

by julianna hayes

NO MORE

For
decades

Canadians have accused the government of dishonesty, muttering under their breaths about how politicians don't keep their election promises, how they mislead us about what is really going on. But to actually do something about it? Well, one Kelowna man thinks it is time to say, "No more lies."



We've all heard of David Stockell.

You may not recognize the name right off the bat, but a mere mention of the election fraud case currently before the courts will surely jog your memory. You know, that guy suing the government for allegedly lying to the public about the budget during the last provincial election?

He's British Columbia's most famous voter, the Kelowna man who would have Premier Glen Clark impeached.

But who is he? Is he really an ordinary citizen like he claims, a David-versus-Goliath-like champion of the people, or is he, as he's been accused, a opportunist with a political agenda?

I spent several hours with Stockell on two occasions last month trying to get a sense of the man and find out why he would take on the government with what must appear to many as a noble cause he doesn't have a hope of winning.

The first thing that struck me when we sat down together was the conviction with which he spoke about the righteousness of the case and his insistence that he will succeed. Oh sure, people embroiled in a battle of any kind will always profess their side will persevere, but I know Stockell believes it. In his own words, "It was meant to be."

"My philosophy is such that if the purpose is just, somebody will put a path in front of you and lead you along every step of the way, everything will fall into place. Sure there are fights to fight, there are caverns you have to cross, but by and large it will be planned out ahead of time."

A fatalist? Perhaps. Impassioned? Definitely. Whatever he is, Stockell has become Clark's nemesis. In front of the cameras, the premier scoffs at the case. Laughing, he dismisses Stockell as though he is nothing more than a pesky gnat. But in truth the suit is a public relations nightmare.

Anything positive the government has done in the months

PHOTOS BY JULIANNA HAYES

since the election has taken a back seat in the press next to the Stockell case. It has captured the imagination of hundreds of thousands of people across the country who are just as jaded and frustrated about politicians as Stockell, but until now never considered doing anything about it.

Why Stockell should be the first to accept the challenge is unclear. He doesn't consider himself an activist and there is little in his

back-ground to suggest he would ever do such a thing.

But for some reason here he is, determined to take the government down.

Stockell jumped into the fray following the spring 1996 election when Clark and his NDP colleagues won a narrow three-seat majority after boasting they had balanced the 1995-96 budget. A few months later Finance Minister Andrew Petter announced the budget was in fact not balanced, but carrying a deficit to the tune of millions. The NDP blamed the discrepancy on "overly optimistic" budget projections provided by finance and treasury board staff. Political and public reaction to this news was instantaneous and highly critical.

"Everybody was saying what a crass, what an immoral thing for politicians to do. I noticed there was an influx of letters to the editor, a lot of people on talk shows were complaining about it," Stockell says.

"Like thousands of other people, I was extremely upset. They committed fraud. They denied the voter the right to an informed vote because they lied. They said, 'We balanced the budget,' not 'We promise or we will try to,' but 'We have a balanced budget, elect us, we have a surplus. Vote for us because we're fiscally responsible.' When in truth they are fiscally irresponsible."

As angry as he was, Stockell wasn't prepared to do anything until he saw a quote in a magazine which struck him profoundly. It read, "The only thing necessary for the triumph of evil is for good men to do nothing." That was his motivation.

What might be considered a whim to many people, but destiny to Stockell, he called a political acquaintance looking for the name of a lawyer to obtain legal advice. He was referred to Kelowna litigator Garry Benson of Salloum Doak, who was previously involved in politics for both the Liberals

and Progressive Conservatives.

"I called him up, explained that I would like to do something and he said, 'I don't know if you can do anything, but come on down and we'll talk.'"

By the time Stockell arrived at his office, Benson had dug up a copy of the brand new Election Act and the lawyer's view of the situation had changed. He was clearly excited.

"He said, 'David you don't have to do anything. It's all right here.'"

They filed a civil suit hoping to get the courts to invalidate the election under Section 256 (2) of the Election Act, which reads: *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 for a candidate of a particular political party.*

Because Stockell admits to voting Liberal in the last election and he resides in a riding which elected a Liberal MIA, he can only act as an interested party in the case. Instead three voters were recruited from the NDP ridings of Surrey, New Westminster and Trail and named plaintiffs in the case. Their MLAs are the defendants in the suit, as is the entire NDP party.

Stockell has formed an organization called HELP BC (Help Eliminate Lying Politicians) and has been joined in his efforts by Brian Lightburn, parliamentary assistant to former Kelowna Progressive Conservative MP Al Horning. Another lawyer Peter Jensen of

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Jensen in Vancouver has come on board to help fight the legal battle.

