

Canada's First Celebrity Drug Trial: R v. Hatfield, 1985

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Abstract: Since the 1960s, celebrity drug trials have usually involved actors or musicians. The first drug prosecution of a Canadian “celebrity” took place in 1985 after the Royal Canadian Mounted Police (RCMP) found a small amount of marijuana in the luggage of New Brunswick Premier Richard Hatfield at the airport in Fredericton. He was charged with simple possession and, aided by a team of lawyers, pleaded not guilty. Although Hatfield was the most successful premier in the province’s history, he was facing challenges over the economy and language policy, and a finding of guilt would have devastated both his political career and the fortunes of his party. This article examines the Hatfield drug prosecution, which was followed by revelations of drug use with university students in 1981, as a chapter in Canadian legal and political history. It involved not only a privileged defendant, but also the independence of judges, the role of the RCMP, the relationship between the courts and the media, federal-provincial relations and an internal RCMP probe. Hatfield, the political celebrity, won his 1985 court battle but, with his lifestyle impugned, lost in the court of public opinion. In 1987, his party was crushed by the landslide victory of Frank McKenna’s Liberals.

Keywords: marijuana, Richard Hatfield, RCMP, legal history, New Brunswick

Résumé : À partir des années 1960, les procès de célébrités relatifs à la drogue impliquaient généralement des acteurs ou des musiciens. Le premier procès pour drogue d’une célébrité canadienne a eu lieu en 1985 après la découverte, par la GRC, d’une petite quantité de marijuana dans les bagages du premier ministre du Nouveau-Brunswick, Richard Hatfield, à l’aéroport de Fredericton. Accusé de possession simple, celui-ci a plaidé non coupable avec l’aide d’une équipe d’avocats. M. Hatfield avait beau être le premier ministre à la plus brillante réussite de l’histoire de la province, il était confronté à des difficultés concernant l’économie et la politique linguistique, et un verdict de culpabilité aurait été dévastateur pour sa carrière politique et pour son parti. Le présent article examine la poursuite contre Hatfield, qui a été suivie par des révélations sur sa consommation de drogue avec des étudiants en 1981, une page de l’histoire du droit et de l’histoire politique. L’affaire n’impliquait pas seulement un accusé privilégié; elle touchait aussi l’indépendance des juges, le rôle de la GRC, la relation entre les tribunaux et les médias, les relations fédérales-provinciales et une enquête interne de la GRC. Hatfield, la célébrité politique, a gagné sa bataille judiciaire de 1985, mais, blâmé pour son style de vie, il a perdu devant le tribunal de l’opinion publique. Quant à son parti, il a mordu la poussière en 1987, par suite de la victoire écrasante des libéraux de Frank McKenna.

Mots clés : marijuana, Richard Hatfield, GRC, histoire du droit, Nouveau-Brunswick

Since the sixteenth century, if not earlier, the reading (and media and now social media consuming) public has been drawn to crimes where victims and/or perpetrators are from the social and economic elite (Flanders 2014; MacMillan ed. 2015). In the twentieth

century, with the rise of commercialized entertainment, celebrity culture and mass media, the focus was extended to entertainment and sports figures. True crime, as exploited by yellow journalism, could be as entertaining as crime fiction. Nothing attracts crime writers, journalists and the public like the misadventures of the rich and famous, including murder, sexual assault, kidnapping, embezzlement and disappearances. The 1974 and 1984 trials of Toronto entrepreneur Peter Demeter and Saskatchewan politician Colin Thatcher for the murder of their spouses are examples from an earlier era. A recent example of this phenomenon is the case of Richard Oland, the Rothesay, New Brunswick millionaire who was murdered in his Saint John office in 2011. His son, Dennis, was first convicted of the crime in 2015, then acquitted in 2019 (Marquis 2017).

The Oland prosecution was not New Brunswick's first celebrity trial. In 1984, its premier was charged with possessing marijuana in his luggage at the Fredericton airport, during a royal visit that he was hosting. As the commissioner of the Royal Canadian Mounted Police (RCMP) later explained, this was "the first case when the drug was detected in the effects of a person elected to high office" in Canada. What was also unprecedented was that the discovery was made during a security check relating to Queen Elizabeth's visit (Royal Canadian Mounted Police 1985b, 2). Normally defendants in these circumstances were young, often poor, and had no lawyer other than a legal aid duty counsel who spoke to them several minutes before the proceedings. The maximum penalty for a first offence was a \$1,000 fine and six months in jail. Defendants typically pled guilty, were fined \$50 or granted an absolute discharge and were sent on their way (Erickson 1980). But this was no routine case: the defendant was Progressive Conservative Premier Richard Hatfield, who contested the charge and engaged top legal representation.

