brian.

The next day, or the day after, she asked me if I would drive her and Paul to meet the prime minister. It was during the drive to Brian Mulroney's office on Parliament Hill (for those in the know, it was a semi-official visit, therefore she met with him in his Parliament Hill office rather than his office in the Langevin Block) that she volunteered the following information:

The Greek prime minister was in the middle of an election campaign and was making noises about closing the American bases in Greece. He wanted her to meet with Prime Minister Mulroney so he could tell the president in private (you may remember that Brian Mulroney had established a strong personal relationship with Ronald Reagan) that what he was saying during the election campaign was for local consumption only: *he had no intention of making good on any of his threats to close the American bases.*

What about Paul's assumed attempt to bribe the Prime Minister? Mary Francis was still with the Prime Minister when I got a call from Paul to pick him up and drive him to the airport. Paul was incensed. How dare they treat him so shabbily! Mulroney, it seemed, had wanted nothing

to do with him. It is not clear whether Paul met with Mulroney or was simply invited to leave by an aide when the nature of his business became known. I drove Paul to the airport. Clutching his briefcase against his chest all the way, he just wanted to get out of a country that "did not know how to do business."

EXTRA

Where Have All the Fish Gone?

To Russia, Japan, France and Norway, everyone⁸

"You can all always tell a Canadian Foreign Service Officer; you just can't tell him much," someone once said. And there's the rub. Arrogance can blind you to what you don't know, into thinking you know more than experts in the field. This conceited attitude can have serious repercussions even here at home.

The seminal event that made the collapse of the cod fisheries all but inevitable was the giving away – by people who obviously knew next to nothing about fish – of the cod's basic food source, the small silvery fish called capelin, to the then U.S.S.R., Japan and Norway *for diplomatic considerations*. In 1978, the U.S.S.R. quota alone was 266,320 tons of offshore spawning capelin. That was the year that the crucial capelin was fished out; that was the year that Canada's cod population started starving to death.

Those who depended on Newfoundland's inshore fisheries for a living had for some time been trying to get the government's attention as to what was happening to the cod, but to no avail. They saw their opportunity when Parliament decided to hold hearings into the state of the Atlantic Fisheries with the cod in mind. With the cooperation of their Member of Parliament, a group of inshore fishermen stormed a committee hearing carrying sacks of frozen cod which they emptied on the evidence table in front of the Committee. All the cod on display had big heads and slender, arrow-like bodies. This, they explained to the Committee, was not what healthy cod looked like; these cod were evidence that the Grand Banks' Northern Cod was starving to death. Still, as my wife, who was one of the interpreters that day, explained (this was not an in camera hearing therefore she was not betraying any confidence), all some could do was complain about the smell.

It was not the first time that Foreign Affairs interfered with fish management, according to the author of *Lament for an Ocean - The Collapse of the Atlantic Cod Fishery: A True Crime Story* (McClelland &

⁸ With apologies to Pete Seeger, author of *Where Have All the Flowers Gone*.

Stewart, 1998) by Michael Harris. In 1987, Harris wrote, "Foreign Affairs signed a secret agreement with France, delivering to France 10,000 tons of northern cod that had been cut from Canada's own offshore fleet."

The lack of experts in the field may still be a concern. In 2005, Peter Harder, then Deputy Minister of Foreign Affairs, tried to do something about his department's dangerous personnel shortcomings but was thwarted in his efforts by the union that represents Canadian Foreign Service Officers, the Professional Association of Foreign Service Officers (PAFSO). PAFSO successfully argued, in Federal Court, that it had the final say as to who could join their exclusive fraternity. The Canadian Foreign Service dances to its own tune, and there is nothing much that anyone can do, or is willing to do about it, as I discovered to my everlasting chagrin.

The diplomats were not entirely to blame for being ill-informed about the cod's food source. It was only after the near extinction of the cod fishery that the Canadian Government, as it tends to do, e.g. the impact of mining oil from tar sands on global warming will not be extensively studied by Canada until it is too late, decided to spend money to learn more about the lifecycle of the cod. One thing government scientists discovered was that young cod find their way to the spawning ground by following older cod; it is learnt behavior.

Unfortunately, even if the government had known this beforehand and regulated the taking of older fish, it would have made little difference for it also allowed the spawning grounds to be completely gauged by deep-sea trawlers making it unrecognizable to the cod, or unsuitable for spawning.

PART 4

Lucette and that Damned Firing

I was sitting at my computer, an early Compaq portable, thinking about who to write to – after the Right Honourable Chief Justice Robert George Brian Dickson had dismissed the appeal of my dismissal for alleged insubordination with a curt, cold, "Not a question of national interest" – when she came up the stairs, put a hand on my shoulder, and softly said: "You've done enough; time to move on."

I was not ready to give up. I was not ready to move on, even if two and half years without a paycheck had taken its toll. All our savings were gone and we were deeply in debt.

"Ross said he spoke with a consultant he knows from Montréal who is looking for someone to manage some of his people here in Ottawa."

I ignored her, not something I usually did.

"Don't you understand? We are broke," she said. "We have no more money. The bank won't lend us any more; you have to get a job."

I still ignored her. I am sorry about that.

"Won't you at least meet with the person who is willing to give you a job?" she pleaded.

I had not looked for a job, thinking it pointless! Who would hire someone who had been fired from the Public Service, especially with the Appraisal from Hell as a reference? Someone was actually willing to overlook all that. If I was not at least willing to talk to such a person, I risked losing more than mere possessions.

As part of her job, Lucette often found herself in the same room as government ministers and sometimes even the prime minister. The hardest thing for her during my confinement, with an impossible task to perform and a promised loss of employment no matter what I did, was stopping herself from walking up to a powerful minister, or even the prime minister, and pleading with them to help me.

She had promised me she would never do that. She did, however, as mentioned earlier, confront an aide to Joe Clark in Montréal and recommended David Kilgour as a Member of Parliament whom, in her opinion, my former employer could not bribe or otherwise influence, but that was the extent of her involvement outside the home.

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I did not want her to plead my case with any of the powerful people with whom she rubbed shoulders, not only because if she inconvenienced the wrong Minister she was out of a job, but because this was my fight, and it would be won or lost on its own merit. My concern for her job was also why I did not want her at my hearing before Thomas W. Brown, or at my appearance before the Federal Court of Appeal and later, the Supreme Court of Canada. My opponents had revealed themselves to be people without honour. Her presence could only inspire further acts of reprisal with her as the means. I would not take the risk, even if her counsel at my hearing before the Federal Court when Judge Marceau stated the obvious would have been invaluable.

In some ways, my firing had more of an abiding, deleterious effect on her than on me. She actually blamed herself for not having taken better care of me. As if any other woman could have done more, before, during and after! In any event, I would not let her, so she should not have felt bad. But still, she did.

CIDA Days

André's—another André—small, Montréal-based computer consulting firm had won an impressive contract to provide user support to the Canadian International Development Agency (CIDA), and he was looking for someone to manage the young people he sent to Ottawa.

Ross, the man who spoke with André about giving me the job, had been a student of my Lucette. During the summer months, the University of Ottawa offered a program in French immersion at the University of Aix-en-Provence. The course was paid out of pocket as it was not part of the government's second language training program for public servants. My wife-to-be, who already taught French as a second language at Ottawa U., was asked to accompany the group to the south of France the summer before we met. This is how she got to know Ross.

Unlike Richard, our insecure bilingual, the University of Ottawa was proud to send Canadians to teach French, even in France. It did not cost more than hiring a French *professeur* and they were just as good, if not better.

I met with André at CIDA headquarters at Place du Portage, a large complex of grey buildings that dominates the Federal presence on the Québec side of the Ottawa River across from Parliament. The next day, he called me at home to say that I had the job. Lucette was at work. "Thanks, André," I said, "but I have unfinished business to take care of. I'm sorry."

André was my age, perhaps a couple of years older, and like Richard, he had that self-assuredness; unlike Richard, whose self-assurance was ignorance masquerading as bravado, André's inspired confidence, a confidence that was hard to resist.

"Finish it before Monday," he said, "because that is when I expect you at CIDA," and he hung up.

The per diem offered was good, very good, and we needed the money. I could return to the fight at a later date, so on Monday I showed up at CIDA first thing in the morning.

I enjoyed supervising the work of my staff, although I was their boss in name only. Sylvain was the one they looked up to. He was their Hawkeye (Alan Alda of M*A*S*H*) and I was more their Colonel Blake (McLean Stevenson). I did not mind, as long as the work got done.

I knew better than to send Sylvain to fix the easy problems; he thrived on the difficult ones. He was the team's go-to guy when a problem seemed unsolvable, and he always graciously accepted to see what he could do—just don't send him to show someone where to find the *on/off* switch. He was also a workaholic. If he had free time, he could be found working at his computer. He reminded me of myself in many ways.

The manager at CIDA to whom I reported, and whose name now escapes me, was seldom around. During the year that I was there, he spent more time on the golf course or in French training (so I was told) than at the office. Sylvain could barely contain his disdain for the man's work habits and his ethics. He knew something about the man that he would divulge later, after we became friends, that more than justified his contempt.

It was during one of his longer visits to the office that my CIDA boss noticed I did not assign work on a strictly rotational basis. I seldom needed to. Employees who required assistance usually called the person who had helped them the last time. New requests for support had no shortage of volunteers and, when I had to make a decision, I usually sent the person most qualified to deal with the problem reported. Everybody was happy. During my time at CIDA, I did not receive a single complaint about my staff's performance.

For some reason, almost a year into my assignment, my CIDA boss decided that letting people choose their assignments and sending the most qualified to deal with a problem was no longer acceptable. There was to be no more volunteering or selection on the basis of expertise. It was a matter of who was next in line when the call came in. Needless to say, this did not go down well with my staff, let alone Sylvain. My four-person crew of trouble-shooters included a young woman who was less experienced than the others, which also explains much of the volunteering by her male colleagues. They were a team and looked after each other. My CIDA boss' new directive meant they could no longer work as a team.

Early one afternoon, Sylvain came to see me and asked why he had been shut out of all computer systems. That was weird; I still had access. It was obviously not a systems failure. "Give me a few minutes," I told him, and went to enquire from my CIDA boss, who

just happened to be around on a Friday, if he knew what was going on. He said he was doing me a favour. He had noticed Sylvain was unhappy with the changes he had made and that this was causing me difficulties, so he was getting rid of him. He wanted him out of CIDA that afternoon, and would I take care of it?

Yes, Sylvain was not the easiest employee to deal with, especially after the changes in the way my staff was given assignments. Nonetheless, a disapproving look, a muttered objection to what I was asking him to do, and a slowness to get up when I sent him to solve a problem that he felt was beneath him was no reason to sack him that way. The type of cavalier, cowardly treatment of a fellow human being demonstrated by my CIDA boss hit too close to home. Maybe every manager should be summarily shown the door at least once in their career so that they may learn to appreciate what it's like.

He wanted to get rid of Sylvain and that was his prerogative, but not that way. I was going to have a talk with him. In the meantime, I asked the man on whom my job also depended if he wouldn't mind restoring Sylvain's computer privileges. It was important for what I was going to do next that he still be with CIDA, and that there be no doubts he could be trusted to access the agency's computers.

Other managers at CIDA had no problem managing bright, if sometimes difficult, people. One of them, a fellow by the name of Sutherland who was responsible for local area networks, had told me, at one time, that if I ever wanted to get rid of my best problem solver, he would gladly take him. When I told him that Sylvain was available, he simply said: "Send him over; glad to have him."

I then asked Sylvain, whose computer privileges had been restored, to join me for a coffee. I told him about how the client felt and the job offer in another part of CIDA. Was he interested? He was. That would be the last time I met with Sylvain at CIDA. That weekend, I received a call from André. The client had contacted him and wanted me replaced. The client had wanted Sylvain fired, not sent to another jurisdiction. I saved Sylvain's job only to lose mine...*again*. I knew I had done the right thing when André immediately offered me another job within his organization: that of marketing his company's services to the Federal Government.

To get the CIDA contract, André had offered incentives to my now former boss and the official who, in what was then the Department of Supply and Services (DSS), had to sign off certifying that the contract had been fairly awarded. André was convinced, and I can't blame him, that a supplier of goods or services to the Federal Government could

not play by the rules and stay in business. "You played by the rules," he said, "and what did that get you?" He had a point. It did not matter; I could not operate that way.

We parted ways amicably. I was ready to go out my own and market my services using an application I had developed, during the two years it took for my appeal to reach the Supreme Court of Canada. Before I left, I had an opportunity to ask André why he hired me. He had to know that I would eventually learn about how his small company obtained such a large multi-year contract. Wasn't he worried? No, he was not worried at all. The fact that I had been fired from the Federal Government for blowing the whistle was one of the reasons he hired me; I was not about to make the same mistake again. He was right, though it pains me to say so.

The incentive André offered to the CIDA manager—who would provide him, beforehand, with the questions (and answers) that the staff he proposed would be asked as part of the evaluation—was the opportunity to play golf, all expenses paid, at some of Montréal's and the Laurentians' finest golf courses.

The DSS bureaucrat responsible for ensuring a fair competition let it be known that he had some office space for rent, a dilapidated two-story house with sagging floors and yellow wood siding in desperate need of a fresh coat paint, only a block from CIDA headquarters. Shortly after the winner was declared, the man from DSS took down his "For Rent" sign. André did what he had to do to survive, if not prosper, and in the process he saved my marriage, if not my life.

The Shell to the Rescue

(Advertisement, circa 1991)

The Boreal Shell The Multilingual Solution

The Federal Government says all its new software programs should now be available in both official languages.

The Official Languages Act now requires that federal government institutions "that regularly and widely used automated systems from processing and communication of data acquired or produced by the institution on or after January 1, 1991 can be used in either official languages."

