

# British Columbia court entertains spurious fraud case against NDP government

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A British Columbia Supreme Court Justice began to hear witnesses last week in a case that alleges that three New Democratic Party (NDP) members of the provincial legislature committed electoral fraud in the 1996 provincial election. This case, however, does not concern ballot-stuffing or transgressions of electoral financing laws. The alleged fraud is that the BC NDP government failed to make good on pledges that the province's budget would be balanced in the 1995-96 and 1996-97 fiscal years!

During last week's court proceedings BC Supreme Court Justice Mary Humphries conceded the case was without precedent, terming it "a very unique hearing." After rejecting a number of procedural motions brought by lawyers for the NDP respondents in the case, she added, "We're making this up as we go along."

The litigation against the NDP MLAs is being bankrolled by the right-wing National Citizens' Coalition (NCC) and has been lauded by much of the corporate media. Their transparent aim is to bring down the NDP government. Should Justice Humphries find that the NDP MLAs committed fraud she could overturn their election, reducing the NDP's majority in the provincial assembly to just one. But parliamentary arithmetic aside, a finding against the NDP would be seized upon by big business and the right to claim the sitting government lacked political legitimacy and demand an immediate election. After all, hadn't a supposedly nonpartisan judiciary determined that the government had won its electoral mandate through fraud?

Socialists have no brief for the NDP or the nine-year-old NDP government in British Columbia. Like social democratic regimes around the world, BC's NDP government has slashed social spending, imposed regressive welfare "reforms" and cut public sector

workers' jobs and wages. Earlier this month, the NDP government passed strike-breaking legislation to force an end to a strike by about 20,000 public school support staff. NDP politics have increasingly been characterized by sordid squabbles over pelf and patronage among the coterie of grasping union bureaucrats, professionals and entrepreneurs who comprise the party leadership.

But workers must oppose the NDP government from their own class standpoint and with their own methods.

The current court case is doubly reactionary: it extends the power of the judiciary to intervene in the electoral process; it is part of an ongoing right-wing campaign aimed at replacing the NDP regime with one even more pliant to the wishes of big business.

Apoplectic over the BC social democrats' failure to match the steep social spending and tax cuts carried out by the Tory regime in neighboring Alberta, big business, the media and the opposition Liberals have been trying to create a mechanism through which they can oust the NDP government. A "Total Recall Campaign" aimed at forcing recall elections in enough NDP constituencies to defeat the government was heavily promoted, but met with little success.

Far more sinister was the corporate media's handling of a corruption case involving BC NDP leader and Premier Glen Clark. In March 1999 police raided Clark's private residence, while a crew from BCTV, the province's largest television station, broadcast images of the police operation live. It subsequently emerged that an aide to Liberal leader Gordon Campbell had helped bring the corruption allegations to the police's attention and that they were investigated by a police officer who had close ties to the Liberals. In August 1999 Clark stepped down as NDP leader. But despite a press barrage of innuendo and insinuations, he has not

been charged with, let alone found guilty of, any crime.

The fraud case against the three NDP MLAs has been touted as a “grassroots” campaign, whose success is due to the tenacity of retired Kelowna businessman, David Stockell. This is poppycock. If the case has proceeded through the courts, it is largely due to the finance provided by the National Citizens' Coalition, of which Stockell is now a vice-president, and because the judiciary, or at least much of it, shares the BC business elite's antipathy to the NDP government.

For the past three years, lawyers representing the NDP and the three MLAs have sought to have the case dismissed, arguing that it represents a blatant attempt to give the word “fraudulent” a meaning far wider and different from that intended by the framers of BC's Election Act. *Prima facie* this argument would appear incontrovertible. The Act uses the term “fraudulent” within the context of listing actions aimed at either depriving people of their right to vote or compelling them to vote in a certain way. It clearly was not meant to cover election rhetoric, still less budget forecasts which are dependent on numerous variables, including interests rates, the value of the dollar, and economic growth. Section 156 of the Election Act says, “An individual or organization must not by abduction, duress or fraudulent means ... compel, persuade or otherwise cause an individual to vote or refrain from voting for a particular candidate or a particular political party.”

Yet the judiciary, including Canada's Supreme Court, have given their sanction for the case against the NDP MLAs to be heard, thus abetting the right-wing drive against the provincial government.

Even should the case against the NDP MLAs ultimately be dismissed, it will have provided the NDP's right-wing opponents with a convenient platform from which to browbeat the social democrats for “fiscal irresponsibility,” “wasting” taxpayers' money, and electoral duplicity. Moreover, the court's implicit assertion that they have the authority to pass judgment on the probity of election rhetoric represents a significant and dangerous widening of the judiciary's powers.

Many have responded to the case against the NDP MLAs by quipping that were all governments that broke their election pledges and massaged budget estimates forced to resign, there would be no

governments left in Canada, or anywhere else, for that matter. Certainly, cases of politicians cynically making promises to increase social and public spending and then doing the exact opposite are legion.

In the 1993 federal election campaign the current prime minister, Jean Chretien, denounced the budget cuts of the Tories and promised to make job creation his first priority, but once elected proclaimed balancing the budget the principal objective of his Liberal government and imposed the greatest public spending cuts in Canadian history.

But in opposing the Stockell-National Citizens' Coalition lawsuit it is necessary not just to point out the selective nature of their concern with “truth” in politics. To counter the right's attempts to tap into and exploit the deep vein of public distrust of and hostility to politicians, it is necessary to address why the politicians invariably “betray” the electorate and to whom they are accountable.

If Canadians are so alienated from the traditional parties and politicians, it is because time and again the latter have run roughshod over the wishes of working people to impose the very big business agenda promoted by the NCC and its allies. The issue of a balanced budget, over which Stockell and the NCC have raised such a ballyhoo, was arguably the principal manipulation of the electorate in the 1990s—the mechanism through which big business pressed for, and pushed through, sweeping regressive changes to social policy that have enriched the most privileged at the expense of the majority.



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