

Public Affairs: Your Online Newsletter

March • 2006

- President's Message: Lobby Chill and the Accountability Act
- Photo report: Our election autopsy
- The Book Man: Revolutions right and left
- The web editor: Trolls, trap-door spiders and BlackBerries

[President's message](#)

Lobby Chill and the Accountability Act



by Elaine Flis
PAAC President

People who work in government relations don't care for the suggestion that their work is unsavoury, but there is a widespread public belief - greatly fuelled by the news media - that lobbyists circumvent democracy, offering special access to government for those who have the money. The more informed view of lobbyists as professionals whose services are necessary for any group wanting to present their case to government - much as anyone who must appear before the courts requires the expertise of a lawyer - is not widely expressed in the public sphere.

One of the arguments Stephen Harper used in his run to become the Prime Minister of Canada was his

commitment to clean up the ethical landscape in Ottawa, through an ambitious set of proposals to be brought together under one Federal Accountability Act. A key component of this commitment is to "crack down" on government relations specialists, banning senior public officials from lobbying the government for five years after leaving their official jobs.

As it turns out, this commitment is causing unplanned difficulties for the new Conservative government. The reason is understandable. Besides being an honourable and necessary profession, lobbying is also a lucrative career move for those who qualify for it through experience in government. People who might otherwise want to sign up for a stint of Conservative government service must now face the prospect of being banned from lobbying for five years afterwards. As a result, they are reluctant to make that move. Meanwhile, people who already qualify as lobbyists are highly motivated to stay in that line of work in order to protect their position, rather than give in to any Conservative ideals they may have and accept a government job for a time.

This is an example of how unintended problems can arise in politics. In this case, it could cause a detrimental effect on recruitment into the federal civil service, and most especially pose serious obstacles to hiring the most effective political aides.

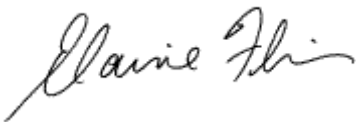
PAAC has extended an invitation to Prime Minister Harper to speak to us on these important issues at a PAAC event. I'll keep you posted on our progress.

• • •

Now, it is my pleasure to welcome our newest members to PAAC:

- Catherine Allman, Hawkestone Communications
- Margot Anderson, CCNMatthews
- Alex Barber, Office of David Zimmer, MPP
- Barbara Chapin, NOVA Chemicals Corp.
- Sharon Glover, Ontario Society of Professional Engineers
- Louise Harris, Ontario Bar Association
- Gillian Hewitt, Aeroplan
- Pierre Leduc, Temple Scott Associates
- Cameron MacKay, Devon Group
- Amanda Moddejonge, Allan Bonner Communications
- Jim Murphy, CIMBL/ICCPH
- Rob Nicol, 407/ETR Concession Co.
- Geoff Owen, RBC Financial Group
- Adam Plackett, Ministry of Labour
- Heather Roseveare, Association of Colleges of Applied Arts & Technology

Suggestions? Comments? Member input? Feel free to contact me anytime.



[Photo report](#)

Entrails of an election: Our insider autopsy

On February 23 about 80 PAAC members convened at the Sutton Place Hotel for our members-only, off-the-record breakfast post-mortem session on the recent federal election. The event featured **Guy Giorno**, Campaign Advisor for the Conservatives; **John Duffy**, Senior Strategic Advisor for the Liberals, and **Brian Topp**, National Campaign Director for the NDP. Introducing the guests and moderating the discussion was our Events Chair, Ian Bacque. As the man on the inside of the winning campaign, Guy Giorno went first.



Guy Giorno was upbeat and happy, coming off the cusp of a winning campaign for the federal Conservatives.

Guy Giorno seemed somewhat un-Torylike with his pink tie and expansive gestures at the podium, but that was understandable - he was clearly experiencing a mood spike as part of the winning team. He was animated and upbeat, and had lots to say about how the Conservative campaign prevailed against the onslaught of the Liberals and their allies. The Liberals had the media largely on their side, but the Conservatives had some ideas on how to play it. Those who came to the event learned the inside stuff.



John Duffy did more than just smile in the aftermath of defeat. The author was damn funny, and highly informative in his analysis.