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- Perform simple & multiple Searches
- Exporting, On-Line Help
- Pop-Up Utilities
- Not-a-Function

ZIM 4GL/DBMS - Open Application Development.

The Boreal Shell is available on the complete range of ZIM-supported platforms.

ZIM is a fully-open application development environment that embraces the emerging standards of the 90s for the delivery of complex, multi-user applications of superior design. Based on the Entry-Relationship (E-R) data model, ZIM provides one uniform language for the entire application development cycle.

Denis was a man with a big problem on his hands. He was the civil engineer in charge of a computer project to catalogue all assets for

which the Federal Government was responsible in the more than 800 First Nation communities, i.e., reserves, across Canada, and that included everything from roads to fire halls and firefighting equipment, water treatment plants, schools, etc. His first attempt at creating a database had taken more than a year and was an abject failure; the highly touted American DBMS (Database Management System) proved inadequate for the task. Indian Affairs would be the first to adopt the Boreal Shell. There would be no pilot; there was not the time.

Government departments are notoriously shy about trying unproven Canadian technology like the Boreal Shell, and to make matters worse, it was based on a Canadian DBMS with the unfortunate name of ZIM, a name which completely obscured the powerhouse that was the ZIM DBMS and the ZIM fourth-generation language.

To get my first customer, I made Denis a promise that normally would have been considered reckless. I promised him that, using ZIM and the Boreal Shell, and starting from scratch, I could have the thing done in four months. Not only that, but it would include a user-friendly interface and a feature that no other database product on the planet offered at that time: the ability to respond to the user in the language of his or her choice, in this case English or French, and produce reports on the fly in either language. If I did not deliver what I promised within the agreed-upon timeframe, he did not have to pay me. He was impressed enough that he gave ZIM and the Boreal Shell a chance, and he never looked back.

The system, which became known as CAIS for Capital Asset Inventory System, was built within the time allowed and implemented within all the Indian and Northern Affairs (INAC) regional offices across Canada. With the success of CAIS, I was asked to build the more complicated companion system, ACRS (Asset Condition Reporting System, pronounced *acres*). Every year, the Department of Indian and Northern Affairs must estimate and allocate the amount of money it will need to maintain First Nations' community assets in good working conditions and to track projects related to the maintenance of these assets. This was the role of ACRS. ACRS won the Deputy Minister's award for excellence, coming in on time, under budget, and exceeding requirements and user expectations.

With the Boreal Shell as my calling card and satisfied customers, the next few years were good for business and the debt we had accumulated after my first firing started to dwindle. Then the

proverbial butterfly flapped its wings, not in Beijing, but in a desert of Iran.

The Butterfly Effect

Way back when Nortel was Bell Northern Research (BNR) and mini-computers were the information management workhorse, BNR created one of the first and best fourth-generation language and database management systems (DBMS). The promise of an English-like programming language to replace third-generation languages such as COBOL (Common Ordinary Business Oriented Language), making the building of information management systems easier, cheaper and faster, became a reality.

PC Magazine rated this fourth-generation language as one of the best, boasting about its feature-rich environment. *Butler*, a respected U.K. computer journal, said it was one of Canada's best kept secrets, "a gem." Unlike other attempts at building English-like computer programming languages (4th-GLs), which were rushed to market full of contradictions and bugs, BNR gave its engineers all the time they needed to get their 4th-GL right since it was initially meant as both a research project and for internal use only. When it was completed, engineers whose dedication meant that Canada was now a leader in 4th-GL technology, with BNR's blessing, made this elegant, powerful English-like programming language and its equally powerful and flexible database management component available worldwide.

Perhaps because they grew up in the 60s, the engineers called this little technological wonder ZIM, a name that obscured the fact that it was a serious language and a robust, industrial strength DBMS. ZIM was superior to its competitors, from Oracle to Microsoft SQL Server, SAP to IBM's DB2. ZIM was equally at ease running on a PC or the biggest mainframes from IBM. ZIM ran circles around its competitors on just about every mainstream operating system in existence at the time, including just about every flavour of UNIX, QNX, VAX VMS, IBM CMS, OS2, and Windows.

ZIM was also one of the first, if not the first, to incorporate what has now become ubiquitous in all DBMS development platforms: "a forms painter."

Chaos theory holds that a small event in one part of the world can have unforeseen and unpredictable consequences in another part of the

world—the proverbial Peking butterfly’s wings flutter and lead to hurricane force winds off the Florida coast. For ZIM, it was the collision of two U.S. military helicopters over a desert in Iran on April 25, 1980 during the abortive attempt to free the U.S. hostages in Teheran.

An investigation into the cause of the disaster revealed that the computer systems of the various armed services participating in the rescue attempts could not communicate with each other. This last finding led to a whole series of initiatives by the U.S. military, including the standardization for retrieving and updating information in computer databases. Rather than looking forward for standardization, the American military looked back to a standard established almost 30 years before by the IBM Corporation, that standard being SQL or Structured Query Language (usually pronounced Sequel). In 1992, the Canadian Government, as it is prone to do, would follow the U.S. lead and adopt SQL as a standard for all federal departments.

The ZIM DBMS had its own query language and it wasn’t SQL. It was better! For example, if you wanted to find all authors whose first name is Bernard in a computer file containing the name of all the authors in Canada, you would make your request to the computer using ZIM in the following manner:

Find authors where FirstName is “Bernard”

Using SQL:

Select All from Authors where FirstName = “Bernard”

ZIM was not only more intuitive than SQL, being slightly more English-like, but underneath its eloquent, polite exterior was power incarnate. SQL handled data one record at a time, a waste of valuable processing time. ZIM handled data in large chunks, having implemented advanced mathematical set processing concepts within its DBMS. The fact that it was better, having been developed in part to compensate for SQL’s deficiencies, would make no difference. For purists and conformists, the ZIM DBMS was not *relational*, something that would not have been obvious to even the most sophisticated user and which had no impact on its interoperability with other databases.

The architecture of the ZIM DBMS was based on the hierarchal model (think of an organization chart), not on the old relational model, and was far ahead of its time. I won’t go into the details of why one is superior to other, but just to give you an indication of how the ZIM DBMS was ahead of its time: twenty years later, the world began

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moving from the relational to the hierarchical model, the advantage of this model having been proven convincingly with the introduction of XML (eXtensible Markup Language), a new way of storing and exchanging information electronically and hierarchically.

The fact that ZIM was Canadian, and superior to anything else on the market, made no difference to the disciples of conventionality. The ZIM engineers would move quickly to make SQL a part of ZIM, but not fast enough for the government, which labeled ZIM non-standard and therefore outside of the normal procurement process, giving reason for bureaucrats to dump ZIM in favour of its less capable, more expensive foreign competitors. Following that decision, there were no new customers to be had in Ottawa. Fortunately for me, Bell Canada, where ZIM was conceived, was not yet ready to abandon the little engine that could.

Doing Google Before Google Did Google

My first private sector customer for the *Boreal Shell* was Bell Canada Enterprises. Bell purchased a site license, which meant it could use the *Shell* anywhere within the Bell organization without any further payments to my company, Boreal Informatics Inc. The first Bell system to benefit from my shell was NOMAS, a small Human Resource Management System (HRMS) dedicated to the management of part-time employees. The person who negotiated the license told me that I should have insisted on more money, that Bell had saved the equivalent of perhaps a dozen years in employee salaries (that had to be an exaggeration) since the *Shell* had been made part of NOMAS.

After NOMAS, I was invited to customize a large, complex incident tracking system known as LEGOS. It required the *Shell* to automatically switch between a character base and a graphic interface depending on the operating system detected, among other things.

Bell's generous per diem meant that I could afford to stay at the only apartment hotel on Crescent Street, the affectedly named Chateau Royale. Montréal's Crescent Street is where booze, beautiful women and bawdiness effortlessly mix. On cosmopolitan Crescent Street, it's not just a cliché; you do meet the most interesting people.

On one side of the street is a two-story building with two spacious outdoor balconies. One is the extension of a well-appointed dining room that takes up the entire top floor; the other, an extension of the first floor Cheers-like bar, only bigger. Beneath it all is a nightclub where, when I was there, disco went to die and found a new lease on life. The building, which encompasses the restaurant, the bar and the disco, is called Thursdays - in French, "Les Beaux Jaudis," though even its French clientele call it Thursdays.

Across from Thursdays and slightly to the right is Ziggy's, a small pub where the late, great Mordecai Richler could be found. Then there is Sir Winston Churchill Pub (Winnie's) just next to Thursdays, an establishment almost as famous but without the Cheers-like atmosphere or the intimacy of Thursdays' disco. I spent many an evening at Thursdays during my almost five years in Montréal doing computer consulting.

I enjoyed letting my universe unfold in unpredictable ways on Crescent Street, as long as it did not interfere with the next day's commitments. It made for the most pleasant and distracting evenings, as can be attested to by those who have read *Love, Sex and Islam*. There were some practical benefits to the nightlife I enjoyed while in Montréal; it made the purchase of an expensive South American cockatoo unnecessary.

Stéphane was LEGOS's chief programmer. A programming error could impact the entire Bell network. Talk about a stressful job! He was, in many ways, your stereotypical overweight but pleasant-looking computer nerd in his late twenties or early thirties, with a full well-trimmed beard that gave him a robust look that women should have found attractive. He lived alone in a house that he owned. When he came home after work, there was no one to talk to about his day or, more importantly, to change the subject. His cubicle was next to mine. One day, he folded his arms across his keyboard, laid his head down and started sobbing uncontrollably.

Bell was worried that the entire team of about a dozen people was about to experience a nervous breakdown so arranged for everyone, except yours truly, to spend a week with a psychologist at a resort in the Laurentians. When they returned, they had all been rigorously psychoanalyzed and given techniques to deal with work-related stress according to his or her personality type.

For some reason, they asked their group shrink to analyze me. His analysis, based on my co-workers' observations, was right about half the time. At work, I was an adult committed to doing a good job while not letting the job get the best of me; away from work, I was often what he called "an eternal teenager." When on my own, I was somewhat reckless, open to new ideas and experiences of both the intellectual and sensual kind. I hope to remain, at least intellectually, an eternal teenager, like, forever.

Stéphane would continue to see a psychologist. I decided that what Stéphane needed was a girlfriend. Like I said before, he owned a house, had a good, well-paying job and was not unattractive, in spite of being overweight. Finding a girlfriend should have been easy.

I started inviting him for a game of pool after work and later, for a drink at Thursdays. He joined me a few times, but it did not quite work out. He did manage to hook up with someone he thought might be "a nice girl" but quickly broke it off when, after the second or third date, she called him at home and started "talking dirty," expecting him to do

the same. "People actually pay girls to do that," I told him. "Consider yourself lucky!"

He decided that the bar scene was not for him (and it isn't, if you are judgmental). Stéphane's real problem was not work related; it was returning home to an empty house after a hard day's work. His psychoanalyst decided that, until he found the right girl, an expensive South American parrot might provide the company he needed to sustain him emotionally until the blessed event.

It seemed to do the trick. Stéphane now came to work with something new to talk about. Two-thousand-dollar parrots of the *Cacatuidae* family, I found out, are smart birds. You don't train them; they train you. Pretty soon, Stéphane was coming to work with fewer and fewer bandaged fingers as he and his parrot learned to live together and appreciate each other's company.

To be a successful consultant, you have to be able to read body language. Guy Derasp, the man in charge of both LEGOS and NOMAS, had the easiest body language to read. Whenever we had a discussion—whether at my workstation or in his office—we would usually sit across from each other. Guy would cross his legs, his left over his right, then place one hand on top of the other on his left knee. Whenever the discussion was not going well, Guy's left foot would start to quiver. The intensity of the vibrations was an indication of Guy's unhappiness with the course of the discussion. If he took his hands off his knee and grabbed a hold of his shin, that was the time to put away any objections or misgivings about what he wanted done, and instead try to come up with a way to make that day's vision a reality. We had a lot of these vibrating discussions, in part because of modifications he wanted made to the *Shell* that would also require making serious modifications to LEGOS.

The Boreal Shell was breakthrough software but so was LEGOS. LEGOS "listened" for and alerted management and maintenance personnel about equipment failures or anticipated failures in Bell's new all-digital communication infrastructure in Ontario and Québec as well as parts of the Northwest Territories. The key components of this digital network were circuit boards with built-in electronics and software that could communicate a malfunction or potential malfunction in text message form to LEGOS, which would record this information in its database before alerting Bell personnel. Whoever made the repair would then record, in the same database, what had been done to fix the problem.

The ZIM database and the ZIM language were what made LEGOS shine and bolstered Guy's reputation. No other DBMS at the time could achieve what ZIM was required to do.

When I joined Bell to integrate the Boreal Shell within LEGOS, I wasn't aware that Guy intended to extend the reach of my Shell's text search capabilities to rival the future Google's—two years before the official launch of Google in September 1998—allowing searching on permutations of a search term (in addition to “sounds-like searches” already available in the Boreal Shell), meaning that misspellings did not invalidate your search. After more than two years of work, integration of the dual (character and graphic) interface of the Boreal Shell within Legos was almost complete, along with its improved text search capabilities.

I had joined Bell at a crucial time in its history, a time when the company embarked on a strategy that would make it cash rich in order to make the company more attractive to investors. It more or less started with a divestiture of its electronics equipment manufacturing and advanced research and development arm, which was spun out as Nortel Networks. During my last month at Bell, it rid itself of its entire programming and software application development staff, including Guy's operation. A thousand Bell employees or more became employees of CGI (the same company that completely flubbed the launch of Obamacare); at this writing, CGI is Canada's largest computer consulting and systems integration company.

CGI was not into research and development, and they did not do ZIM. I almost managed to present CGI with a *fait accompli*—and beat Google to Google—which would have made it difficult for them to abandon what Guy and I had accomplished.