This article argues that Hatfield's trial for simple possession was the first celebrity drug trial to involve an actual Canadian, as opposed to a foreign celebrity prosecuted in Canada.¹ Canadian legal historians have studied high-profile or representative criminal cases, or, in the spirit of social history, proceedings at the aggregate level (Sangster 2001; Backhouse 2008). But there is no detailed look at a routine court proceeding of the post-1960 era, a marijuana possession prosecution under the *Narcotic Control Act* (NCA). Despite the intense media interest, the resources commanded by the Crown and the scale of the defence, the basic legal issue in the 1985 trial was simple: did the premier put marijuana in luggage that was searched at Fredericton airport? While this article makes no claim about the case being representative of drug prosecutions in the 1980s, it does shed light on the issues of celebrity trials, judicial independence, and police-government relations.

The political aspects of the Hatfield case have been detailed in two biographies written by journalists (Starr 1987, Cormier and Michaud 1992).² Summary drug prosecutions from the 1980s rarely produced the volume of evidence preserved for this case: the transcript of the 1985 trial (including voir dices) runs to more than three hundred pages, not

including the judge's decision. In addition, Hatfield's papers in the Provincial Archives of New Brunswick contain letters, memos and press releases dealing with the case and its aftermath, as well as newspaper clippings. Finally, the RCMP's postmortem on the affair was preserved in an internal review presented to the federal solicitor general ([Royal Canadian Mounted Police 1985b](#)).

The celebrity trial has certain core characteristics. One is publicity, which places considerable pressure on and may elicit extra caution on the part of police, prosecutors, defence lawyers, judges and possibly jurors. Second, celebrities, like corporations, often command considerable financial resources, which can translate into lengthy, expensive and complex legal proceedings. The last point relates to the first: celebrities have both supporters and detractors, so their trials and their outcomes may become social or cultural phenomena beyond the court room. A celebrity can win in a court of law but lose in the court of public opinion, with career-ending consequences.³ Hatfield was a politician, not a pop star, but he was one of the most successful in New Brunswick history, was recognizable by the Canadian public and represented the new breed of politician who understood the social and political currents of the 1960s, including its idealism and heightened expectations ([Starr 1987](#), 45–46; [Cormier and Michaud 1992](#), 42–43). A magazine article written after his political downfall summarized the now ex-premier's approach as “the politics of fun” ([Wood 1987](#)).

In New Brunswick and elsewhere, cannabis offenders appeared before provincial court judges, the generalists of the Canadian court system who presided over first appearances, bail hearings, preliminary inquiries and the summary proceedings that constituted the bulk of criminal proceedings. In New Brunswick, they also served as youth court judges, from 1984 ([New Brunswick 1973](#)). Provincial court judges were appointed by the provincial cabinet, a process which raised (yet rarely in public) the issue of political patronage. Most accused persons were young, male, poor or working class. They could not afford private lawyers and tended to plead guilty. The decisions of these courts, although subject to media coverage, were not reported in legal publications of record. During their careers on the bench, provincial court judges would deal with hundreds of lawyers and potentially thousands of defendants, victims, and witnesses. Until 1985, these judges in New Brunswick were members of an all-male fraternity. That year Patricia Cumming, a former Crown prosecutor and director of provincial policing services, became the province's first female court judge ([University of New Brunswick 2004](#)).

An examination of the Hatfield drug prosecution is a contribution to Canadian police history, especially the under-researched area of RCMP provincial policing contracts. The Mounties had taken over provincial policing in New Brunswick in the early 1930s. Incorporated municipalities such as Fredericton had their own police services, but rural areas were policed by the Mounties. The headquarters of J Division was based in Fredericton ([Marquis 2019](#)). RCMP under provincial contracts are in a different position compared to

municipal police or fully provincial services such as the Ontario Provincial Police. For example, they are not subject to the accountability aspects of provincial police acts. In the 1980s, the RCMP in New Brunswick reported to the provincial attorney general, but complaints against the members of the force were investigated not by a provincial agency, but the RCMP. The Hatfield affair was neither the first nor the last controversy in New Brunswick to raise concerns about the transparency and accountability of the RCMP contract force.⁴

Hatfield's was the most unique, accidental, drug bust in the history of the RCMP, involving considerable pre-charge planning and behind the scenes activity that reached all the way to the commissioner's office in Ottawa. For the premier, the legal stakes were relatively low yet the political risks were high. The risks were also high for the RCMP, Canada's celebrity police service, which had to balance public concerns that it was giving special treatment to a privileged suspect against accusations that it was politically motivated. Nationally, the force was still attempting to repair its reputation due to the controversial activities of its security service in the 1970s, especially in Quebec. Only three months earlier, it had lost its historic security and intelligence role to a new civilian agency, the Canadian Security Intelligence Service (Whitaker, Kealey and Parnaby 2012, chapter 10). In New Brunswick there were still hard feelings among Progressive Conservatives related to the RCMP's embarrassing investigation of political kickbacks in the late 1970s. One political reaction was the establishment of the New Brunswick Highway Patrol, which took over highway traffic enforcement from the RCMP. The Hatfield case revealed that these tensions remained alive in 1984 and 1985.⁵