While the price of financing a case such as this would weigh heavily on the minds of most people, Stockell says he never even gave the cost a second thought in the beginning.

"If you believe in the cause, the purpose for doing it and you think it's got a good chance of winning, you don't talk money. I knew because of their absolute anger towards the NDP over this, people would eventually get behind this and that has happened."

"Support from the beginning has been

constant and overwhelming and it has snowballed. I get comments, I get letters, I get financial support from people on a daily basis."

Stockell's lawyers insist the budget fiasco amounts to fraud, but it's clear the section of the act in question was not penned to call the government on its false election promises. University of British Columbia political science professor Paul Tennant thinks that would be a bit of a stretch.

"I think they (the government) were highly deceptive. By telling people they had balanced the budget when they hadn't they pushed deception in government to a different level. But is it fraud?"

Tennant believes the section was intended to prevent overt acts like bribery or stuffing ballot boxes. He doubts a judge will convict the NDP for not being completely truthful about the province's finances. But then Tennant didn't think the case would ever make it to court in the first place.

When the NDP filed a motion in the B.C. Supreme Court to have the suit thrown out, calling it a frivolous, vengeful cause, Tennant, along with many other political followers, fully expected the judge to comply. But in February Chief Justice Bryan Williams rejected the government's bid saying although he foresaw difficulties in Stockell's case, he and his supporters were entitled to have their day in court.

"It has gotten a lot further than anyone ever expected. This was a major coup," Stockell says.

Yet the NDP continues to appear cocky and confident in front of the press. Party secretary Brian Gardiner told the *Vancouver Province* the HELP BC camp had no cause for celebration.

"My friends who tried to take a victory lap didn't read the fine print," he said.

"I wish I knew what fine print he's talking about because I read that ruling over and over again," Stockell says.

Gardiner reiterated his view when I spoke to him in April. He describes Williams' ruling as a victory for the NDP.

"We're very pleased with the judge's decisions so far. He threw out pretty much all of their case and we won all of our technical arguments except one on which the judge reserved decision."

He says the only reason why Williams didn't throw out Stockell's case entirely was to give him an opportunity to present his "so called evidence."

Stockell's lawyer Garry Benson says he can't understand how Gardiner could claim a win for the NDP's side.

"It was clearly a success for Stockell. They can put what ever spin they want on it, it won't change anything."

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As for Clark, following the ruling he emerged smiling from the legislature saying he was eager to have his day in court and put the issue to rest once and for all.

"I don't find it embarrassing at all," he was quoted in the *Victoria Times Colonist*.

Why then is the NDP trying so hard to have the case thrown out?

"The NDP is very adept at taking negative facts, negative situations and putting a positive spin on them. That's why the public is so confused. But I think they (the NDP) are more worried than they're willing to admit," Stockell says.

Many would consider the months ahead as the most challenging in the case. First lawyers Benson and Jensen have to convince the court to allow the case to proceed as a class action suit incorporating all 39 NDP MLAs, including Clark, instead of just the three named specifically in the suit. Although overturning the victories of those three MLAs could have a devastating impact on the party in power since it only has a three-seat majority, the case will lose a lot of its punch if the lawyers don't get an opportunity to call Clark to the stand.

Another problem would be proving the three MLAs were personally aware the budget was not balanced and were perpetrating the lie.

"That's true," Stockell admits. "All they'd have to say is they only circulated information provided to them by the party and were not privy to inside information from the finance department. That's why our lawyers are insisting on going forward with the class action certification so we can include all 39 and zero in on the people who actually made the statements, who created the policy, who created the rhetoric, who created the lies that were told. We have to nail the top guns for sure."

Pre-trial hearings to discuss the class action issue begin in May. If successful, the case will go to trial hopefully by summer's end.

Stockell isn't too worried about what lies ahead. He insists he's content to sit back and let the lawyers do the work, but it's clear from his hectic schedule that's not really what he is doing.

In the week before our interview he made four public appearances in Vancouver and the Okanagan and demands for his time grow as the case progresses. Although charged up about his cause, he appears a little road weary as he answers the questions of yet another journalist. He admits the schedule is tiring, takes time away from his wife Jane and his Kelowna printing compa-

ny Green Press. But he's not about to bail now.

"When I decided to do this thing, I called my brother Bill in Kimberly and said 'Bro, I'm going to do something and you should be prepared for an overwhelming amount of media and public attention.' I told him I didn't know whether or not I could keep up the pace or stand the demands and pressure that would be on me. But if you start something you don't quit."

That's something he was brought up to believe and it's his strong sense of values that has motivated him in

this fight in
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first place.