One of the last components, which would give outside technicians across Ontario, Québec and what was then the Northwest Territories their first taste of the new LEGOS-Boreal Shell interface—inside technicians, those who worked at Bell's headquarters, had already used the *Shell* and were delighted—was due to be installed. As usual, I showed up at Bell just after midnight Sunday morning. The last major upgrade of the Boreal Shell/LEGOS was just over two hours away.

At three in the morning, LEGOS would be disconnected from the network, i.e., taken offline, and I would have two hours to make the upgrade before LEGOS resumed its monitoring of the Bell telephone network. If anything went wrong in the Bell telephone system during this time, such as a malfunction in a switch (circuit board), Bell would

not be made aware of it but the disruption in telephone service would be minimal.

After I made the upgrade, I began running a series of tests to make sure that everything had gone as planned. Every upgrade included an undo function, which allowed you to quickly remove all modifications made that night if you were not 100% sure that this was the case. I had not yet finished my tests when 5am rolled around and LEGOS was about to resume its monitoring of the Bell telephone network. I gave the undo command. It would mean a week's delay before outside technicians got to use the Boreal Shell and its Google-like enhancements, but it was better than getting off on the wrong foot with a system that did not perform perfectly.

A few days earlier, before this planned key upgrade, Guy announced that he had reached an agreement with CGI—unlike regular staff, Guy's management position and reputation meant he could negotiate the conditions under which he would join CGI—and that he would be leaving shortly. This meant that Ghislain, his second-in-command, would be in charge.

Ghislain was everything Guy wasn't, starting with the way he dressed. Guy was business casual, wearing a light brown jacket and pants with a tie that more than made up for the bland suit. For Ghislain, it was a three-piece black pinstripe suit. He was a perfect picture of the punctilious bureaucrat of yesteryears. Every organization needs someone like him to keep the paperwork in order. If he had been more like Radar (Gary Burghoff) and less like Frank Burns (Larry Linville) of M*A*S*H fame, it would have been alright.

Ghislain, like the Frank Burns character, saw himself as a leader. Guy's impending departure, and my decision to postpone the upgrade for another week, gave him the opportunity to demonstrate if not his leadership qualities, then his management style to his new employer. On Monday morning, I informed Ghislain—Guy was not in his office at the time—about Sunday night's cancellation of the planned upgrade. It should not have been a big deal.

Maybe an hour later, Ghislain showed up at my workstation with two gentlemen from CGI who shared much the same fashion sense. He told me to tell them what I had told him earlier. After I had briefed Ghislain that morning, he said that he expected me to return the following Sunday to make the postponed modifications at my own expense. It was a given that I would return next Sunday; that I would not be paid for work performed was unusual, but I agreed as the upgrade was too important to quibble about a night's per diem.

After my repeat performance for the gentlemen from CGI, Ghislain stood proud, stiff as a rail in his black pinstripe ensemble. The only thing missing was a stovepipe hat as he matter-of-factly announced to one and all, "I have demanded that Mr. Payeur return next Sunday to make the modifications to LEGOS at his expense and he has agreed to do so." This was the first time that he referred to me as Mr. Payeur, not Bernard. It was arrogance masquerading as excessive deference meant to impress his new bosses. In fact, his entire performance was meant to improve his standing with his new employer at my expense, both literally and figuratively.

The final upgrade to LEGOS that would have made Bell's Google more widely available and beaten Google's to the punch would never be made. My contract was up for renewal at the end of the week. I reminded Guy of that deadline when I saw him the next day. A short time later, I received an email confirming that my contract had been extended for an additional three months. Still later that day, I received a copy of an email from Ghislain to Guy informing both of us that there was no more money to pay for my services, therefore my contract would not, in fact, be extended. There had obviously been a change at the top.

Guy quickly came over to apologize for the misunderstanding and told me to enjoy my last few days at Bell and in Montréal. Guy's grace of a few more days (an employee or a consultant whose services are no longer needed is not expected to stick around) meant I could say a proper goodbye to my colleagues of almost three years, as well as to many of the people I had met at Thursdays who had made the whole experience memorable in ways I would only get to appreciate when I abandoned writing code to write prose.

Following my departure, CGI put ZIM-based LEGOS in maintenance mode. There would be no more upgrades until an ORACLE replacement was ready. Like I said before, CGI did not do ZIM.

Year 2000 at the Heart Institute

While visiting with a friend who had suffered a heart attack, I asked after the name of his cardiologist, thinking it might be the one who sent me a tree for Christmas. It wasn't!

A few days before Christmas 1998, there was a knock at the door. It was a delivery man from *Fines* with the biggest bouquet of red flowers I had ever seen. It was from Doctor D., a cardiologist with the University of Ottawa Heart Institute, "Canada's largest and foremost cardiovascular health centre dedicated to understanding, treating and preventing heart disease," not to mention heart transplants.

I asked my wife if it was proper for one man to send another man a bouquet of flowers, for whatever reason, even as a thank you. She pointed out that the poinsettia is a tree, not a flower, and that it is perfectly acceptable for men to send trees to one another.

I first met with Doctor D. at a planned meeting to discuss bug fixes and enhancements to the Institute's patient database and user interface after returning to Ottawa from Montréal. His previous consultant, who could not get out ZIM consulting fast enough, had asked me to take over. The bug fixes and what were considered minor enhancements only took a few weeks, maybe a month, but Doctor D. was obviously happy enough with my work to send me a tree for Christmas.

It was while performing these modifications that I recommended to Doctor D. that the Institute upgrade to the latest version of ZIM so as to avoid any year 2000 issues. He declined. He said that the Institute would be migrating the ZIM application to PowerBuilder and that the new system would be in place before the new millennium, which was slightly more than a year away at the time. PowerBuilder was no ZIM!

Doctor D. was very much concerned about the year 2000. He invited the consultant who had convinced him to switch from ZIM to PowerBuilder to meet with us in his office where he demanded his personal guarantee that they would have the replacement system up and running before then. The consultant's assurances came in the form of, "If ZIM can do it, we can do it, and do it better and faster."

I was now very much an expert in Doctor D.'s complex heart patient information system and offered to help the PowerBuilder team with their learning curve. "Not to worry," the consultant bragged, dismissing my offer; "We're fast learners." Not fast enough, as it would turn out.

I was in Montréal, having breakfast with the friends with whom my wife and I had spent New Year's Eve, when I got a message on my *beeper* asking me to call the Heart Institute. The worst predictions for the year 2000 had come true. In a matter of hours, I was standing with Doctor D. and the nurse-operator of his system trying to make sense of the dates that were appearing on the computer screen (which mainly had to do with scheduled treatments and medicine dispensation).

One of my first questions was: "Where is the PowerBuilder replacement?"

"It will not be available for a few more months," was the reply.

PowerBuilder had missed the crucial year 2000 deadline; a deadline that, in the case of the Heart Institute's patient database, could mean the difference between life and death. Performing a major software upgrade in the middle of a crisis of this magnitude where lives may be at stake is not recommended, unless there is no other choice.

I asked Doctor's D.'s nurse if she could revert to a manual recordkeeping operation until the PowerBuilder application was ready. She had already done so as soon as the problem became evident, and she could continue doing so for as long as it took for PowerBuilder to get its act together. I recommended that they continue with manual recordkeeping. In my professional opinion, it was the safest course of action until the PowerBuilder application was ready.

My Lucette was not as forgiving when it came to situations like this. "You're never going to get rich that way," she said. She would have recommended that they upgrade then and there and charged a small fortune for doing so; after all, it was their mistake for not listening to my advice in the first place.

She was wrong about the decision I should have made, and mostly right about not getting rich that way, but it was never about the money. If it had been, I would never have blown the whistle way back when.

My business had not suffered because I offered honest advice for a reasonable fee; quite the opposite. I would never get rich, but by the same token, I never thought there would come a time when I would

again lack for money. The government abandoning ZIM and setting an example for the private industry to follow was only part of it.

Michael Cowpland and First Nations

Around the time I was building CAIS and later ACRS, the Government of Canada announced a policy whereby First Nation communities were going to be given the resources, training and technology to manage their communities. As part of this policy of devolution, there was to be a transfer of computer-based management information technology to the First Nations, and part of that transfer included CAIS and ACRS.

After the development of ACRS, I went to work for the Ontario First Nations Technical Services Corporation (OFNTSC) to make it happen. We merged CAIS and ACRS, calling it CAMS for Community Asset Management System.

On its website, OFNTSC describes its mission as a “technical advisory service for 133 First Nations and 16 Tribal Councils in Ontario.” Back then, under the visionary leadership of Chief and Executive Director Irvin George and the project management skills of Elmer Lickers, an Iroquois from Six Nations the Grand River, OFNTSC had the potential to become the provider of custom-made, leading edge computer applications for First Nation communities across Canada and beyond.

With a disappearing community of ZIM users, I went to work for Bell Canada Enterprises in Montréal as described in *Doing Google Before Google Did Google*. Elmer and I kept in touch. When I returned to Ottawa, he asked if I would be interested in adding a housing assessment component to CAMS. Housing on reserves is the responsibility of the Federal Government. As landlord to the First Nations, it had not been able to solve what seemed to be an intractable problem: getting timely information on housing conditions in Native communities, especially in the North. OFNTSC was looking to remedy that situation by adding what became known as the Conditional Assessment Housing Database, CAHD for short, to the CAMS. The CAHD would store and manage information regarding housing in Native communities.

Teams were sent out to collect what should have been destined to become a digital life-cycle record of every house in every community,

including information about the sex and age of occupants and sleeping accommodations so as to identify overcrowding that might invite sexual interference. We incorporated within the CAHD the Canadian Building Code, which allowed for quick verification that when a request for payment was received, along with a digital photo of the work done, it was done according to code.

In less than a year, thanks to the Boreal Shell as both an interface and development platform and people who knew what they were doing, we had a working application. Communities were accepting of the CAHD, not only because it was presented as a First Nation achievement, which it was (and also a Métis achievement: Dewey Smith, a Métis, was the expert in the voluminous Canadian Building Code incorporated into the CAHD as a set of pop regulations), but also because they would remain custodians of the information collected about conditions in their communities.



CAHD catalogued perhaps a thousand homes—mainly in poor Northern Ontario communities such the house pictured here—when the dream came to an end. OFNTSC had a vision of being a management software provider to First Nations across Canada, and to

that end, Elmer and I went to B.C. to demonstrate our application to the B.C. INAC regional office. They were more than impressed and wanted to start using the CAHD immediately. Next came Alberta, to whom we sent a prototype. They all wanted it. There was only one catch: we estimated that to make CAHD available to all 800+ First Nations communities would require at least a million dollars.

The CAHD was OFNTSC's ideas but its development was funded by the Federal Government. INAC said the money for the CAHD was a contribution, as opposed to a grant, therefore, as the one and only contributor—as if sweat equity and devolution did not matter—they owned it and would now take over. OFNTSC refused to hand over the application and the source code that made it run. To try to convince INAC to let OFNTSC handle the deployment of CAHD, I got Michael Cowpland, who had recently purchased ZIM, to partner with OFNTSC and make a joint presentation, hopefully to one or more Ministers. Michael even agreed to throw in \$250,000 of free ZIM software to keep

our first year's estimated deployment costs at or below a million dollars.

It just so happened that ZIM headquarters was located in the riding of the influential Minister of Industry, John Manley. At a strategy meeting, I suggested to Michael that he might get in touch with the Minister to enlist his support in our fight with INAC, since CAHD would not only save lives but ZIM, which should be of interest to the Minister of Industry. I was sitting across from Michael, with only the width of a long boardroom table between us, when I made the suggestion. He jumped out of his chair, leaned forward, placing his hands palm down on the table, and shouted, "Your solution is for me to talk to a politician?!" then stormed out of the room, leaving the dozen or so members of senior management and decision makers at Ontario First Nations, who had travelled from Toronto for this crucial meeting, in stunned silence.

Michael blamed politicians for the demise of his beloved Corel, and he was right. Michael knew that Corel's future depended on adding to his flagship software, Corel Draw. He saw his opportunity to do just that when, in June 1995, the Department of National Defence (DND)—by means of a Request for Information (RFI)—made it known that they were seeking information to standardize on an office suite. What follows is a short timeline of the screwing of Michael Cowpland by the Canadian Government (material in quotes is from transcripts of the proceeding of the Canadian International Trade Tribunal):

1. On June 16, 1995, by means of a Request for Information, DND made it known that it was seeking information to standardize on an office suite. "This process resulted in Novell PerfectOffice being identified as the DND "Preferred Office Suite Product."
2. Corel made its intentions known to acquire PerfectOffice from the American company Novell Corporation from Provo, Utah.
3. "Between November 29 and December 18, 1995, DND in conjunction with the Department [of Public Works and Government Services] decided to cancel the competitive selection process started on June 16, 1995, by means of the Request for Information. This process [had] resulted in Novell PerfectOffice OA Suite being identified as the DND 'Preferred Office Suite Product.'"

4. In January 1996, Corel revealed that it had bought PerfectOffice for 158 million dollars.

5. Around this time, the Department of National Defence initiated a *Request for Proposal* where one key requirement had changed from its *Request for Information*:

"The complainant [Corel] also states that it was required to meet the import/export function of the latest version of a particular brand-name product, Microsoft PowerPoint version 4.0, while a similar requirement was omitted in respect of Lotus and Novell products [when it was an American company]."

6. The tribunal would rule against Corel of Ottawa on the basis of the Department of National Defence's allegation (an allegation that Corel denied) that PerfectOffice could not import a Microsoft Office file.

The fix was in, but why? The answer was provided by a Captain in the Canadian Armed Forces and a specialist in military procurement, whom I met while consulting on a small project with the Department of National Defence.