Richard Bennett Hatfield was born into a Conservative family in Hartland in 1931. He earned a BA from Acadia University in 1952 and a law degree from Dalhousie University in 1956. Rather than practice law, he worked with the family's potato shipping and processing company until the mid-1960s. He was elected MLA for Carleton county in 1961, becoming part of the opposition to the Louis J. Robichaud government. Following the Liberal victory of 1967, Hatfield became party leader. Three years later he became premier when the PCs won 48.5% of the popular vote and 32 out of 58 seats. Breaking with the approach of much his anglophone-dominated party, Hatfield embraced Robichaud's program of modernization and equality and reached out to Acadian voters. The perception that his government's language policies had gone too far and were unfairly rewarding the francophone minority was an important factor in the premier's precarious political situation in 1984. But so was his personal life, which is why a drugs charge was potentially more damaging to Hatfield than to any other provincial premier at the time (Starr 1987, 51–54). According to one biography, because of his nonconformist lifestyle, New Brunswick reporters in 1984 were not surprised by the allegations against the premier, who also faced occasional innuendo about his sexuality (Cormier and Michaud 1992, 162).

Hatfield had won the 1974 election partly on the promise of diversifying the economy by subsidizing the manufacturing of the Bricklin, a flashy sports car. When that enterprise

failed spectacularly, the provincial debt increased and Hatfield's prestige decreased ([Anastakis 2014](#)). Four years later the PCs edged past a revitalized Liberal party on the strength of a mega project, the Point Lepreau nuclear power station that ended up going well over budget. In 1982, Hatfield won forty-seven percent of the popular vote and 38 out of 58 ridings, having made major inroads into Acadian areas. Although facing tensions over bilingualism policy and a weak economy, he generally was admired as a savvy and down-to-earth politician. He was a supporter of the arts as well as a bachelor jet setter, who had earned the nickname Disco Dick, because of his many trips to New York night clubs. As the leader of Canada's only officially bilingual province he also attracted attention for his views on – and role in – national political issues such as the repatriation of the constitution and as a political commentator. 1984 marked New Brunswick's bicentennial: the guests of honour were Queen Elizabeth and Prince Philip, and the host was Hatfield, who had previously courted controversy when he made public remarks to Princess Diana, during her 1983 visit with Prince Charles. The premier had attempted to defend the reputation of the young royal couple from British tabloids, but his awkward speech embarrassed many in the province and only drew ridicule from the tabloids ([Best 1983](#); [Reuter-CP 1983](#)).

The Investigation

On 25 September 1984, the Queen and her husband landed at the Fredericton airport, where a detail of two dozen RCMP officers provided security. Because of its location in Sunbury County, the airport was under the jurisdiction of the RCMP, not the Fredericton police. Prior to the 11:00 a.m. arrival of the dignitaries, the premier's garment bag, containing his tuxedo for an event in Moncton later that day, was delivered to the airport by deputy minister Arthur Parks, who had driven Hatfield there to meet the royals. As this was the only luggage scheduled to be placed on the plane, it was not checked by the usual explosives screening device. The untagged bag sat unattended for a few minutes near a counter used by armed forces personnel. This was in public space close to the baggage claim area. Airport manager Ernest Blake, who had spoken to Hatfield earlier, placed it in his office on the second floor, which was being used as a safe room, guarded by a Mountie. After the royals had arrived and departed for Fredericton, Blake took the luggage to the office of finance and administration manager Warren Ritchie. Ritchie returned the bag to Blake who gave it to Corporal Jack Hoffman and Staff Sergeant Thomas Robertson on the third floor. At 2:20 p.m. Hoffman, in the presence of Robertson, searched the garment bag and found a brown envelope. Inside this was a small plastic baggie containing what appeared to be marijuana. Several Mounties on site held this opinion, and when the baggie was sent to be tested at a Halifax lab, it was determined that it did contain thirty-five grams of marijuana, worth \$175–250 on the street ([Starr 1987](#), 177, 199; *R v. Hatfield* transcript, 85–86).

This method of detection was classified as “coincidental” by Erickson in her 1980 study *Cannabis Criminals*. Most of the Toronto drug offenders she interviewed had been charged as the result of police raids, “general suspicion” involving traffic stops, street searches or being caught in the act of smoking marijuana (Erickson 1980, 55–57). If the marijuana belonged to the premier, he was one of an estimated three million Canadians who had used the drug, and, if found guilty, among the one percent of users who were convicted annually (Erickson 1980, 88). Whomever was responsible was guilty of Canada’s most common drugs offence, simple possession of marijuana, under Section 3 of the NCA. In 1967, the courts had convicted fewer than 500 people for this crime; by 1982, the annual total was 26,020. By 1976, more than 100,000 mainly young citizens had been burdened with criminal records for possessing small amounts of marijuana or hashish. The RCMP, especially in late the 1960s, played a key role in marijuana prosecutions, even when municipal police services made the initial seizures and arrests. (John Hagan, “Foreword,” in Erickson, 1980, i). Although the commissioner of the RCMP, in an internal inquiry report on the Hatfield investigation, downplayed the impacts of a cannabis conviction on an individual’s employment prospects, personal life or reputation in the community, criminologists and lawyers felt otherwise. No one convicted of possessing cannabis (or even suspected of smoking it) would be permitted to join the RCMP. A criminal record made it difficult to travel abroad. At the time, the RCMP and local police in Fredericton and other communities across Canada were investigating marijuana use by high school students (Royal Canadian Mounted Police 1985b, 7). Yet, later in 1984, after the premier of New Brunswick had been charged, Commissioner Robert Simmonds spoke in public, pondering whether simple possession could be decriminalized. The penalties were harsh and not proportionate to the offence, and according to the commissioner courts were often reluctant to impose them (Canadian Press 1984d). In a muted fashion, the head Mountie appeared to be agreeing with academics such as John Hagan, Neil Boyd and Patricia Erickson about “the adverse individual consequences of criminalization” (Erickson 1980, 5).