John Duffy, who came to the event despite being in close combat with a persistent cold or flu bug, managed to do more than just smile in the face of autopsying the final defeat of his longtime comrade in arms, Paul Martin. Once he got rolling, Duffy was funnier than Jay Leno the day after Dick Cheney shot a lawyer out of season. He was full of good quips, jarring metaphors and sharp one-liners. At one point he inserted a little graceful French into his delivery; at another he sailed into a perfect Ted Knight voice to mime the blowhard style of TV newscasters. He gave insight into how the Liberal campaign was frequently derailed by events in the real world that could not have been anticipated. Best of all, as the author of the book, *Fights of Our Lives: Elections, Leadership and the Making of Canada*, he framed the election in historical terms, providing context.



Brian Topp spoke from a different perspective, as the campaigner with a different definition of success. (Background: Derek Leebosh.)

Brian Topp seemed more subdued than the others, and offered the audience a window on the thinking behind a campaign with a different definition of winning - after all, it's no secret that the NDP's goal was to remain a player more than to form a government. At times he seemed to telegraph the NDP's wish to replace the Liberals as the party of choice for discerning voters on the port side of politics.

PAAC members who came to the event were treated to comments, thoughts and insights that were either absent from national press reports, or in contradiction of them. And make no mistake, if there was a difference between what these men had to say about the election and what the newspapers said, the papers were the ones who were misinformed.

Those who came to the event were rewarded with political context, insight and background. And that's all we can say here, because the event was off the record. If you missed it, you missed it.

[The Book Man](#)

Revolutions, right and left



by Stewart Kiff

Rescuing Canada's Right: Blueprint for a Conservative Revolution

by Tasha Kheiriddin and Adam Daifallah

There is a lot to like about this aptly titled work. It is short, direct and it is a blueprint. The authors are two young and articulate stars of the Canadian conservative movement. Tasha Kheiriddin, a Queen's Park lobby regular, is a member of the Canadian Taxpayers Federation. Adam Daifallah is a former president of the Ontario PC Campus Association and now a law student at Laval University.

Their book is valuable and timely. It talks about Liberals and the left having seized control of many of the key intellectual institutions in Canada, including the media, our universities, and the civil service. It states in a manifesto that if conservatism is to become a driving force in Canadian politics, then at the very least conservatives must develop and foster their own leading institutions in these areas, and carve out public space in Canada where conservative ideas are neither ignored nor treated with disdain. The book outlines how this can be done, and what conservatives must do to unite and drive their agenda.

Much of the inspiration for this work comes directly from the success conservatives have had in the United States, where conservative forces are ascendant, and have a place in many key American institutions.

This book does not, however, speak to non-conservatives to sell the merits of Canadian conservatism. So if you are looking for a précis of why to choose conservatism, you will not find it here. This work speaks to the converted. It is an action plan, not a polemic.

In places, the book appears to suffer from 'writing by committee', meaning sharp edges have been rubbed down so much that little is actually said. Too often, the advice includes an urge to 'get organized.' The need for conservatives to do that is real, but the sloganeering is underwhelming. Yet these weaknesses are overshadowed by the value the authors deliver in compiling solid arguments, analyses and source material all in one tight paperback volume.

This is a must-read for any conservative organizer, for its structure and core arguments. It is also worth a look for non-conservatives. A simple and compelling work, it displays the intellectual vibrancy which continues to infuse Canadian politics.

Highly Recommended

Mao: The Unknown Story

by Jung Chang and Jon Halliday

I remember being surprised one evening, talking with some respected veteran NDP organizers some fifteen years my senior, when they described themselves as having been "Maoists" long ago. It was startling. Here in Canada, Mao was once very popular in certain circles, despite being an anti-democrat, a dictator and a murderer. The man we all read about as Mao Tse-Tung (current spelling fashion: Mao Zedong) has remained popular in some circles even after his death, somehow insulated from the disdain that seems his due from a long record of odious acts. That's why this book is important.

Certainly, there remains enough political respectability attached to Mao that some people will still admit to having been a Maoist, or having found him inspirational. It is not unusual in certain counter-culture circles to find Maoist iconography, such as the Mao portrait done by Andy Warhol. It is tough to imagine another 20th century dictator retaining such cachet.