In the face of opposition to the choice of Word over WordPerfect, the Liberal Minister of Public Works and Government Services made possibly the most unhelpful, untrue and unnecessary comment concerning the choice of Word. Her pronouncements, for all intents and purposes, sealed the fate of the Corel Corporation. She was quoted as saying that the Department of National Defence had picked the better product.

I asked Frank if this was true. He said absolutely not; PerfectOffice, from the get-go, was the better product, but Canada's participation in NATO forced it to select Word from Microsoft. It would appear that when PerfectOffice was about to change hands, the American government saw to it that it was delisted as a NATO standard. Rather than admit to that fact, the government changed its specifications to favour Microsoft over Corel, then added insult to injury by denigrating the Corel product in the eyes of the world. To quote Michael:

It's not the lost sales that hurt the most; it's the perception in the rest of the world that we couldn't sell our product in our own backyard.

It was only a matter of time. In August of 2003, Vector Capital Group of California acquired what was left of Canada's biggest software success story. As could have been predicted, after the ill-fated purchasing decision, government departments began to phase out WordPerfect in favour of what the Minister of Public Works and Government Services claimed was the better product. The Canadian Government and most of the world became a Microsoft Office shop.

Michael's reaction to my suggestion that he talk to Manley took me by surprise since he had accepted to retain, on my recommendation, David Dingwall, a former Cabinet Minister now working as a lobbyist. My wife and I were about to take our seats at a concert at the National Arts Centre when she turned to me and said, "I would like you to meet David Dingwall." As an interpreter for the House of Commons, she got to know the former Liberal Cabinet Minister during one of his many appearances before Committees of Parliament. It was completely fortuitous that our seat selection was next to his.

During the intermission, I talked to David—we were now on a first name basis—about the standoff between Ontario First Nations and the Department of Indian Affairs, which wanted OFNTSC to surrender control of a sophisticated management information system we had developed to monitor housing conditions in First Nation communities. I also mentioned Michael Cowpland's participation. He asked if I could arrange a meeting between the two, which I did.

Michael shortly came back into the boardroom and apologized. I didn't bring it up again, even when Dingwall finally set up an appointment with whom we thought would be the Minister. Michael sent his second-in-command. I guess it was not just Manley he didn't care to talk to. I'm glad he did not come in person, for he would have been humiliated.

What is the Life of an Aboriginal Worth?

When our small group—consisting of Irvin George, Bill Taggart, OFNTSC's general counsel, Elmer Lickers, a Ms. Batson from ZIM Technologies, and myself—got to the Minister's office, he was not available, but an aide had been briefed on why we were there and would receive us in Minister Nault's absence.

Eloquent pleas were made—not only about how, for a small investment, the CAHD would lead to improvements in often dismal living conditions, but how in some northern communities it would be the difference between life and death. The aide's response was to ask us

to include in our cost benefit analysis an estimate on how much the life of an Aboriginal was worth. I kid you not. Michael Cowpland, when he heard about this preposterous demand and of the Minister's absence, correctly concluded that they were wasting his time; as with WordPerfect, the fix was in. You could say that Michael Cowpland was screwed over twice by his government.

When we met with the Minister's aide, I would later discover, the department had probably already concluded a deal with Accenture, the large American software integrator, to build an Internet-based CAHD with ORACLE as the DBMS. Their wanting ownership of the community-based CAHD, instead of letting a First Nations organisation spearhead its implementation as demanded by devolution, was to kill it in favour of Accenture and keep control in Ottawa, which their web-based solution guaranteed. The First Nations would no longer be custodian of their own data, and the people they would have to deal with would be mainly INAC and Accenture personnel. Few Aboriginals worked for INAC. It would have been akin to working with those whose first priority was not Indigenous peoples but their own aggrandisement.

Walking Eagle

Irvin George had a reputation at Indian Affairs which I wanted to dispel when he met with what should have been the Minister. In a one-page memo I sent him before he left for Ottawa, I suggested we meet with the Honourable Robert Nault without his lawyer present. I did not tell him the ugly reason why.

I may have caught a glimpse of Irvin George during my time working at Indian Affairs. A group of men had just left the office of the director of the division for whom I built CAIS and ACRS when I heard one refer to someone as "Walking Eagle." I asked the guy whose desk was nearest mine what he meant by that. He said he was referring to the head of OFNTSC who, it was said, couldn't fly because of a broken wing; that is why he was never seen without his crutch, his lawyer. According to the Urban Dictionary (www.urbandictionary.com), "Walking Eagle is allegedly an old Native American term for a bird so full of sh*t it can no longer fly." Nonetheless, that was his explanation.

When the delegation from Toronto arrived and joined me for coffee and toast before driving over to Indian Affairs headquarters, Irvin George sat down across to the left of me. His lawyer sat next to him directly across from me. The normally cool, calm and polite Director of OFNTSC, without even glancing in my direction, started by

asking where I got off telling him (it was only a suggestion) that he should not bring his lawyer. It was as if he thought I was trying to set him up to be taken advantage of by a white man. Bill Taggard happened to be white, by the way. After that dressing down, I was told that they would do all the talking and not to interrupt. That is why I did not raise an objection to Minister Nault's lackey asking for that obscene estimate, and neither did they, to my surprise; maybe they were all caught up in the moment.

Irvin George's lawyer actually made the most compelling argument when we met with the Minister's assistant, and it might have worked if the meeting had been with the Minister and had been in good faith. Holding a CAHD installation CD in one hand, Taggart waved it in front of the bemused assistant, telling him, "You have here an easy-to-use, elegant, inexpensive solution tailored to First Nations peoples' needs; what more could you want?" The ugly request put an end to any substantial discussion about an "easy-to-use, elegant, inexpensive solution" to a pressing problem.

We asked for a million dollars for a proven system that had found favour among those it was meant to help. Accenture wanted—and got—20+ million dollars to build a system that the First Nations could never trust, having their participation relegated to that of data entry clerks. I got the opportunity to ask a consultant with Accenture about the 20 million dollars, a budget that was bound to increase and that I found excessive, knowing the problem to be solved. "Because we don't know what we're doing," was his reply. A Freudian slip, or was he simply being facetious? Considering that they never managed to duplicate the CAHD, I would opt for the former.

The government declaring ZIM not compliant and thereby outside the normal procurement process meant that OFNTSC would be my last publically funded customer. CGI's killing of the Boreal Shell implementation at Bell would spell the death knell for Bell's brainchild. Bell was the last private sector customer for my Shell.

With a disappearing client base for the amazing technology that powered the Boreal Shell I could no longer operate as a one-man consulting firm using it to open doors. Finding work the old fashion way with that abject appraisal on file, not the mention my firing to which I would have to admit, was not realistic. What to do? Before we get into that, one last story about the CAHD

In the fall of 2019, I got a call from Elmer. Could I meet him for a game of pool? He had some news. After almost twenty years and a slew of failures, INAC had finally relented and was ready to adopt the

community-based solution we had proposed way back when. They had given OFNTSC the money to build a new CAHD using a mainstream DBMS and language.

In all those intervening years, Elmer had kept a working copy on an out-of-the way computer. When he met with the developers to show them what he wanted, he simply fired up the old machine and gave them a demonstration of our CAHD. He said they were absolutely blown away. They could not believe that what he was showing them was twenty years old. They even admitted, he said, that they could not easily duplicate some of the features even today. He thought I would be happy to hear that. I both was and wasn't; that is the way with what-might-have-beens.

EXTRA

Extinction

The employee who provided me with an alternate usage for the expression “Walking Eagle” was a Chinese Canadian, first generation. He would do an “Uncle Hugh” and hire an unqualified person as programmer because he was more deserving; in this instance, race and history rather than familial ties were the deciding factor. It was his way of getting back, he admitted, at the white man who had discriminated against his ancestors, who had built the most difficult and deadly part of the Canadian Pacific Railway. That is where his history started! That he would feel that way, Boom-Boom Singh of *The Fractured Nation Interviews* has an explanation. ACNA, in the following excerpt, refers to the fictional Asian Commonwealth of North America.

When your white children first came into this country, they did not come shouting the war cry and seeking to wrest this land from us. They told us they came as friends to smoke the pipe of peace; they sought our friendship, we became brothers. Their enemies were ours. At the time we were strong and powerful, while they were few and weak. But did we oppress them or wrong them? No! Time wore on and you have become a great people, whilst we have melted away like snow beneath an April sun; our strength is wasted our warriors dead.

*Shinguacouse, Ojibwa chief*⁹

...

Boom-Boom: It was the teaching of Canadian history out of context. As explained previously, the teaching of history in the decades preceding *The Fracture* dwelt more and more on the real and imagined injustices done to the ancestors of new Canadians, the ancestral history of the new Canadians and less on the contributions to the building of Canada by the

⁹ Ray, Arthur J. *I Have Lived Here Since the World Began. An Illustrated History of Canada's Native People*. Key Porter Books, 1996.

earlier settlers. It was also a history that maintained that the greatest contribution to the building of Canada, not that it was not substantial, was made by immigrants coming to Canada after Mulroney opened the floodgates to cheap labour.

Johnny: It was a biased history that Canadian politicians actively encouraged for their own ends, wasn't it? I remember reading a book by that great Canadian philosopher Saul, whom his countrymen never fully appreciated – but then again, that was also so typically Canadian – called *Reflections of a Siamese Twin* in which he writes about the 1995 referendum that almost led to an early *fracture*; about how politicians talked about Canada as if it had no history before 1985.

Canada would fracture along linguistic, religious and ethnic fault lines. Boom-Boom Sing's role in *The Interviews* is to present the argument that it was multiculturalism run amok, unbridled immigration, and the teaching of history where the role of the French and the English in making Canada a reality is not only diminished but denounced in favour of that of the newcomers, leaving the First Nations, after *The Fracture*, in a no man's land facing extinction in large parts of the former Canada because those with whom they share a common history are no longer in a position to honour their obligations under that shared history.

Boom-Boom: The obligations of the British Crown were assumed by the government of Canada, at Confederation I believe. It may have been later. But all this is irrelevant today. Ten years ago this week, the country of Canada disappeared and with it, any treaty obligations.

Johnny: Perhaps the treaties were no longer enforceable, with no central authority to enforce them, but wasn't there a moral obligation?

Boom-Boom: What moral obligation? The money and land that was granted under those treaties was in large part, as far as most ACNA members are concerned – especially the money – guilt payments, white Anglo-Saxon guilt payments for stealing the land and mistreating the Native population. The citizens of the Asian Commonwealth of North America were not here, at least not in any great number when this

robbery of Native lands took place. Not only are they responsible for what happened to them then, but they are also responsible for what is happening to them now.

Johnny: How's that? I mean, why are they responsible for what's happening to Natives now?

Boom-Boom: Who created the system that led to *The Fracture* in the first place? It was the white Anglo-Saxon and French majority in the Canadian Parliament. Let them, let the white Anglo-Saxon and French-Canadians continue their guilt payments and look after them – the Natives.

Johnny: You know that is not possible. What remains of the Canadian Confederation, what you call the white Anglo-Saxon communities, are deeply divided, their attention is now taken up with dealing with the Asian Commonwealth of North America, the Holy Alliance of Muslim Municipalities, the North American African-Caribbean League, not to mention the country of Quebec—and their economy is in such a bad shape that its...

Boom-Boom: And whose fault is that? Look it's not that I am not sympathetic to the plight of Canada's first inhabitants but, you must understand, *we don't have a past*.

Johnny: What do you mean?

Boom-Boom: There is no substantive shared history between Canada's first inhabitants and the Japanese, Chinese, Indians, Pakistanis, Sikhs and Tamils, therefore, convincing members of my Commonwealth to provide more help than you would a stranger in distress is very difficult, if not impossible. Also, it is no secret that before *The Fracture*, many of the minorities that are now under the ACNA umbrella considered the first inhabitants a pampered minority—that lack of shared history, again—that should not have had any more rights than any other minority and definitely not the billions of dollars that were given to them every year under the now obsolete treaties. This is a view that is still shared by a majority of the citizens of ACNA.

Johnny: To be fair, it's not only members of ACNA but of H.A.M.M. and NAACL that feel no moral or fiduciary responsibilities to Canada's first inhabitants. After *The*

Fracture, the new country of Québec is not exactly respectful of those treaty rights either, forcing their native populations to become part of the Quebec mainstream.

Boom-Boom: I feel a tremendous sadness for Canada's first inhabitants; sadness for the tribes that are no longer with us; sadness because they lost their country, not once but twice; sadness that they now find themselves in a no man's land, in disputed territories of the new alliances that don't recognized their ancestral claims; sadness for the many that are being killed in scenes reminiscent of the hunting of the Beothuks; sadness for those who are slowly starving to death. To me, it would be like if my ancestral lands became the property of my enemy. I really feel for them, but they lost their country and it was not because of anything we did. They mostly did it to themselves with a little help from their friends.

Johnny: What do you think of the words spoken by chief Shinguacouse of the Ojibwa almost two hundred years ago, which I quoted at the beginning of tonight's show?

Boom-Boom: To me, it's a warning to choose your friends very carefully.

Johnny: That's all?

Boom-Boom: Their fate was sealed when they welcomed the Europeans, and for what? To trade, believing that they—the Europeans—had attractive stuff to exchange and would be fair free-traders. *In exchange for a few trinkets and baubles, they gave up a continent.*

Johnny: It's interesting how the fate of alleged primitive cultures and the fate of more advanced nations like Canada is decided by economics or more specifically, the value some economic systems place on acquisition, trade and greed. Both, you could say, were the victims of bad trade deals and unchecked immigration.

In *The Fractured Nation Interviews*, I did not anticipate the impact of social media on the mainstream media. Apart from that, and a few other details, much of what they contain is as valid today, if not more so, as it was then. Might be worth a read?

Inuit

Arctic mosque lands safely in Inuvik. The world's most northern mosque has arrived by barge in Inuvik, N.W.T., giving Muslims in the Arctic town a proper place of worship.