"I grew up believing your conscience bothered you if you didn't tell the truth. Sure everybody lies, believe me I'm not perfect. I've told lies in my life but it bothers me to a point that I can't live with myself if they affect a person or if they hurt another person or if they do damage to another person. This characteristic that I have and most other people my age have doesn't seem to have been instilled in people like Glen Clark. That really bothers me because that's the kind of morality we're getting and this lack of morality is a serious issue with politicians these days."

Born 60 years ago in Magrath, Alberta, to Mormon parents, Stockell was one of nine children. He grew up in Calgary, didn't pursue the Mormon faith, except for attending Sunday School every now and then, but considers himself religious in his own way. He now attends the Presbyterian Church. Over the years since his childhood, the family became fragmented with everyone going their separate ways. Stockell always remained close to his brother Bill, but says he is now making an effort to reconnect with his other siblings.

"I've become closer to my family in the last four or five years, realizing you've only got one family and you better hold them and enjoy them for as long as you can. Even now we're not exceptionally close from the stand point of seeing one another on a weekly or monthly basis, but when we do get together it's quality instead of quantity."

He and his first wife had three children,

all residing in Alberta. He admits to spending a little too much time working in those earlier years, but has since learned to balance out his life. He's spent 44 years in the printing business, serving 10 years on the boards of the Calgary and national printing associations.

It was that period which provides the only clue to Stockell's drive. While president of the Calgary association he spearheaded a lobbying effort to change the practices the Alberta provincial government followed when awarding printing contracts.

"They had a Queen's printer who awarded contracts based on who took him out for lunch or for a game of golf instead of putting them out to public tender. We were instrumental in convincing the government to put in a policy that included set guidelines for tendering."

Stockell took a brief hiatus from printing in the early 1990s. He purchased a hardware store in Kimberley seeking a less hectic business and place to spend his last years in the workforce. But the economy in 1991-92 was less than forgiving, so he finally had to reconsider that decision. One great thing did come out of that period. He met his second wife Jane in Kimberley where she ran her own business.

After roaming around in search of a better economy, first moving to Toronto, then to Winnipeg, Stockell settled back in Calgary. He decided to look Jane up upon his return and the two began a long distance romance. When he made plans to move to Kelowna to start a new printing business, he asked Jane to come with him.

"It was a dream of mine because I used to come down to Kelowna to vacation and always loved it. We moved here and got married almost four years ago, June 19th, in fact. (See Jane, I remembered)," he chuckles.

Together with Jane's three children, the couple boast 12 grandchildren, all residing in Alberta.

Stockell says his suit against the government doesn't come as a surprise to his family.

"I was always the black sheep of the family. Every member of my family has obtained a level of success they're comfortable with and there are some who are more successful than I am. But I was always the one who strove to reach for the brass ring. I was always the one who was not satisfied to sit there and say this is good enough for me, I always had to go one step further. I always felt there was nothing I couldn't accomplish if I wanted to do it."

Because of his first name, Stockell cannot shake the David and Goliath analogies trumpeted in the media and in public. But he dismisses these comparisons saying he

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has far too much support and influence behind him to be called "the little guy." That's exactly what the NDP party argues. Stockell has been the target of allegations that he's simply a front for some big political group seeking to oust the NDP from office. Last fall, for example, Gardiner called upon Stockell to identify his financial supporters.

"Who are the backroom financiers in Vancouver who are funding this case? Why won't he release that information?" Gardiner hollered during a press conference.

Stockell laughs when reminded of this episode.

"I don't reveal them because there is no one person, party or group donating money. It's coming from individuals in every walk of life, of every political influence, in every age group, in every economic group."

There's the Burnaby woman who mailed in a cheque for \$2,000 thanking HELP BC for its "determination to fight such a band of unmitigated liars." There's the 90-year-old man from Vancouver Island who donated \$1,000 saying if he was 20 years younger he'd be fighting right along side Stockell. These individuals and hundreds like them have helped to build a war chest which as of early April totalled more than \$40,000. Of course it will take at least five times that amount to cover the anticipated \$200,000-\$250,000 legal bill.

"I have no doubt we we'll be able to do it. We have many supporters who have said when you need help, let us know and we'll get active. These are people who have influence, connections and money."

He sees nothing wrong with that, nor does he see anything wrong with accepting the fundraising assistance of the National Citizens' Coalition, an Alberta-based advocacy group and known enemy of the NDP. He thinks it ridiculous that he should be expected to fight this battle on his own, when the NDP MIAS have unlimited financial, legal and political resources at their disposal.