Under normal circumstances, a suspect would be confronted and likely charged with simple possession of a drug banned under the NCA. But given that the contraband had been found in the middle of a royal visit, and appeared to be linked to the premier, the airport detail contacted J Division headquarters for advice. Chief Superintendent Dennis Ling, in charge of the division, could not be reached because he was accompanying the Queen and her husband. Nine Mounties were present in the room when the bag was searched. Three others arrived and in the presence of 11 junior officers, Robertson, speaking via the telephone with division headquarters, “protested most vigorously and vociferously” against the initial advice, which was to forget about the entire incident (Royal Canadian Mounted Police 1985, 5). Ling returned to headquarters around 2:30 p.m. and ordered the marijuana to be seized, the luggage placed on the VIP flight to Moncton and the entire matter kept confidential. The NCO in charge at the airport supported this

decision (as did the RCMP commissioner in hindsight) and instructed those present that the investigation would proceed and that they were not to talk about the incident with anyone. Based on the unfolding events, this order was not respected (*Royal Canadian Mounted Police* 1985b, 5–6).

At 5:00 p.m. that day, the royals, Hatfield and his garment bag departed by plane for Moncton. Seven of the Mounties who had been on duty at the airport joined 23 others for a bus ride to Moncton, where they performed security work the following day. RCMP officers from across the province were staying in the same hotel and word about the drug find quickly circulated. Meanwhile, Ling had contacted the deputy commissioner in Ottawa on the issue of whether the suspect should be confronted immediately. They decided to wait until the seized substance was tested. Federal solicitor general Elmer MacKay was also informed. By this point Hatfield was still in Moncton with the visiting dignitaries.

On the following day, 26 September, the royal visitors departed for Ottawa at 1:25 p.m. and, later that afternoon, a reception was held at Moncton's Hotel Beausejour for the tour organizers and municipal officials. A number of RCMP officers attended, as did Hatfield. The Mounties present discussed the discovery of the marijuana and their conversations were likely overheard by civilians. By 4:00 p.m. that day, an unidentified woman called the Atlantic Television (ATV) network's Moncton office, with a tip about drugs being found in the premier's luggage at the Fredericton airport and urged the station to contact Superintendent George Vermette for confirmation. She also accused the RCMP of attempting to cover up the incident. The details of this tip were passed on to ATV's provincial news director, Pat Ryan. That day in Ottawa, RCMP Deputy Commissioner Henry Jensen met with a Department of Justice official and later briefed Solicitor General MacKay, on "the general terms of the investigation" (*Royal Canadian Mounted Police* 1985b, 13). On the evening of 27 September, the mystery woman contacted the station again, urging ATV to investigate the matter and repeating her fears of a cover up. Gerry White, who answered both calls, speculated that she may have been a Mountie, the spouse of a Mountie, or a civilian employee.⁶ That day Ryan called J Division, seeking a comment or confirmation from Inspector Vermette, which alerted the RCMP that the incident was now known beyond police ranks. In mid October the same woman appeared to contact New Brunswick Liberal opposition leader Ray Frenette with information on the drugs discovery (*Winsor* 1985; *Royal Canadian Mounted Police* 1985b, 15). The possibility of a police leak, in the words of Commissioner Simmonds, had the potential to increase "suspicion and mistrust of Force motives and investigational integrity" (*Royal Canadian Mounted Police* 1985b, 14). As detailed below, Simmonds ordered an internal inquiry into how the matter had been handled. At first members were reluctant to implicate their co-workers, wives or girlfriends in any "loose talk" connected to the case but they were more forthcoming, once voices in the media began to question the force's motives (*Royal Canadian Mounted Police* 1985b, 16).

J Division's Inspector Richard Waller, commander of the Fredericton subdivision, was appointed to lead the criminal investigation relating to the marijuana find. Three days after the discovery at the airport, Waller and Superintendent Ling called on Hatfield at his residence. The premier denied any knowledge of the drug and was informed that the media already knew some of the details. He was also told that the incident was being investigated under the NCA and was a federal, not a provincial investigation. As such the provincial attorney general (who had been appointed by Hatfield) would not be involved. The superintendent asked few questions as the premier had stated that he needed to seek legal advice. Yet as the Mounties prepared to leave, Hatfield volunteered some information, so Ling asked him if he could think of "who might be rotten enough to do this?" Hatfield, according to Ling's later testimony, explained that the luggage had been in his hotel room in Moncton on 23 September, "and that there were many people in and out of that room." The premier supposedly promised that if he had any more information, he would contact the RCMP. Ling advised him not to wait too long, as a reporter named Ryan from ATV had contacted Ling with questions on the previous day (*R v Hatfield* transcript, 27, 218–19). This news appeared to cause the premier some concern. This brief interaction constituted the suspect's only statement, as he later refused to give a detailed statement to the police. Ling also read Hatfield a "Charter notice" and the standard "police warning" (*R. v. Hatfield* transcript, 212).