CBC Sep. 24, 2010

The establishment of an Islamic beachhead north of the Arctic Circle, represented by the arrival of a mosque, should have been a cause for concern, not celebration. Emigration is encouraged by the Koran as part of a relentless global campaign to subdue the unbelievers, to stop what Allah refers to as "corruption in the land."

8:72 Those who have believed and emigrated and struggled with their wealth and their lives in the Path of Allah, and those who gave refuge and support – those are friends of one another; but those who have believed, yet did not emigrate, you will not be responsible for their protection until they emigrate.

8:73 As to the unbelievers, they are friends of one another. If you do not do this (subdue the unbelievers), there will be great sedition and corruption in the land.

Mosques in the Land of War, i.e., any jurisdiction not governed by Islamic Law, foster a welcoming tightly-knit community of believers whose numbers are bound to grow until such a time when they will be able to put an end to "corruption in the land"—that land, in this instance, being that of the Inuit.

Narrated Abu Huraira:

Allah's Apostle said, "I have been ordered to fight with the people till they say, 'None has the right to be worshipped but Allah', and whoever says, 'None has the right to be worshipped but Allah,' his life and property will be saved by me except for Islamic law, and his accounts will be with Allah, (either to punish him or to forgive him.)"

Bukhari 52.196

In a *Fractured Nation* scenario, women and girls like Marina might not be allowed to keep on breathing¹⁰, even if they did what a self-

¹⁰ Almost half of believers polled, 43%, agreed with the statement: "Homosexuality SHOULD NOT be accepted by society."

proclaimed spokesperson of an Arab's adaptation of the God of the Jews demands. If there is one thing Islamic scriptures are unequivocal about, it is that those who fail to acknowledge Muhammad's specious ultimatum, and those who would deny this god's right to decide with whom they can be intimate, must be exterminated by the believers if the opportunity presents itself.

47:35 So do not weaken and call for peace, while you have the upper hand and Allah is with you. He will not stint you your actions.

8:12 When your Lord revealed to the angels: I am with you, therefore make firm those who believe. I will cast terror into the hearts of those who disbelieve. Therefore strike off their heads and strike off every fingertip of them.

Muhammad's endorsement of the type of violence witnessed at Manchester¹¹ for the purpose of getting terrorized unbelievers to say, "None has the right to be worshipped but Allah," and the Koran's pervasive exhortations to violence against both unbelievers and believers who don't believe hard enough, is the source of much of the malevolence in Islamic scriptures.

Environics' Survey of Muslims in Canada, 2016.

Under the Sharia, capital punishment is dependent on the marital status of the transgressor with the exception of the male partner who takes on the female role during sex.

In the Islamic legal system, homosexuality is a punishable crime against the laws of God. In the case of homosexuality between two males, the active partner is to be lashed a hundred times if he is unmarried and killed if he is married; whereas the passive partner is to be killed regardless of his marital status. In the case of two females (i.e., lesbianism), the sinners are to be lashed a hundred times if they are unmarried and stoned to death if they are married. (See the chapter on "hudud" in Sharaya and Sharh Lum'a also al-Khu'i, Takmilah, p. 42-44.

Marriage and Moral and Islam, Sayyid Muhammad Tivzi,

Sayyid Muhammad Tivzi's text was on the recommended list for students on the website of Ottawa's largest madrassa.

¹¹ **Narrated Abu Huraira:**

Allah's Apostle said, "I have been sent with the shortest expressions bearing the widest meanings, and I have been made victorious with terror."

Bukhari 52.220

PART 5

From Witness to Malfeasance to that of Malevolence

Basically, we need to be very realistic when dealing with this matter. You have a twenty-two-year-old who gets radicalised over two, three sermons in a Friday mosque gathering... This age is an age when someone would expect people to be going out, having fun. But no, we have a large number of youth that are being radicalised. This happens because of the books that we have, the Islamic scriptures that we have; they push the Muslim youth to believe that if you go out there and kill the infidels, that's how you will gain Paradise.

For the past one thousand four hundred years we have had a religion of war – that is exactly what we have had. This is not something I am imagining, these are facts. We've had many wars. How did Islam spread from Saudi Arabia down to Indonesia and Bosnia? All spread by the sword. We had many wars. For someone to come and say that Islamic scriptures have nothing to do with it, I mean, that's against the facts; that's not true. Islamic scriptures are what is pushing these people to behead the infidels.

Let me tell you something: the people that are beheading, that mister (sic), the person that killed the young girls in Manchester¹² did so believing he was going to dine with the Prophet Muhammad that very night that is what the Islamic scriptures tell them.

Sheikh Mohammad Tawhidi

It was shortly after 9/11. Spurred on by the events of that day and what a young African immigrant I met in Montréal had told me about her religion—our time together is the subject of one of the stories in

¹² On May 22, 2017, an Islamic terrorist detonated a shrapnel-laden homemade bomb as people were leaving the Manchester Arena following a concert by Ariana Grande, killing twenty-three people, including the attacker, and wounding 139, more than half of them children. In the wake of the massacre, Muslim clerics Dr. Jamal Rifi and Sheikh Mohammad Tawhidi, hosted by Australia's Channel Seven, debated the role religion played in the attack.

Love, Sex and Islam—I bought an Al-Azhar approved translation of the Koran and quickly read it from cover to cover. The Koran is a short book by holy book standards: an English translation of the Koran will run to about 77,700 words, the approximate size of a standard 300-page book.

That first reading more than lived up to Edward Gibbon's [1737 - 1794] assessment of "as toilsome a reading as I ever undertook; a wearisome confused jumble" and Thomas Carlyle's [1795 - 1881] "a confused, jumble, crude, incondite (disorderly), endless iteration." Is it any wonder so few non-Muslims have read the book?

I was a both a programmer and a systems analyst; the latter skill often involves bringing order to chaos. Could I do the same for the Koran—make it accessible to the layperson— and perhaps make a living as a writer? The result was *Pain, Pleasure and Prejudice: The Koran by topic, explained in a way we can all understand*.

I thought it would take two years, three at the most; ten was more like it, with the expected dividend failing to materialize. During those ten years I would publish five editions, reading Islam's core religious text from cover to cover each time. The last edition contained the entire Koran in order, together with historical context. For reasons I can't remember, I took a couple of courses in script writing. The instructor said I had a gift for dialogue. With that endorsement, I wrote my first script. It was a long one in which my newfound knowledge of Islamic scriptures allowed for a perspective I would not have otherwise considered. In 2005, I self-published *Canada: The Fractured Nation Interviews*.

The Interviews would be my bestseller, even if that doesn't mean much, in part because of a column by the Calgary Herald's Les Brost. In a letter to Canada masquerading as a column, he wrote:

Dear Canada:

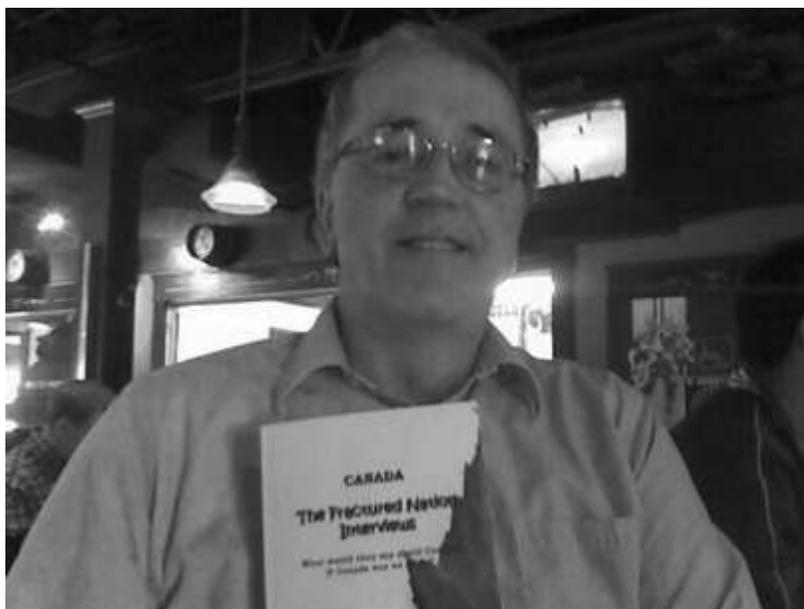
It might seem strange to write a letter to a country rather than a person, but there's a first time for everything. I'm writing because next Sunday is our 140th birthday, and I figured that it was a big enough number to deserve a birthday present...

That's why my perfect birthday present to Canada would be to help start a national discussion about the Canada we want to see for our children, grandchildren and great-grandchildren.

I recently found a stimulant for that kind of national discussion. It is a book written by Bernard Payeur and published by Trafford Publishing in Victoria called *Canada: The Fractured Nation Interviews*. It imagines a world where Canada has been broken up for almost 10 years. The book uses a series of five imaginary television interviews to trace the root causes of the breakup...

Read it only if you are prepared to think -- really think -- about tomorrow's Canada...

Let's recapture values we love, Les Brost, For the Calgary Herald, June 25, 2007.



At a celebration at the Clocktower Pub

An established Ottawa producer expressed an interest in producing a mini-series of sorts if I got rid of the interview with the Ayatollah, saying: "I don't want to open my front door one morning and be confronted by a guy with a bomb." I couldn't do that. I have since posted the entire interview with the fictitious Muhammad Abdullah on my website. The segment where the discussion strays into Khomeini's views on sodomizing baby girls and sex with chickens (Appendix: Khomeini on Sodomy and Bestiality) is the most downloaded page on Boreal.ca by a factor of at least ten to one. One read and you may understand why the founder of Sound Venture

Productions wanted it out. *The Interviews* were nominated for the 2006 Sunburst Award for Canadian Literature of the Fantastic.

In 2012, I published *Alice Visits a Mosque to Learn about Judgment Day*, a one-act, thought-provoking, often brutal (it could not be otherwise), sometimes funny play/script about an important concept in Islam on which the Koran expounds at length.

In October of 2013, thinking that time was not on my side, I stopped working on *Going Swimming Fully Clothed*, a comprehensive introduction to Islamic law, to concentrate on a less ambitious manuscript about what Muhammad said and did that informs the decision of Sharia tribunals to this day. In approximately four weeks, I assiduously read 6,275 of the hadiths collected by the celebrated Bukhari, and a few thousand more by lesser luminaries, about what the companions of Muhammad and his child bride Aisha remembered he said and did.

I thought *Pain, Pleasure and Prejudice: The Koran by Topic, Explained in a Way We Can All Understand* was the most important book you could read about Islam. After completing *1,001 Sayings and Deeds of the Prophet Muhammad*, I am not so sure.

Within the house of Islam, the penalty for learning too much about the world—so as to call the tenets of the faith into question—is death.

While the Koran merely describes the punishment that awaits the apostate in the next world, the hadith is emphatic about the justice that must be meted out in this one: “Whoever changes his religion, kill him.”

Given the fact that [hadiths are] often used as the lens through which to interpret the Koran, many Muslim jurists consider [them] to be even a greater authority on the practice of Islam.

Sam Harris, The End of Faith - Religion, Terror and the Future of Reason, 2004, W. W. Norton & Company.

My next book on the Koran explored a curious and not insignificant concept, that of abrogation. The Verse of the Sword, which nullifies any pretense to compassion for those who refuse to submit to the Will of Allah, is its most momentous and violent manifestation. Of all the incongruities that devotees of a religion steeped in incongruities have to accept, the concept of abrogation has to be the most outlandish. For the rational mind it is inconceivable that a god, in a book in which

He lays claim to infallibility, has to retract or modify what He said earlier. Welcome to *Let Me Rephrase That!*

Children and the Koran, a comprehensive argument against exposing children to the hate, violence and brazen sadism of Islam's core religious text followed.

In August 2018, my wife's lungs had deteriorated from of cancer and an infection diagnosed as Kansasii to the point there was nothing more her doctors could do. With less than a year to live, we moved into a retirement home that accepted palliative case residents. Looking after her was a pleasure that allowed me time to begin work in earnest, with her as my always reliable sounding board, on a book that I had put off for more than ten years. A friend said he had given up on *Pain, Pleasure and Prejudice* because of all the verses, which he felt interfered with the story. He challenged me to write the story of Islam without the interruptions. I thought it impossible. Not anymore! *Remembering Uzza: If Islam Was Explained to Me in a Pub* would be our last collaboration. With her wholehearted agreement, the book is dedicated to the young immigrant from West Africa who is the inspiration for Uzza.

In a posting on my website, a few months after my wife's passing, I wrote that I owed Lucette's friends an explanation as to why, when I told her that a young African working girl was crashing at my apartment in Montréal, all she said was she would like to meet her. My explanation took on a life of its own and that is how I found myself writing, during the coronavirus (Covid-19) pandemic, a book about love, sex and Islam. *Love, Sex and Islam* compares sex in the now with sex in the Hereafter in an effort to convince believers who may be contemplating martyrdom that it's not worth it, despite what they have been told.

In my writings on the Koran, Muhammad and Islam, in the tradition of Thomas Paine, I have tried to explain the seemingly complicated in terms we can all understand in what became, after my wife's passing, a solitary campaign against the willful ignorance that will be our undoing.

I have been asked, on more than a few occasions, why I write about the Koran, and the alleged illiterate who was purported tasked by God with acquainting mankind with its content, even knowing the consequence of a one wrong word, a typo or a misspelling, let alone a book-length challenge to orthodoxy. The danger is there, but it is nothing compared to the risk we ask our young people to take when we send them to fight religious extremists like the Islamic State, the Taliban, Al-Qaeda... Unlike yours truly, they jeopardize lives not yet

Shooting the Messenger 191

lived in what many have to know is a forlorn battle because of what is happening at home.

