

Cabinet Paper

Title

A proposal to change the rules to require that the political executive in Canada be more accessible to journalists.

Proposal

The purpose of this Cabinet submission is to encourage the prime minister, members of the Cabinet, the Prime Minister's Office (PMO), the governing party's Members of Parliament (MPs), and the Privy Council Office (PCO) to be more accessible, open, and cooperative with the members of the national press corps, and all other members of the press. This proposal recommends that, effective in the next session of Parliament, press conferences be held in the National Press Theatre, that the times and location of Cabinet meetings be public, that the pre-determined list of journalists who wish to ask questions be abolished, that access to information requests be processed without undue delay and within the legally mandated timeframe, and that 'Message Event Proposals' (MEPs) for innocuous queries be discontinued.

Executive Summary

In the 2005-06 general election campaign the Conservative Party of Canada promoted a theme of government transparency and accountability. Since taking power in 2006 objective critics have observed that the governing party has been increasingly less open to public scrutiny, which is contrary to promises made during the election campaign. The decrease in government accessibility and transparency has negatively impacted journalists' access to members of the executive branch of government. The media policy instated by the Harper government has alienated some journalists and has infringed on the democratic ideals for which the party campaigned. Thus it is proposed that actions be taken to ensure that government media relations improve by implementing the recommendations outlined in the latter section of this paper. These are to take effect after the next election regardless of which party government or prime minister is appointed to govern.

Background

The principles of accessibility, openness, and transparency, which are concurrent with the election platform that helped the Conservatives win the election and form the government in 2006, were often disregarded in interactions with the press shortly after the party had taken power. The Conservative government's actions have led to the deterioration in relations with the press such that journalists walked out on Prime Minister Stephen Harper during a press conference in May 2006.

To understand the state of the relationship between the Conservative government and the press it is first necessary to describe the practices that were standard before Stephen Harper and the Conservatives won the election of January 23, 2006. Previously there were many standard long-standing practices that governed interaction between Members of Parliament and the press. These practices used the National Press Theatre for press conferences, allowing the press gallery chair to mediate questions during press conferences, and allowing journalists to approach or scrum around politicians after meetings of the House of Commons and Cabinet. These practices made members of the executive and legislative branches of the federal government accessible to journalists and, in turn, to Canadian electors.

Shortly after the Conservative government took power, Prime Minister Harper initiated attempts designed to control messaging and the flow of information to the press. The primary purpose of such message control is to ensure that the government sends a focused, pre-mediated and direct message to Canadians. While maintaining a consistent message is a reasonable endeavour practiced by governments and organizations worldwide, the level of message control that is commonly associated with Harper's governance appears to be problematic because it leaves journalists, and hence Canadians, starving for information that may affect them. Tight message control has severely restricted the accessibility of the political executive and Conservative MPs. Since message control was instated the House of Commons foyer has been used to give press conferences, Cabinet meetings have been held in secret so journalists cannot ask questions, and Conservative MPs are unable to speak openly about issues without permission of the PMO. Additionally, access to information requests are often unduly delayed and bound in bureaucratic red tape. It is also noteworthy that the *Globe and Mail* has recently publicly disclosed the existence of a communication tool known as a 'Message Event Proposal'. This is used to script the messages that the government wishes to send and each MEP must be approved by the PMO. MEPs epitomize message control and are the antithesis of openness, accessibility and transparency. Thus, it is proposed in this Cabinet submission that the government change its policy toward the press and reinstate the policies and practices that governed relations between the two before 2006.

Comment

This proposal encourages the government to reinstitute the practices and policies that regulate the interaction between the press and government prior to 2006. These policies will make members of the executive and legislative branches of government more accessible to both journalists and Canadians. An open, accessible government and a free press are essential in a democracy, a right that is constitutionally entrenched in the *Constitution Act (1982)*. Although the government has not legally inhibited the press, roadblocks have been introduced by restricting access to the executive branch, resulting in less information for Canadian electors whom the federal government serves. What follows is a description of three major practices that have been used since 2006 and how each practice is problematic. It is proposed that these practices be abolished, or alternatively, that the government make public the time and location of Cabinet meetings and allow Conservative MPs to speak without having to seek permission or be scripted by an MEP.