But it's not just his backers his critics have attacked him on. They've gotten personal, looking into his background, work habits and questioning his agenda. They've noted his political affiliations, which include his one-time membership in the Liberal party. He acknowledges that, saying he was assisting friend Iuck Howard when he made a bid for the Okanagan West Liberal nomination, which he lost to Sindi Hawkins. Stockell says he held a Liberal membership only long enough to vote for Howard during the convention. He's consistently supported the Liberals, he admits, but doesn't consider himself a card-carrying member. And he says he did vote NDP once

while residing in Saskatchewan.

"So I guess you could call me a Liberal and an NDP supporter," he says dryly.

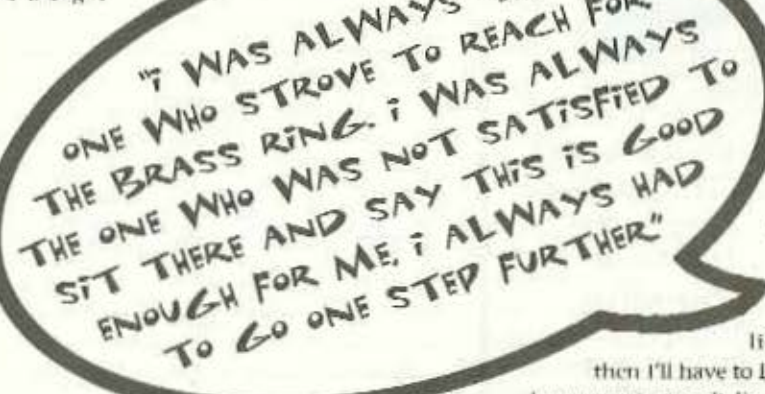
Gardiner and other critics don't buy it. They suspect Stockell of using this case as a launching pad for a political career, something he insists couldn't be further from the truth.

"This will be the 18th, 19th or 20th time that I've said publicly that I have no ambition to be in politics at all."

He does plan to be in the public eye a little more, however. He envisions himself as a motivational speaker focusing on small businesses. His main motivational topic? Honesty of course. He admits successfully ousting the NDP from government will look pretty good on his resume.

But that's not why he's doing this. Stockell says it's about time politicians be held accountable for the things they say. He believes the NDP would not be in power today if they'd told voters the truth about the budget and he has two opinion polls to back him up. One was commissioned by HELP BC in October and showed 23 per cent of NDP supporters would not have voted for the party if they'd known there was a deficit. If a

Large



number of them switched their support to the Liberals, it would have been very difficult for the NDP to pull off an election victory. A Vancouver Province poll generated even stronger responses with 30 per cent of NDP voters saying they would have switched their support and a whopping 75 per cent of all electors saying they believed Clark deliberately misled the public.

"If the NDP had won a 20-seat majority and they'd received 45 per cent of the popular vote, I wouldn't be here. There would be no point. But the fact is, they got only a three-seat majority and only 39 per cent of the popular vote. They squeaked in and they did it by fraud. They knew they were in trouble so they did what they had to do to get elected."

Stockell doesn't believe the NDP story that Clark and then Finance Minister

Elizabeth Cull based their budget claims on an optimistic projection provided by staff.

"There were three projections they said they received including a very negative one which showed revenues significantly down with a substantial deficit. Then there was a middle of the road projection which still showed a small deficit. And finally they said they received an optimistic projection which showed, if everything fell into place, they could come in with a balanced or surplus budget, although that was unlikely. We've seen the negative projection, we've seen the middle of the road one somewhat, but I keep asking and asking for a certified copy of that optimistic proposal and I haven't seen it yet."

Stockell says he is willing to walk away from the suit if the NDP generates the document.

"But it won't happen, you'll never see it, they won't do it because they don't have it. It's all up here," he says pointing to his head. "They made it up."

But couldn't they produce a document like that to get Stockell of their backs?

"Ah, but they would to have it certified, under oath, with signatures from the bureaucrats who prepared it and we'd be able to cross examine them. If they want to go as far as getting their staff to lie for them,

then I'll have to let it go. But the bureaucrats won't lie, because then they'd be the scapegoats."

He says he wants to be as fair as possible, not appear vindictive and irrational.

"Does a paper like that let them off the hook? Not really, but at least there is some room for doubt, for discretion on people's parts to say, 'O.K., you stupid, irresponsible, incompetent bastards, you shouldn't have accepted an unlikely projection and treat it as fact, but we're not going to cause the government to roll because of it.'"

Regardless of what happens, Tennant says Stockell has already made waves in the political world.

"It will be salutary in the way that it should smarten politicians up. They'll think twice before they make commitments they know they can't keep."

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