With the new race and religious hate laws coming through [after the London bombings] it could be considered illegal if Pain, Pleasure and Prejudice is deemed an attack on a person's religious belief.

A British publisher expressing his regrets.

Words, the most effective weapon against an advancing darkness, are being rationed in a futile attempt to appease an intractable foe who lives, murders and dies as per the instructions contained in an inviolate book whose provenance and error free status is vouched for by the book itself. "Epistemological black holes of this sort," writes Sam Harris, "are fast draining the light from our world." The darkness cannot smother the light on its own. It requires our complicity, our collective willful ignorance of what is behind "the draining of the light." I will not be an accomplice, the reason for turning my attention twenty years ago, at this writing, from being a witness to malfeasance to that of malevolence.

Abbas

Abbas has a Muslim man's love of perfumes. I could never bring myself to tell him that he was using too much of a good thing. That was not a problem for my Lucette. Abbas referred to her as his sister. He needed to be told, and being told by a friend was better than a stranger. Early one morning when he came to see me at home, the fragrance he wore was particular overpowering and my Lucette had yet to have her morning coffee. Still in her bathrobe, she shouted from the top of the stairs that he smelled like a woman. Not the words I would have used. Abbas, the gentleman, took it in stride, and they both laughed. He promised to tone it down and he did.

How I met Abbas is told in an appendix to *Love, Sex and Islam*. In that book he is Sohrab. He doesn't care to be referred by his resistance name anymore. He suffered a lot for his opposition to the Ayatollah Khomeini. Opposing the Supreme Leader is risking being branded an unbeliever fighting Allah and His Messenger and spreading corruption. The least you could expect was to be banished from the land...

5:33 Indeed, the punishment of those who fight Allah and His Messenger and go around corrupting the land is to be killed, crucified, have their hands and feet cut off on opposite sides, or to be banished from the land. That is a disgrace for them in this life, and in the life to come theirs will be a terrible punishment.

...or hanged...

Dissident Iranian journalist Rouhollah Zam was hanged in Iran on Saturday morning, according to state television IRIB.

Zam was found guilty of "corruption on earth," a charge that does not specify a crime but is sometimes used by the Iranian government for alleged attempts to overthrow it.

Zam ran the online opposition news site Amad News.

CNN, December 12, 2020

...or shot:



She lies in the Tehran street with her headscarf half-off, blood pooling around her jeans and white sneakers.

“Don't be afraid, Neda dear, don't be afraid,” a white-haired man says desperately

in Persian. Another man presses on her chest, trying to keep her alive.

Scarlet blood gushes from her nose and mouth and courses across her pale face. Men and women scream in horror as they realize she is dead or dying.

CAIRO — *The Associated Press, Monday, June 22, 2009.*

Neda seems to have been selected at random from a large group of protestors on the orders from the Supreme Leader Ayatollah Khamenei, who reminded the mostly young protestors later that day that Allah, in Revelation 2:191, preferred slaughter to sedition, and that he was prepared to shoot them all.

2 2:191 Kill them wherever you find them and drive them out from wherever they drove you out (from Mecca). Sedition is worse than slaughter. Do not fight them at the Sacred Mosque until they fight you at it. If they fight you there, kill them. Such is the reward of the unbelievers.

Khamenei was going to do what God expected him to do, what his predecessor Ayatollah Khomeini had done on a large scale in prisons across the land when Abbas and people like him fought against the theocracy that would rule them. One day, Abbas showed me a picture he had discovered on the internet of Adelabad. He pointed to a wall next to a guard tower and in a mournful voice said, “On the other side of that wall is where they shot all the people.” Adelabad housed both men and women. On the website were posted pictures of many of the young people murdered there, mostly pictures of young women. Abbas spent time at Adelabad (one of four prisons in which he would be a guest of the Ayatollah Khomeini, the others being Boshar, Ahwaz and Kerman).

The first time he was arrested, he only spent one night in prison; it was one of the worst nights of his life. He was one of hundreds of young people who had been corralled at a protest and herded into a

large room at a nearby detention facility. Throughout the night, revolutionary guards would enter the room and choose people at random to accompany them; moments later, you heard the sound of gunshots. It was not the sound of people being killed that bothered him the most, but the sound of grown men, realizing what was happening, crying and calling for their mothers. When the sun rose, the doors were opened and those who had survived the night were told they could leave. As they were being marshaled out past a pile of corpses stacked against a wall, they were encouraged to remember what had happened here and to tell their friends. How do you fight people who would commit something like that, and how brave are those who do?

I read and reported on malevolence in scriptures while Abbas lived that evil. We collaborated on a story about one his stays in prison, which elevated my passable prose into what you might consider literature, literature of the most pathetic kind.

Days of Pain and Madness

A flickering light would squeeze its way through the shutter on his cell door, transforming his face into a reflection of the small steel bars that covered the shutter's opening making it impossible to sleep. To avoid the light he slept on his side facing the wall, the blood-splattered concrete wall.

Almost every day for the past six months he had returned on tottering legs from another session with his torturers and, as he tried to steady himself before collapsing on the blood-encrusted lumpy piece of foam that was his bed, he would leave prints in blood on the wall from hands that would not heal.

It all began with one hand forced into a pot of boiling of water, then into a pot of soothing ice-cold water. Then his hand was taken out of the cold water and held firmly on the table; then the questions. Tell them what they wanted to hear and they promised to return his hand to the pot of cold water. Sohrab knew that to tell them what he knew, to tell them what they wanted to hear was a walk further down the hall into the courtyard where a firing squad waited, not the promised freedom.

It had begun with one hand then the other, and when both hands were just a mash of burnt, blistering flesh where pain had met its match, they turned to his feet: first the hot, then the cold, then the floor, then the questions, then the hot again, then...

The handprints on the wall had merged into a kaleidoscope of patterns, a grotesque fresco that seemed to come alive when he turned to face it to avoid the light from the shutter that was making it impossible for him to sleep; to sleep before they came again and more blood would be splattered on the wall and spilled on the foam mattress next to the mural that was a gory testament to his suffering.

One day he did not stumble to his bed but was dragged and dropped on it by two guards and, as his urine-soaked trousers added to the stench of blood, puss and vomit that permeated his mattress, he cursed it. He cursed the coverless mattress, the previous occupant having used the cover to end his suffering. He cursed the mattress checkered with red and brownish fading bloodstains, his blood and the blood of other unfortunate souls who, like him, would have stumbled back towards the small comfort offered by that smelly blood-stained piece of foam.

He cursed it, then hugged it with all his might for it was not its fault; it was doing its best to provide him with the little comfort it could under the circumstances. 'I must be going mad', he thought, talking to his mattress. Later that evening he would have further reason to doubt his sanity.

Earlier that morning he had been taken out to the courtyard to be shot. He had been told two days earlier that this morning was to be his last. He was prepared to die. What he was not prepared for was to live. When the bullets only hit the wall against which he stood and not his eyes, his head or his heart, he started to shake uncontrollably; his long-suffering, trembling legs refused to carry him any further in any direction, the puddle of yellowish fluid forming at his feet only adding to the indignity of it all.

That night, as the flickering light from the shutter entered the room and he again turned towards the bloody wall, something magical, something madly diabolical happened. The flickering light became a projector, a beam of light which animated the blood-splattered wall. Suddenly, the bloody spots waved and weaved and jumped about before forming themselves into an infinite number of knots. Then the knots began moving, sliding up and down the cement wall seeking other knots that matched their muted brownish, reddish and grayish colours. Some of the knots formed themselves into a tree, a decaying brownish leafless tree whose roots gradually dissolved into a brownish wet clay from which oozed the decaying and decayed remains of corpses.

From this bleak brown, red and grey landscape figures emerged, shadowy figures slowly walking behind or next to mule-drawn carts and making their way to the base of the tree where they emptied the carts of their cargo; more human waste to be added to an already satiated earth.

Over this ghoulisn panorama reminiscent of the black death, the first of a handful of bearded shouting men begin to appear: first the founder of the earliest religion based on revealed scriptures, the Iranian prophet Zoroaster enveloped in flames, then Moses, followed by Jesus, followed by Muhammad and finally Khomeini. Sohrab instinctively put his hands over his ears; religious icons shouting at him only reminded him of the pain he had endured and now, his near-death experience.

Next to the prison was a mosque. Every day Sohrab had to listen to the muezzin calling the faithful to prayer. Every day he had to hear Allah Akbar, God is Greater¹³. Greater than what he thought when his torturers, on occasion, if it was convenient, would interrupt whatever they were doing to him to prostrate themselves in the direction of Mecca and echo the muezzin's words. Every day, at least three times a day, he had listened to the believers' declaration of faith reverberating through and within the walls of the prison. There is no god but Allah, Muhammad is the Messenger of Allah, Ali is the Friend of Allah, the Successor of the Messenger of Allah and his first Caliph¹⁴.

The flattering invocation, "In the Name of Allah, the Compassionate, the Merciful" that began every prayer had lost all meaning. When he was still capable of rational thought, when his mind was not completely focused on the pain coursing through his body and the pain to come, he had wondered what went on in the minds of his tormentors when they mouthed those words while performing their obscene, painful duties.

Every morning when the guards had come to mark his stay in prison by making a notch in his scalp with a straight razor, he heard the call to prayer. The day they asked him to place his right hand palm down on the table, then with a hammer broke his knuckles, he heard the call to prayer. He heard the call to prayer the day they put his hands in boiling water; the day they put in his feet; the day...

¹³ One interpretation of Allahu Akbar is "God is Greater," the faithful adding the greater than what if they wish to do so.

¹⁴ The Shia declaration of faith recognizes Ali, the son-in-law of Muhammad, as both a friend of God and His Messenger's rightful successor in its Declaration of Faith, which the Sunni does not.

He did not need to put his hands over his ears for no sound was emanating from the lips that moved on the wall of blood, now the wall of death. Khomeini was the last shouting bearded man. His translucent apparition slowly formed itself into an owl whose feathers took on the grayish and white colour of the old, compassionless man's lengthy, disheveled beard. The owl became the bird in the tree. The owl surveyed with satisfaction the grim scene beneath its wings before taking flight¹⁵. As it disappeared in the distance its eyes hovered on the horizon gazing, casting an approving final glance at the desolation.

Suddenly, Sohrab's flickering white light became a flood of yellow light that illuminated the entire room. It was not the warm life giving rays of the morning sun, but the light from hundreds of carbon filaments pulsing with electricity that rushed through the shutter in his cell door announcing the beginning of a new day.

He was still staring at the wall, now just a dirty bloody wall, when he heard the key in the lock and a door opening. What would it be today; another trip down the hall to meet with his interrogators or to the courtyard to be shot, or shot at?

It was to be none of those. He was actually quite relieved to hear the usual vulgar insults, which he associated with foul-mouthed American actors on televisions and in films from the time of the Shah, uttered by one of the prison cooks.

"Here is your breakfast you undeserving mother-fucker."

The guard, who had opened the cell door and stood watching while the man with the food tray laid it down on the cement floor a few feet from the mattress, chimed in: "Hope you like the shit and piss." It was not unusual for guards to brag about adding their own excrements to the meager rations given to prisoners.

He did not care to look at them. He waited until they were gone then turned around. The tray with the beans, the slimy mix of fried scrambled eggs and potatoes, and a bowl of watery barley soup was where he expected it.

He rolled off his mattress and, kneeling in front of the tray, dug in with both hands. Plastic utensils had been banned after a prisoner had swallowed his, hoping the internal bleeding they would cause would end his suffering.

He stuffed his mouth with his blood-caked, bruised and now greasy hand, carefully bringing to his lips the bowl of brownish yellow liquid with barely visible bits of barley. He was happy. On the days

¹⁵ Prior to the rise of Islam, owls were considered evil omens and bad luck in most Middle Eastern pagan traditions.

they served you breakfast they usually didn't torture you, and for Sohrab, a day without torture was a good day.

Canada Day 2013

I would greet her most mornings with a kiss and a cup of coffee before checking my emails. This Canada Day morning was to be like most mornings, except that we would again have something to be thankful for in living in a country that could be so much more. Eye surgery, necessary due to Sjogren syndrome, had actually improved her vision. No muss, no fuss, no cost; thank you, Tommy Douglas. If only that was enough.

The kiss and coffee were often followed by the same one-word question: "Anything?" This morning's "anything" was regarding an article I had sent to the local papers about the national security implications and cost to the taxpayer of the then Minister of Foreign Affairs, John Baird, who has never been forthright with Canadians about his lifestyle choices, partying with friends over the Christmas holidays at the Canadian High Commission in London.

"No," I replied.

"Maybe you should just give up," she said. "You will never get their attention; it's pointless."

"If I don't get their attention then I have failed. In everything I have tried to do, I have failed."

I expected the usual encouraging words, "No, you have not. You should be proud of what you have accomplished," and so on and so forth, but not this morning. She paused for a few seconds.

"Only in Canada," she said, "could someone uncover a bunch of thieves and the thieves get to keep the millions they stole, and their jobs, and you lose yours."

"In any other country," she continued, "when you fought, on your own, because we could not afford a lawyer to try to get your job back, and the Supreme Court granted you a hearing, someone would have noticed."

"In any other country," she said, "anyone who spent ten years of his life writing what may be one of the best, if not the best book on the Koran, the [mainstream] media would have at least mentioned it."

The people who demanded an end to my career, and the diplomats who had signed off on my firing—including Ambassador Chrétien, who reluctantly set the process in motion after meeting with

his boss, Deputy Minister and future Liberal Minister Marcel Massé— were not your run-of-the-mill petty thieves.

As to the media not believing that a layperson could write a definitive book on the Koran that contained the entire text, I, too, would have found that hard to believe. Yet I agree with her: the media had a responsibility to at least investigate the possibility, considering the importance of the book.