Inadequate response to access to information requests

Access to government information is made available through the *Access to Information Act (1982)*. Journalists, among others, frequently use the *Act* to uncover specific data about the workings of government, such as how public funds are spent. When information is "unavailable" to the public and media it is usually because such information, if made public, is deemed a national security threat even when the requested information is, in fact, of a low security level. According to the Canadian Journalists for Free Expression, in 2009, 43 percent of requests were not met within the 30 day time limit mandated by law. Furthermore, according to the same source, in that same year, it took the federal government more than 60 days to respond to 23 percent of such requests. This situation is problematic because information obtained under the *Access to Information Act* that often uncovers scandals and wrongdoings, as opposed to questions asked during press conferences. Access to information requests have often been stalled under the Harper administration to, critics suggest, avoid uncovering a scandal, like the so-called Afghan file.

To rectify this situation, it is proposed that the government hire more employees trained to find, censor (if necessary), and distribute government documents, or contract this work to an appropriate firm. Alternatively an information campaign to explain why requests take longer to complete than is currently stated in the legislation could be introduced. Another alternative is to amend the *Access to Information Act* from 30 days to 60 days so as to be more compliant with law under the current allotment of government personnel and resources.

Controlled press conferences

Under the Harper administration, press conferences, when held, have been held in the House of Commons foyer as opposed to the National Press Theatre. Press conferences have been traditionally held in the Press Theatre, which has more order and resources for journalists, like simultaneous French and English translation. Holding press conferences in the foyer is problematic because it denies journalists the support they need to do their jobs properly. Furthermore, making journalists sign a list to be eligible to ask questions during press conferences has further restricted access to the Executive branch as they must be chosen from this list by PMO staffers in order to be eligible to ask a question during a press conference. Members of the press see this list as a way of picking journalists who are friendly to the government, or who are known for asking “softball” or “fluff” questions. Journalists fear that if this is indeed the case, Canadians cannot hold the government accountable for its actions. Furthermore, if journalists are not allowed to ask important and pressing questions, then Canadians are not receiving the whole story about how government action or inaction affects them.

To address this concern it is recommended that the “list” system be discontinued and the usual locale of press conferences be returned to the National Press Theatre. Alternatively an information campaign may be introduced to demonstrate that list systems are used in other democracies including by the President of the USA. Another option is to continue the practice but to introduce a lottery system for other journalists so as to not exclude unfriendly journalists entirely.

Message Event Proposals (MEPs)

Message Event Proposals are a communications tool used by the Harper administration to maintain message control. These documents, which are prepared by a department and submitted to the PCO and PMO for vetting as part of the event approval process, usually employ the following headings: event, event type, desired headline, key messages, media lines, strategic objectives, desired soundbite, ideal speaking backdrop, ideal event photograph, tone, attire, rollout materials, background, and strategic considerations. MEPs heavily script any message, program or policy the government wishes Canadians have information about. MEPs must be approved by the PCO and PMO before the content of a specific MEP is released to the public; therefore their purpose is to provide the governing party with control and an opportunity to script what is being said and by whom, before it is being said. Moreover this contributes to the centralization of power within the government and reduces ministerial authority.

In response to the public criticism about MEPs it is recommended that their use be discontinued. Alternatively they may continue to be used on an information basis with the understanding that the PCO and PMO will not approve such proposals in only extraordinary circumstances or where they proposal is inconsistent with well-known event parameters. Another option is to continue the current practice at the risk of MEPs becoming institutionalized.

Consultation

When considering the proposed media policy changes consultations should be initiated with journalists and their member organizations, such as the National Press Corps, the Canadian Broadcasting Corporation (CBC), the Canadian Press, the Canadian Journalists for Free Expression, and the Canadian Association for Journalists. Select academics, particularly journalism and Canadian political science professors who have published on the subject, may be approached for their suggestions about the preferred course of action and its consequences. Finally, communications personnel within the government must be consulted to, as with the press, explain any change in government media policy.

Financial Implications

This policy changes proposed will have a great impact upon the image of openness and accountability of the Canadian government, while having limited financial impact. In order to speed up Access to Information requests, it is proposed that resources be allocated to facilitate the increased demand for information so that it can be met within the legally mandated timeframe. To help offset these increased costs somewhat, and to reduce 'nuisance' inquiries, the fee structure of applications should be reviewed with an eye towards making any such change revenue- and expenditure-neutral. Moreover limiting the amount of censorship on Access to Information documents will demand less time of government employees and therefore could potentially speed up the completion of such requests.

To change the location of the press conferences, as proposed, will have no foreseeable financial cost for the government, as it will solely consist of a room change in a facility maintained by the press. Likewise abolishing the list that journalists must sign and discontinuing MEPs does not involve financial considerations; in fact there may be cost savings in terms of human resources time commitments. Additionally, allowing journalists to scrum after the adjournment of the House of Commons and Cabinet meetings will have no financial cost, nor will making the location and time of Cabinet meetings public.

