

## **Ken Rubin Presentation CJFE Gala Awards Night, December 2, 2015**

Thanks must go to CJFE for creating a new award for investigative research and reporting. It brings recognition to a needed dimension in the struggle for freedom of expression and tackling secrecy.

As a long-time digger for information whose tweaked the powerful, I've unearthed hidden data and brought more variety to the daily news offerings. I start from the premise that there's no under the table or behind closed doors dealings that cannot be investigated.

My story can be told as one of two opposing teams - team C and D. On one side are three C players that I consider to be the necessary ingredients for investigative research and reporting: curiosity, courage, and commitment. On the opposite D team are the bad guys - denial, deceit and delay. For added flavour, the F words - fun, farsighted, fighter, come into play. Of course in BC, their government D team just goes for delete, delete, delete.

So now I'm ready to tell you more about my story.

My public interest research experiences come largely out of voluntary citizen, consumer and environmental actions. That was my route rather than going to J school and becoming a salaried media reporter.

I learnt well the art of information queries in a series of Bell Canada rate hearings, earning the wrath of senior executives there. I twigged car manufacturers and governments alike for their failure to divulge secret car warranties and Consumer Affairs who did not act to recall lemon cars or listen to owners' grievances, done with the still-great Phil Edmonston and the Automobile Protection Association. I took on the food industry, helping organize Canada Food Week with over 300 events in a national discussion in 35 cities that examined developing local healthy food alternates to our powerful national supermarket chains.

I combined my activism with my research reporting to do neighbourhood action studies in Ottawa; to report on the efforts of many Canadian citizen campaigns from Boycott Kraft to the Latin American Working Group; to apply for and review my own federal personal files; and to explore the obstacles to having an ecological diet that Canadians could adopt.

In all of this work, there was never any doubt that I needed the media world to report on the data dug up. This led me to become a life-long advocate for transparency. It meant producing research reports on what was needed for effective access to information to gain both personal files and public records. Those reports examined the system of unnecessary excluded cabinet confidences; documented the many secrecy practices of the federal government; and exposed the growing number of authorized third parties prying into our personal information.

Becoming active and involved in the National Capital Civil Liberties Association and a national lobby group, Access, was exciting as those groups played a large role in getting Canadian Privacy and Access to Information Acts passed in 1982.

I have never stopped since, filing thousands of requests, either on my own initiative or on behalf of a variety of client groups and individuals. It has meant going to the courts where necessary; having hundreds of media stories done by excellent journalists based on my access investigative work; and appearing as a parliamentary witness federally and provincially on freedom of information.

I have written many a critical analysis about Canada's access legislation deficiencies, on possible remedies and interesting cases, and have for many years had an Open Government column in the *Hill Times*. I've always felt the battle is three fold: getting the information, getting it reported, and getting it used.

Tackling secrecy has meant among many others things, exposing the food lobby groups behind Canada's Food Guide; opening Canadians' eyes wider to the sponsorship scandal; telling the story of Canada's complicity in the disastrous use and export of asbestos products; helping whistle blowers like Shiv Chopra, Margaret Haydon and Gerald Lambert tell their story about unsafe growth hormones in meat and their role in stopping the rBGH growth hormone from being introduced into our milk.

It's meant going all the way to the Federal Court of Appeal to get meat inspection safety reports and to fighting for years to have a hidden report on the unsafe airline operations of Nationair finally see the light of day. It's involved intense efforts such as assisting Maher Arar and Monia Mazigh obtain their files and having his story of rendition, torture and redress told in the press and in an inquiry.

I've been prepared to battle for information even if, as in Arar's case he was still in a Syrian jail accused of being a terrorist, or, in the case of former Prime Minister Brian Mulroney, where he was accused of being on the take in the Airbus affair. I've gone to bat too for lessor known individuals: in one case for a woman aggrieved and harmed by enduring a meme breast implant and its removal.

All of this work took persistency, being fearless and foolhardy and having a bit of luck and outmanoeuvring smarts.

The tough part is finding out too late about the conditions that led to the Dryden air crash or having your expose of the powerful Monsanto corporation on its faulty genetically engineered crop trials go nowhere.

It's a disappointment that access legislation within Canada remain primarily protective secrecy codes. Our ways of operating in both the public and private sectors are too often based on secrecy, and unfortunately usually reinforced by the courts. Proactive disclosure is rare, leadership in this direction even rarer.

With secretive governments and codes of silence, it's meant continuing to deal with many exemptions, creative avoidance tactics, delays, exclusions, record alterations, record destruction, and sanitizing and dumbing down records. This at times is compounded by deceitful and deceptive push backs by control freaks at the highest levels.

And all of this in the Internet age with WikiLeaks and Snowden upping the anti and over a hundred countries now possessing right-to-know legislation. Canada needs to radically change so that freedom of expression truly includes pro-active information rights and disclosure.

So being honoured here means I get to urge all of you to push to get new governments to become agents of transparency rather than promoters of secrecy practices.

It means urging groups like CJFE to take as well an active role internationally, as they do for journalists and political dissenters in distress, to support right to know users who are not mainly journalists, but find themselves in some countries under serious attack where killings, beatings and intimidations are too frequent simply because of asking for information under their countries' right-to-information legislation.

I may be the original Canadian poster guy whose slogan “what you don't know CAN hurt you” was adopted by CJFE and others. This freedom of expression award and with so many more engaged in opening up hidden files and dark corners helps me believe I'm not alone. Thank you and thank those gutsy people who have won CJFE awards in the past and today. Together, we can investigate, demand and move forward.