When my Lucette said this, money had become an issue. We had hoped to find a publisher for *Pain, Pleasure and Prejudice* but that turned out to be an exercise in futility. Oxford University Press did go as far as promising to submit it to a “jury” until they found I did not have a PhD. In a subsequent email they apologized, but, lo and behold, they had just discovered that an Oxford scholar was completing a manuscript along the same lines as my *Layman's Guide*, therefore *Pain, Pleasure and Prejudice* was no longer in the running. Another publisher actually sent me a contract to sign, but there was a catch:

Reads well, but shops would be very reluctant to stock something on this subject that isn't by a scholar or authority of some kind or other. If you could get some endorsements.

I assumed he meant endorsement from a Muslim authority. I immediately thought of Tarek Fatah, author and one of the founders in 2001 of the Muslim Canadian Congress and serving as its communications director and spokesperson until 2006. I had seen him interviewed during the debate over the introduction of Sharia tribunals in the province of Ontario and was impressed. It so happened he was having a book signing at the National Library on Wellington Street. I drew him aside and explained my dilemma. He made it clear that for a Muslim to endorse a book on the Koran, of all books, by a layperson and a non-believer was “a death sentence.” That should have been the end my quest for endorsements that would satisfy a publisher, but I was not quite ready to give up.

Pierre Hurtubise, a cousin of my Lucette, was then Rector of Saint Paul's University. He arranged for me to meet with an eminent Dutch theologian and guest lecturer who had written extensively on Islam and the Koran. When I met with the man, he didn't even glance at the manuscript that I placed before him: “Does your book present the Koran and the Prophet in a positive light?” he asked.

I replied, “No, not always.”

“Then I am not interested in reading your book.” He went on to explain that the Bible also contains questionable passages, and for him

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to endorse a book that offered even mild criticisms of the Koranic text was to invite retaliation in kind, which would only benefit the enemies of religion.

Islam was and is already doing just that in spades. He had to know that the most widely distributed English translation of the Koran contains an addendum that vociferously supports, with quotes from the Bible no less, Allah's assertions in His Koran that Jesus is not His son and that those who believe he is are perverts. But I digress.

McKenna and a Penultimate Hope Belatedly Dashed

I had actually started working on the first edition of *Shooting the Messenger - A Whistleblower's Tale* in 1995, after discovering that Dave Gordon had receive a boost to his pension on retiring while I had lost mine after he orchestrated my firing on bogus insubordination charges. Following its publication, after every election, I would write to whoever was appointed Minister of Foreign Minister—in 2015 that was Stéphane Dion—enclosing a copy and asking for my government pension to be reinstated.

The Honourable Stéphane Dion
Minister of Foreign Affairs
125 Sussex Drive Ottawa,
K1A 0G2

November 11, 2015

Dear Mr. Dion,

I will shortly be turning 65 when I am told by Service Canada my pension (Old Age Security etc.) will be increased to \$ 940 per month, or thereabouts. Lucky me!

Why such a pitiful amount you may wonder? It wasn't all my fault. You can ask your officials, or you can read the book which I have enclosed.

You will probably be the last Minister of Foreign Affairs whom I will ask to do the right thing and re-instate my pensionable time before I was summarily dismissed from the Public Service after discovering that Canadian diplomats had helped themselves to tens of millions of dollars to which they were not entitled.

Sincerely Yours,

Bernard Payeur

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A month on and having not received even a perfunctory acknowledgement from Foreign Affairs, I decided to test my Lucette's faith in our new Member of Parliament and Minister of the Environment.

The Honourable Catherine McKenna
Minister of Environment and Climate Change
House of Commons
Ottawa, Ontario
K1A 0A6

December 15, 2015

Dear Ms. McKenna,

With so many honourable people to whom I have written to over the years refusing to do the honourable thing, I did not intend to cast a vote in the last election.

My wife, who still believes and remains hopeful, but could not get to the polling station that day because of a debilitating chronic condition, insisted that, if I was not willing to cast a vote on my own behalf, then I should go out and vote as she would have voted, for Catherine McKenna.

I love my wife, so I did it for her, as is my writing to you now.

Please find attached a self-explanatory letter to your honourable colleague the Minister of Foreign Affairs, and a book.

I have yet to receive an acknowledgment or the predictable perfunctory notice to abandon all hope, that a change of government does not mean a change of heart.

Prove me wrong or prove me right, but please don't ignore me; that would be the deepest cut of all.

Thank you,

Bernard Payeur

Seven months later:



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Dear Ms. McKenna,

I must admit to being somewhat disappointed in the perfunctory indifferent somewhat callous response to my letter of December 15, 2015 which, for some reason, took seven months to prepare.

How else would you describe a facetious reply from an elected official who is in a position to do something positive for a constituent "who still believes and remains hopeful, but

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could not get to the polling station that day because of a debilitating chronic condition" who dismisses her plea with a trite "best regards."

We are not in Parliament and this is not Question Period. Words and actions have consequences. If you had nothing to do with this insulting letter and you are the honourable person that your title implies, I expect a timely, in my wife's lifetime, answer to why you will not do the honourable thing.

Thank you,

Bernard Payeur

No response was forthcoming.

Freeland, Khadr and Company

Lucette wished to die among her things in the almost century-old cottage-like house that was our home for more than thirty years.



For that to happen, I needed my stolen pension to pay the interest on a line of credit that had been at its limit for some time; if not, we would have to sell the house which would make her wish to die surrounded by the familiar in a place she loved, impossible. Perhaps I could shame a government that was willing to shell out in excess of forty million dollars to four individuals for alleged abuse of their Charter Rights as a result of the actions of foreigners, to part with pennies on the dollar for domestic abuse of one's Charter Rights.

Abdullah Almalki, Ahmad Abou-Elmatti and Muayyed Nureddin—who, through their own carelessness in visiting Syria during Middle East hostilities, and honest mistakes made by government officials engaged in counter Islamic terrorism in uncertain times found themselves at the mercy of coreligionists—shared a \$31-million windfall. Khadr would get \$10.5 million for the alleged violation of his Charter Rights while in American custody at

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Guantanamo; that of being questioned by a Canadian lawyer as if he was an adult.

The Honourable Chrystia Freeland, Minister of Global Affairs (the renamed Foreign Affairs), the Honourable Jody Wilson-Raybould, Minister of Justice, and the Honourable Ralph Goodale, Minister of Public Safety and Emergency in a joint interview following the announcement of the amount paid the confessed killer of a US army medic, to quote the *Ottawa Citizen*: “drove home the point that the settlement dealt exclusively with the fact Khadr's charter rights were violated by the previous Conservative government”; as if this was justification enough. Perhaps, when I wrote to Ms. Freeland, I should have mentioned that my Charter Rights had been violated while the Conservatives were in power; but I digress.

When her government was forced to acknowledge the equally obscene amount paid Messrs. Almalki, Abou-Elmatti and Nureddin, the Honourable Chrystia Freeland expressed her hope that the \$31 million tax-free gratuity given the three men would be sufficient to “support them and their families in their efforts to begin a new and hopeful chapter in their lives.” Anyone’s family but mine!

I can only imagine the impact this situation has had on you and your family. However, your matter is considered closed. I regret I cannot respond more favourably.

The Honourable Scott Brison, President of the Treasury Board

Following receipt of Brison’s regrets I wrote to Ms. Freeland, to whom I had sent a copy of *Shooting the Messenger – A Whistleblower’s Tale* following her appointment as Minister of Global Affairs. Treasury Board would have consulted her department before making a decision on whether to reinstate my pension which it would only do if Global Affairs agreed as this was tantamount to the department admitting it was responsible for my losing it in the first place.

July 10, 2017

Dear Ms. Freeland,

At a news conference on Parliament Hill on July 7, you Minister, the Honourable Jody Wilson-Raybould Minister of Justice, and the Honourable Ralph Goodale Minister of Public Safety and Emergency Preparedness, to quote the *Ottawa Citizen* “drove home the point that the settlement dealt

exclusively with the fact Khadr's Charter Rights were violated by the previous Conservative government."

That is awfully decent of all of you. In the hope that this is not only for show I ask you to do right by me and my wife as you say your government has done by Mr. Khadr, and, one has to assume, by Abdullah Almalki, Ahmad Abou-Elmatti and Muayyed Nureddin.

For denying me my Charter Rights, in this instance due process, I ask only for what was taken away from me then, nothing more, nothing less. A pittance considering; but that is alright. After all, it was not the taxpayers' fault.

Sincerely Yours,

Bernard Payeur

Chrystia Freeland was our last hope.

Epilogue

In the spring of 2015, before that desperate letter to McKenna and later Freeland, I drove Lucette to her job on Parliament Hill for the last time; her chronic lung condition now made it impossible for her to work as a Parliamentary interpreter. Her doctor told her there was only so much time left and to do what she always wanted to do before it was too late. One thing she loved was to travel and meet new people. One evening, we talked about regrets. She had few, I had many—one being that losing my job and having to start over meant she had not travelled as much as she would have liked, something that was no longer possible.

At the worst of times and even as her world was closing in, she never complained about our life together, and that night was no different. She placed one hand on top of mine, looked at me with those soft blue eyes, and said, "Don't be sad; that doesn't matter. What matters is that during my life with you, I have always felt loved. What more could a woman ask for?"

In 2015, there was no going back to computer consulting to make up for the lost income; the fast-moving technology had passed me by. At 65, I was too old to start over and my Lucette needed me home to look after her. That doesn't matter; I blame the government for what happened, but I also blame myself. I should have given up when it became evident, when my Lucette, in her discerning way, stated the obvious on Canada Day of 2013: that nobody cared what I wrote or that I had been fired unjustly.

I should have given up in 2010 when money began to run out and it became clear that there would be no takers for a layman's guide to the Koran that not only contained the entire text, but was more than four times its length at 332,392 words because of the historical context I provided. Instead, I spent the next two years separating *Pain, Pleasure and Prejudice* into six books thinking that by making its content more accessible, I would gain an audience; then I kept on writing another six books, not counting this one, always thinking the next one was going to be the charm.

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Lucette would breathe her last in a retirement home that accepted short-term residents where this picture of my beloved was taken a few months before she decided it was time.



At her request, I had ordered smoked salmon on bagel and cream cheese for lunch and her favourite wine as accompaniment. It was a few minutes before the nurse who would get her ready for what came next to make her appearance when she raised her glass and said: "I would like to propose a toast." What she wanted us to toast caught all of us by surprise. It was not what you would have expected from someone whose existence, as was her wish, would shortly come to an end.

We all raised our glass and she said: "À la vie!" (To life!).

"To life" is what the books we wrote together on Islam are very much about, including *Remembering Uzza* our last collaboration. Half joking, I said she could not leave me until we had completed the first full draft. Two days after it became clear to her that that milestone had been reached, she called the number that was given to her when she was approved for assisted dying and said she was ready. She declined her ordained cousin's offer to give her the last rites. On Friday, July 5, 2019 at two in the afternoon, we said our last goodbye. I will never get over the serenity with which she crossed over into, what is for those who value empirical truths above all, the great unknown.

Without my beloved's knowledge, intellectual honesty and the human warmth and understanding she brought to our relationship, there would have been no *Pain, Pleasure and Prejudice*, the foundation for everything that came after. In this cowering new age where an honest appraisal of a religious text or of the man who revealed its content to mankind is a death-defying act, I did not acknowledge her contribution until the end was in sight.

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Lucette would not get to spend her final days and hours where she had hoped, our cherished home having been reduced to a pile of rubble months earlier by the developer who bought the property we had to sell. Sorry I let you down, sweetheart.



APPENDICES

Khomeini on Sodomy and Bestiality

The Fractured Nation Interviews

Ayatollah Muhammad Abdullah

Muhammad: For a Muslim father there can be no greater satisfaction than giving your daughter to a deserving older man or cleric. As the Ayatollah Khomeini wrote in the *Tahrirolvasleyh*, his monumental collection of commentaries on Islamic jurisprudence and morality, "It is better for a girl to marry in such a time when she would begin menstruation at her husband's house rather than her father's home. Any father marrying his daughter so young will have a permanent place in heaven."

Johnny: The Ayatollah Khomeini—now, there is one holy man with whom I am quite familiar!

Muhammad: We are all very familiar with the great and revered teacher, the Grand Ayatollah Khomeini.

Johnny: This may be a bit off topic—actually, just about this entire conversation has been off topic—but since you quoted the late "great" Ayatollah Khomeini on the subject of how old a girl should be before she is given away in marriage; what do you think of Khomeini's views on bestiality and the sodomizing of baby girls?

Muhammad: What do you mean? The Ayatollah Khomeini said many things. He is a hero. The Islamic Republic is a tribute to his courage, his determination and clear Islamic thinking. What he did in Iran served as a model for us when the opportunity presented itself for Muslims across Canada to create their own Islamic republic in miniature, the Islamic municipalities. God could not have chosen a better example to follow. He could not have chosen a better mouthpiece.

Johnny: Yes, but out of that mouth came such statements, statements that struck many people as strange, even by Islamic standards. Take, for example, his views on sodomizing baby girls. I remember his instructions by heart, they were so, so...disgust—disturbing. What I remember him saying was: "A man can have sexual pleasure from a child as young as a baby. However, he should not penetrate;

sodomizing the child is OK. If the man penetrates and damages the child then he should be responsible for her subsistence all her life. This girl, however, does not count as one of his four permanent wives. The man will not be eligible to marry the girl's sister."

Muhammad: Your point would be?

Johnny: He even had views on sex with animals. For example, his advice on sex with chickens.

Muhammad: Khomeini was nothing if not thorough. You are taking what he wrote out of context. The *Tahrirolvasyleh*, better known as *The Political, Philosophical, Social and Religious Principles of Ayatollah Khomeini*, was a monumental achievement, a clear and precise guide for his disciples. They would have understood what the master meant. It was not intended for uninformed unbelievers looking to discredit the faith and one of its revered teachers.