In the meantime, statements and fingerprints were collected from witnesses (most of them Mounties) who had been at the airport. The seriousness of the case was underlined by Waller's trip to Ottawa, where on 5 October, he met with the commissioner, Deputy Attorney General of Canada Roger Tassé and his assistant Doug Rutherford to discuss the evidence. It was decided to contact one of Hatfield's lawyers, Donald Gillis, QC, to ask for his client's garment bag for further testing and a detailed statement from Hatfield, especially on the issue of a cheque book that had been in the bag when investigators had it in their possession. More controversial was a request for the premier's fingerprints, "for elimination purposes" (*Royal Canadian Mounted Police 1985b*, 17).⁷

Hatfield refused further contact with the police and the request for voluntary fingerprints became bogged down by various conditions demanded by the defence. The premier had told the RCMP that his luggage was often unattended on trips and that, on 21 September, he had stayed at the King Edward Hotel in Toronto, flying on a government plane. Waller went back to Ottawa for a second strategy session. On 20 October, Fredericton's *Daily Gleaner* broke a story of an anonymous, high-ranking politician being caught with drugs. The reporter refused to name her sources but assured the RCMP that none of them were Mounties. Two days later, after the national press had begun to converge on Fredericton, the public learned from Hatfield, at a Moncton funding announcement, that he was the suspect. Prior to this, rumours had circulated among Crown prosecutors about the seizure and provincial Department of Justice officials had unsuccessfully asked

the RCMP to be briefed on the situation. On 24 October, there was another meeting in Ottawa, attended by Simmonds, Tassé, Deputy Commissioner Jensen, and Chief Superintendent Ling, where it was decided that a charge would be laid. The process meant that the provincial attorney general, who usually exercised discretion in criminal matters, would have no involvement. It was also decided that Hatfield's fingerprints would be demanded via summons under Section 455.5 (5) of the *Criminal Code* ([Royal Canadian Mounted Police 1985b](#), 18–19). Another factor behind the additional caution may have been the newly enacted Charter of Rights and Freedoms and its impact on judicial scrutiny of individual rights, generally, and on the NCA specifically. In 1983, the Ontario Court of Appeal ruled that the reverse onus rule of Section 11 (possession for purposes of trafficking) violated presumption of innocence. By the time the Supreme Court of Canada struck down Section 11 of the NCA as unconstitutional in 1986, appellate courts in six provinces had made similar rulings ([R v. Oakes 1986](#)).

Later, on 24 October, Rutherford advised one of Hatfield's legal counsel, J.J. Robinette of Toronto, of what to expect. Two days earlier the premier and his personal lawyer, Donald Gillis, had met in person with Robinette. Less than an hour after Rutherford's communication, a reporter called J Division seeking a confirmation. Robinette, one of Canada's most prominent criminal lawyers, had informed Ronald Gillis (Donald's son) of the RCMP's intentions and it appeared that the Saint John lawyer had alerted the media—before his client was charged.⁸ Commissioner Simmonds described what followed as a “media circus.” Department of Justice lawyers suggested wording for the information and late on 25 October a charge was drafted in Fredericton for signature by Judge James D. Harper. Like most provincial court judges, Harper had been appointed by the Hatfield government. On the bench since 1973, he was regarded as a capable jurist with a reputation for being outspoken ([Malik 1997](#)). When Mounties visited Harper's home at 1:00 a.m. (to avoid reporters), he questioned aspects of the wording of the charge; after changes were made, the officers returned and obtained the signature. Harper had suggested altering the charge for the accused to appear not at Oromocto (Sunbury County), as it only had a small and unsuitable court building, but at Fredericton (York County). The RCMP would be accused by Hatfield's supporters of “judge shopping” and the defence would object to this change of venue, but the idea had been Harper's, who would be the actual trial judge ([Royal Canadian Mounted Police 1985b](#), 20–21). The summons referred to both a summary conviction offence, which meant trial by judge alone, and the more serious route of indictable offence, which brought a tougher penalty. Although, in the end, Hatfield was tried under summary procedure, the summons allowed the RCMP to fingerprint the suspect to try to match a partial thumb print found on the baggie.

