

ECT: Cameron

OPINIONS

# Where is the justice in Kim Cambell's decision?

"Why should the Department of Justice act like an insurance company and try to wear down a claimant?"

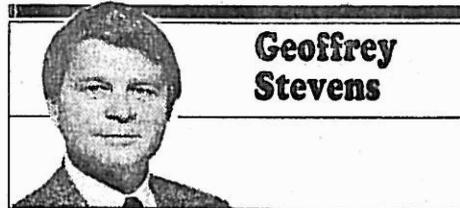
— Vancouver lawyer Ronald Shulman

**T**HE MINISTER of justice is not a minister like the others. She is not simply the political head of a department of bureaucrats, as other ministers are. Her responsibility lies in a realm beyond such everyday concerns as building bridges, collecting taxes or distributing subsidies.

She is the law officer of the crown. She is responsible for justice and for seeing that it is done — through the courts, through the bureaucracy, through the political process.

From time to time, the political interests of the government conflict with the interests of justice. It's the justice minister's duty to ensure, by means of the Charter of Rights, Criminal Code and a host of other federal statutes, that justice prevails over political expediency, partisan self-interest and bureaucratic convenience.

It would be hard to imagine a more clear-cut case of justice denied — denied by Justice Minister Kim Campbell herself — than the tragic case of Linda Macdonald.



Macdonald's story has been told in heart-wrenching detail many times in the past three years — on CBC's *Morningside* and *The Journal*, in most major newspapers, on the front page of *The Star* and the *Globe and Mail*, on the back page of *Maclean's*. No detail in her story has ever been denied or even challenged.

Inexplicably, however, the justice minister doesn't show the slightest flicker of interest in seeing that justice is done.

Macdonald, who is now 53 and living in Campbell's hometown, Vancouver, was one of the Canadians who were used, unwittingly, as human guinea pigs in brainwashing experiments in the late 1950s and early 1960s at the Allan Memorial Institute in Montreal — experiments that were funded by the Canadian government and, to a lesser extent, by the U.S. Central Intelligence Agency.

As with many of the others, Macdonald's life was ruined. She lost her memory entirely, the ability to read and write and even toilet training. She soon lost her husband and six children, too.

Ottawa's response to the Allan Institute disaster gets curiously and curiously.

After years of pressure, it agreed to assist with the legal costs for one group of victims to sue the CIA. The CIA eventually paid a total of \$750,000 out of court to nine victims.

But while Ottawa, by helping with those legal costs, acknowledged that something had gone horribly wrong at the Allan Institute, it has never conceded a scintilla of responsibility — even though it provided at least five times as much funding as the CIA did.

And Ottawa kept financing the brainwashing experiments after the CIA withdrew its support in 1962. Linda Macdonald's brainwashing, done in 1963, was financed by the government of Canada.

A follow-up study in 1967 by Drs. A. E. Schwartzman and Paul Termansen found that 79 patients had reached the "third stage of depatterning," as Macdonald did. Of these, 23 per cent experienced physical complications and 60 per cent suffered

from persistent amnesia.

No one knows how many of the victims are still alive or where they are. Ronald Shulman, one of Macdonald's lawyers, says he's heard of about 10 victims, scattered across Canada, who are interested in financial compensation.

A year ago, Shulman's partner, former judge Thomas Berger, asked the justice minister for compensation for Macdonald or, failing that, for financial assistance to pursue her case in court. Berger reinforced his request with an 85-page submission to the cabinet.

After nine months, Campbell gave her reply — a four-paragraph rejection in which she denied any governmental "impropriety" (though none had been alleged).

So Macdonald's suit proceeds. Campbell has until the end of April to file Ottawa's statement of defence. It will be fascinating to see how the minister responsible for upholding justice defends the perpetuation of such blatant injustice.

□ **Geoffrey Stevens**, a former Parliament Hill correspondent, is a Toronto-based writer and editor.



**A TRAGIC CASE:** Linda Macdonald was one of the victims of brainwashing experiments funded by the Canadian government.