Johnny: Well, what did he mean?

Muhammad: Khomeini was well aware of the voraciousness of a man's sexual appetite. In fact, the Koran and the Prophet's, *the peace and blessings of God be upon him*, instructions for the seclusion of women – the so-called Islamic prison that some writers, mostly dead writers, have claimed Islam is for Muslim women – was for their own protection. These so-called prisons are to protect them from this manly weakness which they are bound to provoke in men other than their husband.

Johnny: What does that have to do with sodomizing baby girls and copulating with chickens?

Muhammad: A good Muslim man can only have sexual relations with his wives, the women to whom he is legally married. What if a wife is not around when an overwhelming urge to copulate comes over him, but a female child is? Allah, *The Loving*, does not condone the sodomizing of a child, nor does the Ayatollah Khomeini – even under the most intense sexual duress. The revered Ayatollah's views on the sodomizing of baby girls is meant as a warning to the would-be sodomizer that Allah, *The Finder*, will expect him to look after the welfare of that child if he damages her in any way. This is a very strong incentive against such an act.

Johnny: How about a cold shower or getting re-acquainted with your right-hand as a means of relieving the sexual tension and sparing the baby girl?

Muhammad: Idiot. Water in the deserts of Arabia, the ancestral home of Islam, was a precious commodity not to be wasted on relieving sexual tension. As for your crude reference to masturbation, the Messenger of God is unequivocal on the subject: “he who masturbates is cursed.” Better to sodomize a baby and pay the price if damage ensues than to be cursed by Allah, *The All Seeing*, and spend an eternity in hell.

Johnny: Since you put it that way! What about his view on bestiality, specifically sex with chickens as explained by *Azar Nafisi* in her memoir *Reading Lolita in Teheran*?

Muhammad: Women are simply not capable of understanding the logic behind the instructions of a great and learned man like the Ayatollah Khomeini. Even the learned and well-read Ayatollah Khomeini could not foresee what questions his disciples would ask. Quite a few would have come to hear the Master from remote farms and villages, and he did not want God’s mouthpiece to be perceived as ignorant in the ways of peasants and young boys. Peasant boys coming of age when the only relief of sexual tensions would have been a domesticated animal such as a lamb, a calf—yes, even a chicken, though the mechanics of such a union escape me—but the mechanics of such a union would not have escaped a great Islamic scholar like the Ayatollah Khomeini, whose attention to the smallest of details when it came to matters of the flesh, eh...of the faith, is well-known.

Johnny: Sex with chickens; that is mind-boggling, not to say gross.

Muhammad: [showing signs of frustration] Does anyone really care about whether a chicken or any other barnyard animal is used to satisfy a man’s sexual urge? Better than sodomizing a child! *The Political, Philosophical, Social and Religious Principles of Ayatollah Khomeini* is not a guide to sex with barnyard animals, but a guide to what you do with that animal afterwards.

The Ayatollah Khomeini believed that, in some circumstances, by having sex with an animal you had rendered that animal impure for consumption. The sex with chickens reference was just the Ayatollah imagining a question from a student about whether a chicken could be

eaten after penetration; whether it had become impure in the eyes of Allah, *the Provider*, and whether eating it would offend Him.

Johnny: So, what can you do with a chicken after you have sex with it?

Muhammad: According to our cultured and learned Ayatollah Khomeini, neither the man who has copulated with the chicken nor his immediate family or his next-door neighbours can eat of that chicken's meat, but it is acceptable for a neighbour who lives two doors away.

Johnny: Interesting.

Muhammad: The learned Ayatollah Khomeini did not come by his knowledge and scholarship by ignoring the more intimate details of human existence. He pondered these relationships—man-child, man-animal relationships—which lesser minds in the decadent West ignored, so as to ensure that even these relationships did not deviate from any behaviour that was acceptable to Allah, *Lord of the Universe*. He was an example for us all who are interested in living our lives as Allah, *The Watchful*, intended to the smallest detail.

Johnny: An example indeed!

Muhammad: Anyway, what has all this got to do with *The Fracture*?

Johnny: Not much, except perhaps that Islam's attitude toward sex and women in particular exacerbated the tensions between followers of the Prophet and followers of other would-be saviours.

Muhammad: There is only one saviour; He is Allah, *The Forgiving*. Those who don't believe in and fear him "shall burn forever in the fire of Hell. They are the vilest of all creatures," so said Allah, *The Merciful*.

Memorandum of Points of Arguments

Extracts from the Applicant's *Memorandum of Points of Arguments*, Court File A-399-66. Text in between quotation marks is from Adjudicator Thomas W. Brown's *Reason for Decision*. Underlined headings are for ease of reference and were not part of the original *Memorandum of Points of Arguments*.

The following points raised and arguments I made in the Federal Court of Appeal are as valid today as they were then, perhaps more so, as the government finds more reasons to place additional restrictions on our freedoms because of the terrorist threat.

STATEMENT OF FACTS

1. This is an application to review and set aside a decision dated June 13, 1986 of Tom Brown an adjudicator with the Public Service Staff Relations Board.

...

POINTS AT ISSUE

24. Whether correspondence between a Minister of the Crown and a private citizen is privileged correspondence and whether such correspondence can be used by public servants in judicial or quasi-judicial proceedings in which they are implicated without the express consent of the writer without bringing the administration of justice into disrepute.

25. Whether a public servant's first loyalty is to other public servants or to the government and the electorate which it represents.

26. Whether the adjudicator correctly evaluated or understood the evidence presented.

27. Whether the employer must prove that a request is reasonable before insubordination can be pretended to.

28. Whether management can ignore the progressive nature of the disciplinary process as is set out in collective agreements or as is generally understood under the general heading of the right to due process, even though the employee doesn't represent a threat to life, physical well being, security or property.

29. Whether the adjudicator erred in implying that the applicant could have kept his job if he had turned a blind eye to management's excesses and [willingly] participated in unethical if not illegal activities.

ARGUMENTS

Correspondence between a Private Citizen and a Member of Parliament

30. It is respectfully submitted that correspondence between a private citizen and a Member of Parliament is privileged information and may not be introduced by civil servants as evidence in any judicial or quasi-judicial proceedings in which they are implicated without the express consent of the writer without bringing the administration of justice into disrepute.

31. The introduction as evidence by counsel for Treasury Board (External Affairs of the letter of May 17, 1985 from the Rt. Honourable Joe Clark to the applicant) brings the administration of justice into disrepute by implying that justice, fairness and impartiality are not the overriding concern of the judiciary.

32. By introducing the letter as evidence the respondent indicated to the adjudicator that the Secretary of State, the Right Honourable Joe Clark was aware of, and condoned the discharge of the applicant. Should the adjudicator find in favour of the applicant, he would be in effect saying that the Secretary of State's trust in his officials was misplaced and he was wrong in allowing his officials to discharge the applicant...

33. For the adjudicator the decision was no longer an administrative one but a political one.

34. The implication of such a decision, considering the applicant maintained and proved that the discharge was motivated by a department angered by the applicant's complaint to the Commissioner of Official Languages, did not escape the adjudicator...

35. The adjudicator, we submit was faced with two choices: 1) legitimize the employer's deception by echoing and emphasizing the respondent's unsubstantiated claims and ignoring or downplaying the evidence presented by the applicant; 2) accept the evidence and find that the applicant had been forced out of his job.

36. The first choice, as the adjudicator states, "might attract considerable media attention" and by extrapolation embarrass the political authorities, the same authorities who are responsible for appointments to the judiciary and to most administrative bodies. The second choice held less risk. The firing of a faceless public servant for misconduct, the reputation of public servants being what it is, would attract little or no sympathy let alone media attention.

37. There was no media attention.

38. The Minister is to represent every Canadian, the acceptance as evidence of this letter would lead a reasonable man to conclude that a Minister's first loyalty is to his officials, not the electorate. He who writes to the Minister, about bureaucratic excesses, does so at his own risk and peril, in any dispute with officialdom the Minister can't even be trusted to remain neutral.

A Public Servant's Loyalty

39. It is respectfully submitted that a public servant's loyalty is first and foremost to the government and to the electorate which it represents and that the adjudicator erred in suggesting otherwise...

Consideration of the Evidence

40. It is respectfully submitted that the adjudicator erred in evaluating the evidence; a correct interpretation would have, under normal circumstances, vindicated the accused.

Official Languages

45. At no time, not during cross examination, nor during closing arguments did the employer deny that any opposition to their plans to automate Paris in English would be met with a suspension.

55. The adjudicator either through misunderstanding or for reasons unknown to the applicant minimizes the problem:

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“On November 23, 1984, Exhibit G-15, the Commissioner’s Office wrote to the grievor, advising him that his complaint was being pursued together with others of the same nature involving the Department.”

57. The adjudicator’s interpretation of what the Commissioner said is completely wrong. The Commissioner was writing about the extent of the problem not [about] the number of complaints or that the complaint was a run of the mill type.

The Special Performance Appraisal (the *Appraisal from Hell*)

51. If unassailable proof of senior management’s vindictiveness, “dirty hands” and the proverbial “smoking gun” was needed, this was it. Failure by management to take decisive action to have the applicant dismissed for incompetence or incapacity, which such an appraisal demands, demonstrates beyond the shadow of a doubt management’s reprehensible intentions. If this appraisal is true, then there could not have been any misconduct or insubordination. Management is clearly guilty of abusing the performance appraisal process and the entire disciplinary process leading to the dismissal of the applicant *discredited*.

Currency Fluctuation Reporting System

59. In his Reason for Decision the adjudicator maintains that:

“... the consultant’s report was made without taking into account the required report under the currency fluctuation project and to this day the financial management system does not and cannot take into account losses and gains in currency fluctuation, which it was hoped it would, had the consultants had in hand the grievor’s report.”

61. A system, *The Currency Fluctuation Reporting System* as described in the preceding paragraph (paragraph 60), had been in place since 1980, designed and implemented by the applicant, doing exactly what the adjudicator maintains can’t be done.

A Request Must Be Reasonable

[for insubordination to have occurred]

What Should Have Been Self-Evident

78. While the adjudicator may not have been cognizant of the advances made in information storage technologies, common sense dictates that he should have understood the applicant's explanation that it is impossible to describe the content of a filing cabinet if he is not allowed to look inside as it is to describe the contents of a computer system if you are not allowed access to it... The accusation that the applicant could possibly meet management's conditions without access to the information the applicant needed is a "red herring." This may be the first instance of a computer being used as a blunt instrument.

Evidence of the Impact of Management's Unreasonable Requests on the Appellant

79. Assuming that the adjudicator didn't understand the explanation in the previous paragraph, he should have appreciated that during the period in which the applicant is alleged to have not worked for nineteen days, which even the adjudicator admits is an exaggeration, that the applicant was where management had been pushing him all along, physically and emotionally incapable of any kind of action.

"He admitted that he could not say for sure whether he had done any work during those nine (sic) days. It was a stressful time for him. He cannot remember. One grievance followed another; one disciplinary hearing followed another..."

A Request To Travel Back In Time

82. The request that the applicant call his supervisor at the beginning of each day was made in a letter delivered by the department messenger and received by the applicant during the afternoon of the second day. *The applicant could not have fulfilled the requirements of that letter unless he could travel back in time.*

"... I direct you to call me personally at the beginning of each working day in which you do not intend to report for work due to your illness."

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83. There is also evidence in this letter that the employer was attempting to set up a case for abandonment of post which would have denied the applicant the right to appeal.

“Please be advised that non-compliance with my directives may be subject to disciplinary action. Furthermore, if you do not contact me and/or if I am unable to contact you for a period of five working days your position will be declared abandoned.”

84. The adjudicator, while in agreement that it was impossible to meet the conditions, errs in maintaining the applicant is still guilty of not meeting the employer's impossible conditions:

“He failed, perhaps through no fault of his own, to satisfy management that he was legitimately away from work and can only be considered to have been absent without leave, in the circumstances.”

Progressive Nature of the Disciplinary Process

88. The disciplinary process, if not abused, is meant to bring about a change of behaviour in an employee by imposing harsher and harsher penalties leading to dismissal if the penalties are found not to have had the desired effect. It goes without saying that it is impossible to observe the effect on behaviour without the punishment being served except in theory, but people are not judged on theories but on observable and provable facts.

89. The applicant was dismissed on the basis of a letter of reprimand, after the employee had received a deferred ten-day suspension without pay but before it was served. The decision to dismiss was made before the employee served his suspension...

“... He was accordingly told during a disciplinary hearing on April 9, 1985, upon his return from an absence which the employer considered to have been unauthorized, that a recommendation was being made for his discharge.”

90. There is no disagreement that the decision to dismiss was made before the applicant served his [deferred] ten-day suspension.

92. The employer's position in any event is absurd. They had already made the decision to dismiss the employee; why go through the charade of having (pretending) the applicant (has) served his ten-day suspension without pay? The employer is trying to pay lip service to the progressive nature of the disciplinary process. But is lip service enough considering that a dismissal for misconduct from the Public Service amounts to a life sentence?

93. The adjudicator finds nothing reprehensible about this subterfuge and errs in not dismissing the respondent's case [Treasury Board/Foreign Affairs] on the basis of this tactic alone...

"I have no reason to believe that more progressive disciplinary measures ... would have any effect whatsoever on the grievor. It would only have made a more classical approach to progressive discipline."

94. The classical approach is synonymous with the right of due process and is the only protection afforded an individual against arbitrary dismissal. The arbitrator errs and sets a dangerous precedent by claiming that the progressive nature of the disciplinary process can be ignored without substantial justification and "I have no reason to believe..." is not substantial justification. If this decision is allowed to stand, it's a signal to every manager that the progressive nature of the disciplinary process can be ignored whenever it stands in the way of arbitrary action by management and the reason can be as trivial as failing to complete a report on time.