One of the delays in the case was the lack of a prosecutor. Brian Mulroney's PCs had won the federal election in early September and Justice Minister John Crosbie had not yet approved prosecutors for drugs cases. Most criminal prosecutions in Canada were

the responsibility of provincially appointed Crown attorneys but drugs cases belonged to federal prosecutors, many of whom were private lawyers acting as “standing agents.” Like judicial appointments, this was another form of political patronage (Grosman 1970). The federal authorities eventually named a special prosecutor, Fredericton lawyer David Hughes, QC, who was assisted by James Bissell, a Crown prosecutor from Nova Scotia. Hughes, normally a defence lawyer, was an unsuccessful Liberal candidate who had just been named a Queen’s Counsel by the Hatfield government. In late November, after Hatfield had been charged, Hughes informed the RCMP of a rumour that the premier had travelled by government plane to Toronto where a “pot party” had taken place. Inspector Waller wondered if this was the source of the marijuana in the premier’s bag. Hughes soon gave the RCMP a photocopy of an anonymous letter which named two individuals who supposedly had socialized with Hatfield on a trip to Montreal. Further investigation determined that the alleged event had taken place in 1981, not 1984, but it turned up evidence of possible value to the Crown in the forthcoming trial (as explained below) (*Royal Canadian Mounted Police 1985b*, 24–25).

The Charge

If the RCMP was trying to avoid the media, Hatfield’s team appeared to want to manipulate it. On 26 October, Ronald Gillis called J Division and informed Waller that his client wanted to enter a plea that afternoon. By this point no prosecutor had been appointed.⁹ Gillis had also contacted Judge Harper with this request. On the same day, the RCMP informed Gillis that his client would be served a summons to be fingerprinted. The commissioner later wrote that the police believed that Hatfield wanted to avoid having his fingerprints collected. According to Starr, if the premier had managed to enter a plea, the requirement to be fingerprinted could be avoided (*Starr 1987* 185).

Gillis then requested a meeting in the judge’s office, where the summons to appear to hear the charge could be served. Harper warned Inspector Waller to avoid the courthouse, which was overrun with reporters and photographers. Gillis then suggested the barrister’s lounge in the same building, but a now suspicious Waller and another officer, suspecting a set up, checked out the building, which was still full of the media, and left. Waller suggested that the summons could be served in the privacy of J Division’s officer’s mess or the premier’s home. Both locations were rejected. Gillis then suggested the office of the mayor at city hall. Fearing that he was running out of time, but still wary of a “pre-staged performance” in front of reporters, Waller proceeded to city hall but balked at entering the mayor’s office. Together with Superintendent John McLaughlan, Waller waited outside until Hatfield, Gillis and a pack of journalists joined them. Waller served the premier with the summons and as microphones, cameras and TV cameras recorded the action, Gillis asked a series of questions, which the officer attempted to answer. The summons required

Hatfield to attend court on 19 November ([Royal Canadian Mounted Police 1985b](#), 21–24; *R v. Hatfield* transcript, 39).

A friend of Hatfield later recalled that the news of the plan to charge the premier “was huge. It was like a stun grenade went off across the province” ([CBC 2018](#)). To save Hatfield further embarrassment, the RCMP served the fingerprint summons at his private residence. By the late 1970s, according to Erickson’s study of Toronto cannabis offenders, it was rare to be fingerprinted and photographed for identification purposes; most suspects were given a court appearance date and released. Those charged typically waited a month or more before their court date and, in most cases, they pleaded guilty, spending only a few minutes in court. Nationally, from 1974 to 1981, fines remained the most common sentence, followed by absolute discharges. This followed from the early 1970s Department of Justice directive that gave prosecutors discretion in the case of first and second offenders. Yet the rate of arrests and convictions increased, as did police resources dedicated to drug enforcement. In her study, Erickson discovered that the young male offenders charged with pot possession wanted to hide their legal troubles from parents and employers ([Erickson and Murray 1986](#), 84). Public opinion polls suggested that Canadians on the whole were split on marijuana decriminalization, a thorny political issue that the Trudeau government in the previous decade, despite the recommendations of the LeDain Commission, had put on hold. As recently as 1997, Atlantic Canadians had the most conservative views in the country on this issue ([Martel 2006](#); [Savas 2001](#), 3–4). Despite the damage that a conviction would mean to the fortunes of both Hatfield and the provincial PCs, in public the party put on a brave face. Prior to his first court appearance he received several standing ovations at the annual PC meeting in Moncton. Hatfield told the party faithful that being charged gave him “new pride as a human being” and that he was a “proud Canadian” ([Canadian Press, 1984c](#)).

Hatfield attended the RCMP building on 6 November for fingerprinting. Appearing before a judge in Moncton, his lawyer had attempted to block this procedure, stating that it was unconstitutional. At the RCMP identification office the accused was given a copy of a certificate of analysis, which proved that the substance in his bag had been cannabis ([Canadian Press 1984b](#)). When Hatfield entered his plea in front of Judge Harper on 19 November, Ronald and Donald Gillis were joined at the defence table by Gary Miller of Fredericton. Before this took place, the judge handled other matters, including a number of marijuana possession cases, to show those present the normal workings of provincial court. Miller attempted to have the charge quashed, based on the argument that Inspector Waller had no personal knowledge of the alleged offence. The judge adjourned proceedings for four days.