Why can people today hang a portrait of Mao where one of Stalin, Hitler, Mussolini, Khomeini, Hussein or Kim Jong-Il would earn them trouble? Part of this is due to the successful efforts of Mao supporters, with the vast resources of the Chinese State at their disposal, to propagandize and promote their idol systematically. Through their efforts, Mao became celebrated as "The Great Helmsman," a figure who was nearly deified in his wisdom and grace. His past was sanitized - little was ever publicized about his ruthless rise to power, and the humanitarian fallout of his pitilessness.

Perhaps this erstwhile popularity explains why authors Chang and Halliday chose a dour and factual style for their work, as they set out to thoroughly debunk the counter-culture Maoist myth and replace it with a portrait of Mao as an amoral schemer and plotter, who thought nothing of murdering and starving millions of his countrymen. Dealing with a subject ensconced in manufactured propaganda and deliberate ignorance, *Mao: The Unknown Story* has a clear agenda: to deconstruct and demystify Mao, and reveal him in all his humanity, and lack of it.

The book begins with Mao's humble beginnings in a small village in Hunan province, and does a good job establishing the context of Mao's life. It captures Mao's rapid rise to influence in the embryonic Chinese Communist Party: the financing provided to that Party by Moscow; Mao's role in accepting Russian money and doing Russia's bidding within the Chinese Communist Party. It describes how Russia supported Mao precisely because he was so ruthless and so much in the model of Stalin, with his mass purges and liquidations.

The revelations in the book are stunning. For example, Mao and his generals did not march "The Long March," according to interviews with veterans of the event. Instead, Mao was carried in a litter. Through these interviews, the authors expose a highly iconographic aspect of the beatification of Mao as propaganda. The book maintains this level of detail right up to Mao's death on September 9, 1976.

Mao: The Unknown Story is a big book, weighing in at 814 pages, nearly 200 of which are notes, biographies and lists of interviews to substantiate the authors' claims. It is a highly partisan book, the authors of which believe and take great care to substantiate, that Mao was one of the most sinisterly accomplished mass murderers of all time. One possible criticism is that, despite their extensive interviews and research notes, the authors find it necessary to assert crudely this glum evaluation of Mao in many parts of their book, and that interferes with the

narrative.

I can recommend this book, but not highly. It is a bit of a Long March in itself, partly because of its focus on the many victims of Mao and his regime. Valuable it is, but as a reading experience it takes a committed and motivated reader to get through it. For Sinophiles, however, this is clearly one of the most important English language works on China in recent memory. Its many allegations, despite the supporting annotations, footnotes and research, will doubtless be debated with vigour by many of those who have shamelessly called themselves Maoists.

Recommended

Stewart Kiff is the Toronto Vice-President of Equinox Public Affairs. He welcomes your feedback and suggestions, and can be reached at stewart@equinoxinc.ca.

[The Web Editor's corner](#)

Trolls, trap-door spiders and BlackBerries

by David Silburt
PAAC Web Editor

The late, great comedian Alan King once observed, "the American Dream used to be to work hard and make a lot of money. Now it's wait for somebody else to work hard and make a lot of money, and then sue him." Or words to that effect. It's a punch line that drifted back into the field of consciousness when the fate of the BlackBerry wireless device and the issue of patent law loomed large in the news last month.

Many of the people reading this site were worried about a U.S. patent lawsuit that seemed to threaten a shutdown of BlackBerry service, a development that would have left users of the now-essential executive aid feeling like somebody just hacked off their legs. Therefore, for those who may have been following the case without knowing the Big Picture, here's some background on the BlackBerry lawsuit and a phenomenon known as "patent trolls."

The most important patent protection for inventions - even those invented and used in Canada - resides in U.S. law at the U.S. Patent Office, because of the reach of the American economy. For a very long time, some people have known about ways to use American patent law to make money without actually building anything. Years ago, before computer software ruled the world, the CBS newsmagazine, *60 Minutes*, featured a story concerning an early version of this. It was about companies that employ platoons of lawyers to gain control of successful patented inventions. Their technique is based on the fact that no idea is ever completely unique. If somebody successfully markets a new invention, chances are somebody else thought of a similar idea and patented it once before, but never succeeded with it in the market. Using skilled patent lawyers, companies can identify something new and successful, search out similar patents, buy them for a song, and then sue the successful marketer that initially attracted their attention. It's a way to make money from inventions without inventing anything.