Gender Perspective

Not applicable.

Aboriginal Perspective

Not applicable.

Disability Perspective

Not applicable. The National Press Gallery and the House of Commons foyer are both accessible locales.

Rural Perspective

Media outlets and journalists based in rural areas are less likely to be members of the National Press Gallery in Ottawa and more likely to rely on information disseminated via other means. Since Conservative MPs disproportionately represent rural and suburban areas the proposed changes will likely increase the availability of information to journalists in metropolitan areas which are disproportionately represented by Liberal and NDP members. Consequently we might anticipate that the number of adversarial questions will increase under this system which will reduce the government's willingness to participate. In order to mitigate this concern, special efforts to engage members of the press corps from across Canada into press conferences held at the National Press Theatre, such as through video conference, might be an important condition placed by the government in order for it to agree to return to that venue.

Environmental Perspective

Not applicable.

Communication Strategy

Special attention must be given to communicating these changes given that they have direct implications for journalists. Interviews with industry publications should be granted to sensitize media stakeholders and the attentive public to the problems associated with the pre-2006 system, the reasons for the post-2006 changes, and the resulting advantages and disadvantages. An announcement about the changes should be communicated, symbolically, via a news conference at the National Press Theatre which will demonstrably signify the Harper administration's commitment to making working conditions more hospitable for journalists and more inclusive for those outside of Ottawa (i.e., rural media outlets). The National Press Gallery Chairman, who will then organize the questions from journalists, should mediate this news conference under the new rules. This should be supported with an information kit that includes frequently asked questions (FAQs), insider information provided to bloggers, and participation by a member of Cabinet on talk radio programs.

Recommendation

The Executive Council recommends that the prime minister, the Cabinet, and the PMO should be more open and accessible to journalists and the news media. The Executive Council may achieve this objective by making the following recommended changes to the policies that preside over the practices that regulate the interaction between the press and the government. The proposed changes will ensure that the executive branch of government is more accessible and open to journalists and all Canadians.

- *Abolish the list system used to select journalists to ask questions:* Journalists fear that “favourites” will be chosen by government staffers to ask questions, rather than journalists who ask pressing and substantial questions that the government dislikes. It is further recommended that the National Press Gallery Chairman be allowed to mediate interaction between the press and government as was the previous practice.
- *Process access to information requests in a timely manner:* It is required by law that Access to Information requests must be processed within 30 days. This Cabinet submission recommends that the government hire more employees devoted to Access to Information research such that all but the most cumbersome requests are completed within the 30-day time limit. Furthermore, it is recommended that less information on each document be censored, and that the information exempted is done so on the basis of harm and injury on a case-by-case basis rather than blanket exemptions. To offset any financial implications the fee structure for requests should be examined.
- *Make Cabinet meetings known:* It is recommended that location and time of Cabinet meetings be publicly known such that afterwards journalists can ask questions to Cabinet members about issues that affect their departments.
- *Allow Conservative MPs to speak to journalists without having to seek permission from the PMO:* Members of Parliament are elected to represent a constituency and in a democracy should be able to openly speak about issues that may have an impact on that area.

- *Hold press conferences in the National Press Theatre:* The National Press Theatre, which has support mechanisms for journalists, like French and English translation, should be used for press conferences. It is recommended that the Chairman of the National Press Corps mediate questions from journalists instead of government staffers drawing journalists from a pre-designated list. These changes will give journalists a chance to ask questions that they deem important.
- *Encourage the political executive to engage in scrums with journalists:* Scrumming is a way to ask questions about the government's position on an issue that may not have been fully discussed in Parliament.
- *Discontinue use of Message Event Proposals:* MEPs are a communications tool that micromanages government announcements, press conferences and events. Their use is linked with a less accessible executive branch, and they may be responsible for the limitations placed on the number of questions that journalists can ask.

Alternatives

Relaxing the current practices: Maintaining the status quo but introducing minor adjustments may help relax concerns expressed about the government's control over information. A lottery system could be introduced to the list system that would provide otherwise excluded journalists with a chance of asking a question. MEPs could be maintained on an advisory basis, with the PCO and PMO exercising a veto in only unusual circumstances or else when established communications parameters have been violated. The continued use of such activities will institutionalize them which presents a long-term democratic risk regardless of which party is in government.