On 23 November, Harper dismissed Miller’s motion. The lawyer countered by demanding that the judge quit the case and order the trial moved to Sunbury County. These new motions were also rejected, and a trial date was set for 10–12 December, an

extraordinary length of time for a simple marijuana possession case. The Crown had asked for two days to present its case. Harper stated: “In 35 years of practice, I’ve never seen one of these things ... take more than an hour.” He also reprimanded Miller for not citing all the relevant case law and made a rare statement on the independence of judges, explaining that with the current case, “the whole system of justice” was on trial (Harris 1984). Given that the accused had appointed him to the bench, Harper felt the need to explain that although they were appointed for reasons of political patronage, judges took “an oath of allegiance to serve God, the Queen, and the laws of Canada. No other is our Master.” He issued a written statement—a rare step for a Canadian judge—explaining that “once we are appointed we owe nothing to anyone,” insisting that judges were independent and impartial (Statement of Judge James Harper, 1984).¹⁰

Three days before the start of the trial, the fortunes of the defence began to shift. In an interview broadcast on Fredericton’s CBC radio station, Harper expressed his opinion that prominent people should be treated more harshly by the justice system “than Joe Blow from Kokomo who is the town drunk.” Harper later claimed to be making a general point about his legal approach, rather than a specific one about Hatfield. But his public remarks about privileged defendants troubled Hatfield’s lawyers, who were already strategizing on how to appear before a different judge. The defence filed a prohibition order relating to the case which repeated its concerns over trial venue and explored the option of appealing to a higher court. Following discussions with Chief Provincial Court Judge Andrew Harrigan, Harper removed himself from the case on 11 December. His replacement, Harrigan, was another Hatfield appointee. The former Saint John lawyer has been appointed a Crown Attorney in 1966 and a provincial court judge in 1971. One year later, he began a 15-year stint as Chief Judge of the court, a largely administrative position. Harrigan would also make controversial comments, in this case from the bench, that would cast a cloud over the Hatfield case and underscore New Brunswick’s need for a judicial council (Canadian Press 1985b).¹¹

The Trial

Hatfield’s trial for simple possession took place in the York County courthouse on the day and evening of 28 January and on the following day, before Judge Harrigan. Cormier and Michaud described it as “the most sensational trial in New Brunswick history” up to that time (Cormier and Michaud 1992, 31). Reporters, sketch artists and many spectators were on hand. Because of the connection to the royal visit, the proceedings attracted national and international attention. Harrigan, despite the unusual circumstances, appeared to treat the proceedings as a normal summary trial, and avoided the broader didactic comments of Harper. But he did explain that in the eyes of the law the defendant was “not the premier,” but a citizen protected by the Charter of Rights and Freedoms (R v. Hatfield transcript, 271).

Eight of the Crown witnesses were RCMP officers from the airport security detail. The prosecution's evidence began with a series of photographs of the airport interior and the garment bag. Prosecutor Hughes attempted to show the court that the bag had remained under the control of the RCMP once it reached the airport, but this claim was difficult given that it was left in three places before ending up with the police. It was not locked and it bore no outer identification. Both Ernest Blake and Warren Ritchie, airport managers, testified that a zipper on an outer pocket had been open. Blake testified that he left the bag in Ritchie's office, which was unoccupied at the time. A few minutes later Ritchie asked Blake about the luggage and they decided to pass it on to the RCMP on the third floor. By this time, the luggage had been at the airport for ninety minutes. Blake also testified that the second floor contained "quite a number of people milling around," including airport staff and reporters. No witnesses recalled seeing Hatfield carrying a bag (*R v. Hatfield* transcript, 63–78, 85–90). Hatfield had the only luggage to be searched and placed on the plane that day. Corporal Hoffman recalled that it contained a prayer card, a ticket, socks, a shaving kit, and a cheque book belonging to Hatfield. He explained to the defence that he was careful not to touch the outside of the plastic baggie. His supervisor, Robertson, testified that he watched the corporal search the luggage and find the contraband. The staff sergeant took Hatfield's bag to the plane at 3:55 p.m. and brought the baggie to the RCMP Ident Section the following morning. Later that day he drove to Halifax with the contents of the baggie, which were tested by an analyst. Cross examined by Donald Gillis, Robertson admitted that he did not know who owned the garment bag, which he saw for the first time in the possession of Blake (*R v. Hatfield* transcript, 99–103, 109, 120–26, 140–41).

In his testimony, Chief Superintendent Ling explained his reasons for not seizing the garment bag (a decision he admitted was "unorthodox") and not speaking to Hatfield immediately. The officer was experienced in VIP protection, having been in charge of or involved in visits by President Nixon, Indian Prime Minister Indira Gandhi, and three previous visits to Canada by the royal couple. Hughes expressed concern that his testimony might reveal sensitive details of RCMP VIP security operations, but the chief superintendent's evidence was designed to show the seriousness of the security measures at the airport. Ling explained that he did not want to blow "the case out of proportion" by ordering the seizure of the luggage and he wanted to avoid embarrassing the royals, Hatfield and "the people of New Brunswick." This departure from procedure did not help the prosecution's case as it disrupted the continuity of evidence ([Cormier and Michaud 1992](#), 175; *R v. Hatfield* transcript, 199–201, 207–09).

