

Gomery hearings grind to a close

Poll shows that despite evidence, public holds Martin responsible

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MONTREAL - A defiant Justice John Gomery wrapped up nine months of public hearings yesterday, vowing that his report into the sponsorship scandal will be independent, written only by him and free from influence.

Judge Gomery made the pledge when he dismissed the latest challenge from former prime minister Jean Chretien, who argued that the judge's much-anticipated final report must not be based on any advice from his commission counsel unless it is given in public. "The decision that is going to be written is going to be written by me," said Judge Gomery. "I don't know what other people do in other commission of inquiries, but I have written all my decisions over 20 odd years and I am going to write this one. ... There is only one person who is going to write this report."

The 73-year-old judge, who was clearly impatient and anxious to conclude the hearings, said he was insulted by suggestions he could be influenced by anything other than the evidence from the parade of witnesses in Montreal and Ottawa over the past nine months.

"I am unsympathetic to the proposition that I would be influenced improperly by facts that I might hear other than what I have heard in this room," he said. "I have taken the greatest of care from the beginning of this commission to take into consideration only the evidence that I have heard under oath."

Meanwhile, a new poll shows it is Prime Minister Paul Martin who is carrying the blame for the sponsorship scandal even though it occurred under the watch of his predecessor, Mr. Chretien.

The nationwide survey was conducted by SES-Research for the Institute for Research on Public Policy and its flagship magazine, Policy Options.

The poll shows that by a margin of two to one, Canadians are more likely to finger Mr. Martin -- not Mr. Chretien -- as being solely responsible for the mess.

Specifically, only 16 per cent said Mr. Chretien should "take responsibility for activities uncovered" by the Gomery commission into the sponsorship scandal. By comparison, 29 per cent said Mr. Martin should take responsibility.

Forty-three per cent of respondents thought both men shared responsibility for the revelations at the Gomery inquiry, while six per cent thought neither Mr. Martin nor Mr. Chretien were responsible, and five per cent were unsure.

In an article in Policy Options, SES-Research president Nik Nanos writes the findings are significant for two reasons: The scandal occurred between 1997 and 2003, when Mr. Chretien was prime minister; and Mr. Martin has taken moves to remedy the problem. Indeed, he

notes, Mr. Martin cancelled the sponsorship program on his first day as prime minister in December, 2003, and he appointed Justice John Gomery on Feb. 10, 2004 -- the same day Auditor General Sheila Fraser released her blockbuster report on the fiasco -- to conduct an independent investigation.

"This shows that Martin, by being proactive on the sponsorship file, has taken ownership of it," Mr. Nanos writes.

"The impact of the Gomery inquiry on the public perception of Prime Minister Martin should give political leaders pause. It appears that the best of motives and a proactive open approach are no guarantee of gaining public confidence."

For its poll, SES-Research surveyed 1,000 Canadians from April 30 to May 4. The margin of error is 3.1 percentage points, 19 times out of 20.

A key finding of the poll -- which might explain why so many people are holding Mr. Martin accountable -- is 67 per cent of Canadians believe that, as finance minister, Mr. Martin was aware that sponsorship program money was given to Liberal-friendly ad agencies.

Mr. Chretien's latest legal manoeuvre came on the heels of the former prime minister's decision to stop his challenge to have Justice Gomery removed as the inquiry's presiding judge because of questions over his objectivity.

The commission has been trying to wrap up the hearings for several days but faced a series of hitches and delays, including a bomb threat yesterday which shut down the federal complex where the inquiry has been held since it moved to Montreal in February.

The inquiry's final witness was Alfonso Gagliano, the former Public Works Minister who oversaw the now defamed program that was supposed to fight separatism and boost federal visibility in Quebec.

A defiant Mr. Gagliano, who appeared worn and weary yesterday, has faced a slew of new accusations since he testified last February, which he strongly denied in his second appearance. He again told the inquiry that he gave his input into what events to sponsor and the "appropriate" amount of funds to spend but he never picked advertising agencies. All final decisions were left to the bureaucrats.

Mr. Chretien's lawyer, Peter Doody, argued that the four lawyers making up the commission's legal team should make their final submissions publicly and that they not be allowed to privately provide advice to Judge Gomery in the writing of his report.

He argued commission counsel, led by Bernard Roy, the former chief of staff to Conservative Prime Minister Brian Mulroney, have had access to documents and information that weren't disclosed as evidence, as well as interviewed witnesses who were never called. Through subpoenas, the commission has received more than 28 million pages of documents, of which only 481,000 pages were disclosed during hearings.

Judge Gomery, who has been a stickler about keeping the inquiry on schedule, intends to deliver his first fact-finding report this fall and his final report by December. Prime Minister Paul Martin has promised to call an election within a month of the final report.

The inquiry's next step is final oral arguments from lawyers representing the various parties when the inquiry resumes for a week on June 13. Lawyers can also submit written arguments.

Judge Gomery said he intends to retreat after the final arguments and mull over the evidence for several weeks. After that, he said he will seek the help of commission counsel to help him track down documents or nail down facts as he writes his report.

"I am going to close my door, I don't want to hear you or speak to you for about two weeks," Judge Gomery told commission lawyers. "I need to take a little distance from the evidence, I need to get my thoughts together, I need to prepare an outline of my decision and I need to grapple with the issues of fact that I have to decide."

The Liberal party's cash-starved Quebec wing, which Mr. Gagliano oversaw as the province's political lieutenant and chief organizer, came under the spotlight with ad executive Jean Brault's revelations that he funneled more than \$1 million in secret payments to the party.

Mr. Gagliano denied he knew anything about cash payments being paid to party workers during the 2000 election or the up to \$300,000 cash that fundraiser and Chretien loyalist Jacques Corriveau allegedly gave party officials in the runup to the 1997 election. In fact, he said he always insisted that cash never be accepted and party workers weren't to use pressure when selling tickets or seeking donations.

He acknowledged that he recruited his long-time friend and confidant Joe Morselli to handle fundraising in 2000, but vigorously denied former executive director Daniel Dezainde's allegations that Mr. Morselli and his right-hand man Beryl Wajsman ran a "parallel" fundraising operation outside the party.

He also took aim at Mr. Dezainde, whom Mr. Gagliano said he reluctantly accepted as the party's executive director, for going over his head when he fired Mr. Wajsman.

He also said Mr. Dezainde should have told him about Mr. Corriveau's alleged confession that he ran a kickback operation with advertising agencies so he could have called in the RCMP to investigate.

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