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A mission to embarrass the bigwigs

When Ken Rubin digs for information, the nation's bureaucrats start to sweat

THE little guy has beaten the big boys in Ottawa. Again.

Ken Rubin, a small, wiry man with no legal training, stood up before three sombre judges of the Federal Court of Canada and out-argued the government's high-priced lawyers.

That's how he won a six-year battle last week to gain access to secret government reports on the crash of a Canadian National airliner in Jiddah, Saudi Arabia, in 1991 that killed all 263 passengers and crew.

Not that it changed his life. He has no personal connection with the crash, it was just another routine in-

Sean Fine
in Ottawa

vestigation for this professional gadfly who uses the federal Access to Information Act to unearth embarrassing information, which he then sells to the media. He has put more than one government on the spot on more than one occasion.

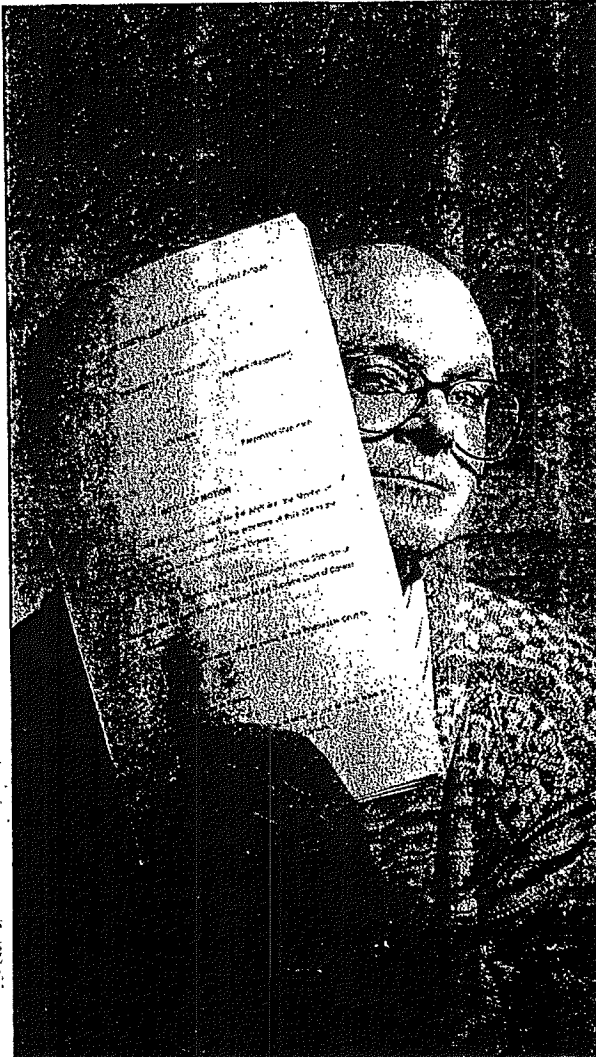
"This is a lonely existence," said the bald and bespectacled 54-year-old. "The only pats on the back I get are when somebody says, 'You're a bastard, you're a son-of-a-bitch.' That's when I feel what I'm doing is understood."

He's understood now. He has used his knowledge of the Access to Information Act to ferret out documents showing that many of Canada's soldiers are fat. That made Page 1 in *The Ottawa Citizen*. And that the government ignored its own consultants' safety warnings in selling nuclear technology to China. That made Page 1 in *The Globe and Mail*. Then there was the memo from senior finance officials that suggested Finance Minister Paul Martin was fibbing when he said Canada could aim for unemployment of 5 per cent.

"I think it's a shameful misuse of the Access to Information Act, to spend all his professional time vacuuming up information from government files, wading through it and selling it to journalists," said one adviser to a federal cabinet minister, speaking on condition of anonymity. "He makes an awful lot of work for an awful lot of people."

So, who is Ken Rubin and why won't he leave the government of Canada alone?