Today the practice has matured and grown. Industry people talk about "patent trolls" - companies that not only buy up other patents to use for leverage, but which use patents they legitimately create in a similar way, often waiting years for the opportunity. The reasoning: Why spend money and time on financing, research, development, manufacturing, marketing and advertising - with all the attendant risk to such a venture - when you can sock your patents away and wait like a troll under a bridge for somebody else to do all that? This new and improved method works best with an idea that's fairly generic but still patentable. Some people in the industry have said that NTP Inc., the company that sued BlackBerry's Canadian maker, Research In Motion (RIM), was engaged in such a practice. It's something NTP denied. Here's the line-drawing:

NTP was founded in 1991 by a man named Thomas Campana and his patent lawyer, Donald Stout. NTP never developed the wireless email ideas patented by Campana back in the early days of wireless phones and email networks. Those ideas and patents waited quietly until RIM wandered onto the same turf. Then NTP pounced like a trap-door spider. Under U.S. patent law, if a judge had ruled that the ideas behind the NTP patents and the RIM technology were substantially the same, it would not matter that RIM was not even *accused* of copying NTP patents. NTP staked its claim first so they have 'dibs' on the idea. That's the legal interpretation.

Should a company like NTP be able to get a court injunction shutting down services offered by a company like RIM over this sort of claim, as the judge seemed about to grant them? Or are they entitled only to extract a royalty from the profits? These are the issues lawyers argue before judges in such cases. If the U.S. judge on this case had granted the injunction, it would have caused huge problems for BlackBerry users everywhere. That sort of threat is the key to the power of companies dubbed "patent trolls," a term first used in 2001 by Peter Detkin, who at the time was a lawyer for Intel Corporation. The suing companies don't want to bankrupt the goose that's laying them a golden egg. They only want money. Lots of it. Patent law as it stands offers the necessary leverage.

Not all intellectual property law can be used this way, at least not that easily. Copyrights, for example. You can't copyright an idea for a work of fiction, so authors cannot sue each other for writing similar stories. The estate of the late Abraham Stoker, author of *Dracula*, cannot sue Stephen King for writing *Salem's Lot*, which uses a similar theme. Nor can Dean Koontz, author of a horror novel called *Phantoms*, sue King for writing *It*, even though both novels concern something monstrous living in the bowels of the earth under a small city. It is said that the great science fiction writer Harlan Ellison won a judgment of sorts against the producers of the film, *The Terminator*, because of similarities to a teleplay he wrote in the 1960s for the original *Outer Limits* TV series. But all the public ever saw of that was a cryptic note on screen at the close of the movie. Patent law is different, which is why the equivalent of trolls and trap-door spiders can burrow into it, hide, and bide their time until prey comes by. Big money is at stake, and sometimes major consequences to the public. This is what happened to the BlackBerry company, RIM.

Many in the industry think U.S. patent law needs an overhaul, and cite the woes of RIM as a case in point. Since the bygone days when *60 Minutes* first brought such issues to public attention, modern inventions have become more vulnerable to such lawsuits. Why? Because electronic devices can be covered by thousands of patents.

There is a move afoot to reform U.S. patent law to make the pickings less easy for patent trolls. In the meantime, a company's best bet is to settle, pay the money, and keep doing business. Which is the reason why RIM gave NTP more than \$612-million to go away.

[Back to top](#)

Have your say

We welcome member input, whether it's a letter to the editor, a story suggestion or a proposal for a guest column. Feel free to email your input or suggestions to us. All submissions for publication on this site are subject to approval by the Editorial Board.

Editorial Board: Elaine Flis, Ruth Merskey, Chris Benedetti, Joe MacDonald, Graham Murray.

Writer/Editor: David Silburt

Public Affairs is E-published by the Public Affairs Association of Canada
100 Adelaide St. West, Suite 705
Toronto, ON
M5H 1S3

Tel: 416-367-2223 • Fax: 416-367-3778