Amending the Access to Information Act: Changing the completion period from 30 to 60 days would help ensure that the government is more compliant with the law with respect to fulfilling formal information requests, which it cannot do under the present circumstances without additional resources. If it can be demonstrated that the number of requests has increased significantly over time then this is a reasonable response in a budget environment that demands fiscal constraint. However critics, particularly the opposition parties, are unlikely to support this proposal and will seek to use it as evidence of the Harper administration having a secret agenda.

Information campaign: A communications campaign could be initiated to increase journalists', critics' and Canadian electors' awareness of the reasons behind the changes that were introduced beginning in 2006. This would include some comparative evidence about how these changes are consistent with other democracies and consistent with a centralization of message control in a changing media environment over time. While this has some merits the greater principles of openness, transparency and accountability—principles that the Conservative party advocated while in opposition—are likely to prevail. Even if the initial outcome of a communications campaign is positive, the prolonged result would likely be sustained criticism, calls for change, and continued branding of the Harper administration as secretive, controlling and undemocratic. **This action is not recommended.**

Date

July 15, 2010

Prepared By

John Doe, Bachelor of Arts candidate, Department of Political Science

Sources Consulted

- Blanchfield, Mike and Jim Bronskill. 2010. "Documents expose Harper's obsession with control." *Toronto Star*, <http://www.thestar.com/news/canada/article/819779--harper-s-message-event-proposals-reveal-hyper-extreme-political-control> (accessed June 10, 2010).
- Canada. Communications Community Office. 2008. *2007-08 Benchmarking Review of Federal Government National Headquarters and Regional Office Communications Branches*. Ottawa.
- Canada. Office of the Information Commissioner. 2010. *Out of Time: 2008-2009 Report Cards: Systemic Issues Affecting Access to Information in Canada*. Special Report to Parliament. www.infocom.gc.ca/eng/rp-pr_spe-rep_rap-spe_rep-car_fic-ren_2008-2009_2.aspx (accessed July 12, 2010).
- Canadian Association of Journalists. 2010. "An open letter to Canadian journalists." June 22, 1. <http://www.caj.ca/?p=692> (accessed June 23, 2010).
- CTV. 2006. "Harper to avoid national media, claiming bias." CTV news, http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060524/harper_media_060524/20060524?hub=TopStories (accessed June 1, 2010).
- Davis, Jeff. 2010. "Bureaucrats chafing under 'unprecedented' PMO/PCO communications control." *The Hill Times*, April 26: A1.
- Galloway, Gloria. 2007. "Manual called proof of 'control fetish'." *The Globe and Mail*, June 3: 4.
- Gould, Terry and Bob Carty. 2010. "Freedom of expression on trial: 2009." *Canadian Journalists for Free Expression: The 2009 Free Expression Review*, 7. <http://www.cjfe.org/releases/2010/2009review.html> (accessed June 7, 2010).
- Kozolanka, Kirsten. 2009. "Communication by stealth: The new common sense in government communication." In *How Ottawa Spends, 2009-2010. Economic Upheaval and Political Dysfunction*. Montreal and Kingston: McGill-Queen's University Press.
- Negrine, Ralph. 2008. *The Transformation of Political Communication: Continuities and Changes in Media and Politics*. New York: Palgrave Macmillan.
- Pugliese, David. 2010. "(NO) Access to Information." *The Ottawa Citizen*, <http://www.ottawacitizen.com/news/Access+information/3001746/story.html> (accessed June 8, 2010).
- Rubin, Ken. 2010. "Access Act big loser in fight over Afghan documents." *The Hill Times*. April 5: 2.
- Savoie, Donald. 2010. *Power: Where Is It?* Montreal and Kingston: McGill-Queens University Press.

- Stanbury, W. T. 2010. "PM Harper's playbook for dealing with critics." *The Hill Times*. April 5: 18.
- Stanyer, James. 2007. *Modern Political Communication: Mediated Politics in Uncertain Times*. Cambridge, UK: Polity Press.
- Tupper, Allan. 2003. "New public management and Canadian politics." *Reinventing Canada: Politics of the 21st Century*, ed. Janine Brodie and Linda Trimble. Toronto: Prentice Hall.
- Whitaker, Reg. 2008. "Politics versus administration: Politicians and bureaucrats." In *Canadian Politics in the 21st Century*, ed. Michael Whittington and Glen Williams. Toronto: Thomson Nelson.
- Wilson, Jennifer. 2009. "Empty podium: Stephen Harper's media tantrum." *King's Journalism Review*, http://journalism.ukings.ca/journalism_3673_9591.html (accessed June 15, 2010).