Few stories have sparked such outrage and galvanized Canadians with such force as the robocalls scandal. Not only has the most fundamental of our democratic rights been violated, a moral line in the sand has been crossed which transcends politics. Regardless of our differences, we all agree that deliberately tricking people out of their right to vote is categorically unethical, unacceptable and un-Canadian.

Within days, outrage transformed into powerful and vibrant demonstrations of democracy. People from all walks of life – students and veterans, leading activists and first-time protesters, voters from the left, right and centre – joined together for street rallies in their communities. Thousands filed complaints with Elections Canada, and responded to the Council of Canadians’ national election fraud questionnaire. The people of Canada demanded answers.

In testimony given last March to a House of Commons committee, Chief Electoral Officer Marc Mayrand said, “The fact that electors . . . were misdirected by calls falsely made on behalf of Elections Canada is absolutely outrageous, should not be tolerated . . . . It’s totally unacceptable in a modern democracy.”

However, the response from our federal government was starkly different. Rather than vigorously pursuing this serious and unprecedented attack, the Harper government’s action was tepid at best. It quickly became evident that getting to the bottom of election fraud was not a federal government priority.

Enter Kay Burkhart, Ken Ferance, Yvonne Kafka, Bill Kerr, Sandra McEwing, Tom Parlee, Jeff Reid and Peggy Walsh Craig. With nothing to gain, and driven by their belief in civic duty, these eight ordinary Canadians stepped forward to defend our democracy as no one else has. They’ve taken onto their shoulders not only the restoration of voters’ rights in their ridings, but a nation’s confidence in the very integrity of our electoral process.

From the outset, the eight applicants expected an uphill battle. These are uncharted legal waters. However, the greatest challenge they would face – one they didn’t expect – would come from their own government. Over the last year, the applicants’ cases have been met by relentless and costly legal hurdles at the hands of the Conservative Party MPs in those ridings and their high-powered legal team. These hurdles aimed to discredit the applicants and stop the cases at every turn.

Thanks to remarkable support from Council of Canadians members like you, and thousands of generous donors to the Democracy 24/7 Legal Fund, the applicants successfully overcame every one of those obstacles.
It all culminated last December when these landmark cases were finally heard in Federal Court.

Over six days of hearings in Ottawa, lawyers for the applicants presented Federal Court Judge Richard Mosley with potent evidence of election fraud, which was strongly supported by expert testimony, and by compelling new evidence from Elections Canada’s ongoing internal investigation.

However, the obstructionist tactics of the Conservative Party MPs continued in court. On day one of the proceedings, Conservative Party lawyer Arthur Hamilton argued a motion on chancery and maintenance, alleging that the Council of Canadians had no standing in the case, and that the eight applicants were mere props the Council was using to raise money.

Tom Parlee was indignant. The applicant from the riding of Yukon had travelled to Ottawa and was present in the courtroom. “So the Conservative Party is basically saying I don’t have a mind of my own. Well, I’ve got news for them,” he said.

With the last of the Conservative Party motions dealt with, the applicants’ legal team spent the days that followed presenting the heart of the cases. In great detail, Steven Shrybman, lawyer for the applicants, walked the court through the covert operations and sophisticated telecommunications systems used to make the fraudulent robocalls, the independent polling data that revealed the calls were widespread and targeted, and the powerful reports from Elections Canada’s investigators that support the applicants’ contention that the campaign of voter suppression was ultimately effective.

After closing arguments, Judge Mosley announced he would deliver his ruling by spring. Then, in late February, came news the judge had admitted new evidence in the case – documents recently filed by Elections Canada that contain 45 complaints from Rogers telephone customers who reported fraudulent calls around the 2011 federal election. Of particular significance is a declaration from a voter who “was deceived by a misleading call, went to the wrong location, and then did not vote.”

In his decision, Judge Mosley said of the new evidence: “I find that it may affect the decision that I will make. It will therefore serve the interests of justice and assist the Court for it to be admitted to the record.”

At the time of publication of Canadian Perspectives, the court’s ruling has not yet come down. But regardless of how the court rules, these eight brave individuals – and your support of them – have already achieved significant victories.

The first victory is that these cases even reached Federal Court. The Canada Elections Act has never been used to defend voters’ rights against election fraud in this manner. The second is that Canadians are now very aware that vigilance is required to defend our democracy. Whoever was behind this will be facing a far more educated public in the next election. The third victory is that new evidence has come to light as a direct result of these cases, including data that reveals that tens of thousands of Canadians across the country received fraudulent calls after being targeted as not supportive of the Conservative Party. And compelling Elections Canada evidence was made public, which otherwise may have remained under wraps.

Simply put, without these applicants and their cases, this scandal would be long gone from the headlines.

As Canadians everywhere eagerly await the court’s ruling, we hope all Council members recognize the good that has already come of this, and take great pride in being a part of this historic legal fight.

Jamian Logue is the Director of Development for the Council of Canadians.

Help wipe out their legal bill!

During the court proceedings, Conservative Party lawyer Arthur Hamilton proclaimed that while this case may be of interest to the public, it is not a public interest case. For Bill, Jeff, Kay, Ken, Peggy, Sandra, Tom and Yvonne – and the thousands of us standing with them – it most certainly is. The eight individual applicants are still facing $170,000 in outstanding legal costs.

They need help to wipe out their bill.

You can make a donation to the Democracy 24/7 Legal Fund online at www.canadians.org/democracy247, by phone at 1-800-387-7177, or by mail to:

The Council of Canadians
700-170 Laurier Avenue West
Ottawa ON K1P 5V5

100% of all donations go towards the applicants’ legal costs. Council members across the country and around the world have shown remarkable generosity and have helped raise more than $430,000 for the applicants to date! Thank you to everyone who has supported them with your donations and powerful messages of solidarity.