He's a Winnipeg Jew, although not from the working-class north end that produced journalist Larry Zoff, theatre director John Hirsch and comedian David Steinberg. His father was an accountant. Frighteningly, at least for Ottawa bureaucrats, he's a triplet. But his obsession with social activism, which has its roots in the student protests of the 1960s and '70s, is his alone. Although he has lived in Ottawa for a quarter-century, he said



Paperchaser Rubin: "Powerful groups like the federal government don't react to . . . a letter to the editor. You have to sometimes make them look like fools."
(JOHN HRYNIUK/*The Globe and Mail*)

he does not have "a central Canadian personality," and considers himself a Prairie populist and muckraker.

The beatniks, the hippies and the Yuppies helped shape him. "If I talk in American terms, I have a bit of Yippie, [Ralph] Nader and [Saul] Alinsky in me. Citizen participation was the end-all and be-all for me in the '60s and '70s."

Although he's had his 15 minutes of fame, it has usually come 10 seconds at a time. Softspoken, although not one to use 10 words where 20 will do, he's a less polished, less sexy Canadian version of Jerry Ruben (no relation), a founder of the Youth International Party whose members, the Yuppies, took part in bloody Vietnam war protests. "Give me a little Abbie Hoffman, too," he said. "This is conservative Canada. People who want

to yell and bomb — that's just not our style. But we've got to let our hair down more and relate to the real issues."

It's a living. Newspapers buy his scoops but he's not getting rich from it. "The media — I don't want to use the word 'cheap' but the market is limited." Usually he's paid \$150 to \$250. Out of that he has to pay for photocopying and other charges involved in making information requests of government. He says he earns \$30,000 to \$50,000 a year.

Certainly he lives well. He and his schoolteacher wife own a modestly furnished three-storey house in the middle-class Glebe neighbourhood, where their 12-year-old son and 13-year-old daughter are growing up. And he owns a little wedge of land in Quebec, where he raises carrots and

squash. In Ottawa he's a familiar figure on his one-speed bicycle with a wooden box in back for documents. (Jerry Rubin, on the other hand, went from Yippie to yuppie and at his death was earning \$60,000 a month on Wall Street.)

He has been a community worker, a consumer advocate and researcher, and sees his current work as combining all three functions. From the Inuit Tapirisat to the National Anti-Poverty Organization, activist groups seek out his advice and skills. Although he writes occasionally, mostly for small alternative publications, he finds the mass media essential to him.

"I learned I could do the community work in a neighbourhood, I could carry the placards but if you want to reach a million people you better involve the media. I usually use journalists to do it. I don't have the time and besides, I'm a lousy writer."

RADICULE is an important weapon. He loves catching the government with its pants down. "Big, powerful groups like the federal government and so on don't react to the traditional writing of a brief or a letter to the editor. You have to sometimes make them look like fools so people will say, 'This is stupid.' You don't do this by being the nice guy and always being straight."

Why does he do it? "I believe that there should be better social justice in Canada. It's not because I'm a high-ego kind of guy. I know what I'm good at. I know this kind of a job needs to be done."

Canadians, he said, are too quick to accept what they're told. "Some people might think that what you don't know can't hurt you, but I feel it does."

After fighting 50 secrecy cases against the government since the 1985 Access to Information Act became law (he calls it the Secrecy Act), the victory over Transport Canada in the National case was his greatest victory. The court even paid him the compliment of citing Rubin vs. Canada (Canada Mortgage and Housing Corp., 1989) and Rubin vs. Canada (Clerk of the Privy Council, 1994), in explaining why it was ordering release of the secret Transport Canada reports.

Yesterday, however, the Canadian government notified him that it is seeking an order from the Federal Court of Appeal blocking release of the reports, while it seeks permission to appeal the ruling to the Supreme Court of Canada.

But whatever the outcome, in his own home the little man is a giant.

"My son Danny sometimes says, 'Well, who are you going to bully today, Dad?'"

Sean Fine is a reporter with *The Globe and Mail*.