According to police testimony, when a chain smoking and heavily perspiring Hatfield travelled to the Fredericton airport at 4:30 p.m., he asked his RCMP limo driver three times about his bag and was told that it had been placed on the plane. Throughout the day Hatfield, who was not the only passenger in the vehicle, kept asking for the air

conditioning to be turned up. When he returned to the airport the premier also asked Blake about his luggage. After arriving in Moncton with the royals at 5:40 p.m., he requested his RCMP driver to stop for the bag, and even tried to exit the vehicle when it was moving, but the motorcade was already underway. He also asked driver Corporal René Pissot if he knew the identity of the person who was carrying his luggage on the tarmac. The Crown pointed to this evidence of extra concern or nervousness as suggestive of guilt (R. v. Hatfield transcript, 290–94, 296–302).

The case turned on the strength of the evidence assembled by the RCMP. On one level the credibility of the accused was not an issue as he did not testify, but Hatfield had spoken to investigators when they paid him a courtesy call. One possible interpretation was that his quick denial of guilt on 28 September was evidence of post-offence concoction, a deliberate lie to hide involvement in the offence. If guilty, Hatfield supposedly knew by 25 September that the marijuana was missing and had been contacted by the RCMP two days later about their intention to visit his residence on 28 September. The defence argued that the statement was spontaneous and therefore exculpatory. Cross examination by the senior Gillis tried to show that his client's statement to the police was contemporaneous. Hughes, citing case law, opposed the admission of Hatfield's statement, which was made three days after the search of the bag (R v. Hatfield transcript, 20–21, 48–50). The issue arose again with Ling's testimony, and the judge considered why the statement (which was not recorded) that Hatfield gave at his residence should not be considered "spontaneous, contemporaneous and ... part of the *res gestae*" (R v. Hatfield transcript, 215–16). The legal issue was complicated by the fact that the evidence was elicited not in the Crown's direct evidence, but in cross examination. As Harrigan explained, there was no reported case involving "a delay of three days between the event and the suspicion of possession being put to the accused" (R v. Hatfield transcript, 232). During a *voir dire* prosecutor Bissell argued that if the judge was going to extend the *res gestae* to the 28 September, it should end once the accused had made his initial response to Ling. In the end, the judge admitted Hatfield's 28 September statement, but reserved his decision on whether it was inculpatory or exculpatory (R v. Hatfield transcript, 247). Another *voir dire* was triggered by the Crown's request for fingerprint evidence to be entered. The officer who testified in support of this evidence admitted that in his experience "very few" simple possession cases involved fingerprinting the suspect. The judge concurred. Gillis, who had contested the fingerprint summons, still regarded the process as "unfair" (R v. Hatfield transcript, 263, 266). Ultimately, Harrigan allowed the identification evidence, and the defence made no protest. The public learned that on the day after the fingerprints had been recorded, Corporal G.A. Smith had travelled to Ottawa to the RCMP's Field Identification Resources Section where laser technology was used in an attempt to enhance the quality. Smith had compared the partial print on the baggie to those of thirteen individuals, mostly RCMP officers, for elimination purposes. Neither Gillis nor the judge considered

this relevant, but Hughes explained that the Crown wanted to remove any concern that the RCMP had planted the drugs (R v. Hatfield transcript, 317–19). Smith testified that a right thumb print “seemed” to be Hatfield’s and that eight points appeared to be similar, but that he could not make a positive match. On the other hand, he could not exclude the accused as a suspect (R v. Hatfield transcript, 321–24; [Kashmeri 1985](#)).

The defence called no witnesses. When cross-examining police witnesses, Donald Gillis asked if they had told any civilians about the investigation. In his summation, Gillis pointed to the weakness of the Crown’s argument that the garment bag had been secure after being dropped off at the airport. The thumbprint evidence was inconclusive, which raised reasonable doubt. Why, Gillis asked, would his client, knowing the level of security at the airport during the Queen’s visit, risk travelling with marijuana in his luggage? Although he did not attempt to implicate the RCMP or airport staff, he did suggest that a reporter may have planted the evidence, in order to secure a major story. He specifically pointed to ATV reporter Pat Ryan, who had inside news of the drugs before his client had been informed. Throughout the trial Gillis had asked several RCMP witnesses if they were acquainted with or had encountered Ryan.

The Crown’s case was built on the argument that the only plausible explanation was that the marijuana belonged to the accused. There was no evidence that the luggage had been tampered with and, the amount of marijuana in question—enough to make dozens of joints—was too large and valuable to have been planted (R v. Hatfield transcript, 257). Hatfield had displayed nervousness when returning to the airport and seemed overly pre-occupied with his luggage, in the middle of a royal visit that he was hosting. Furthermore, he had three days to prepare when the RCMP visited his home, and that appointment had been arranged the previous day. The job of the defence was to raise reasonable doubt and, in its favour, was the reality that no one had actually seen Hatfield with the bag which was not always guarded once it reached the airport. The premier’s questions about his luggage before and after he flew to Moncton could be explained by the fact that he needed his tuxedo that evening for a formal banquet.

Harrigan, in his decision, again stated that he was “not a tribunal of one to make a decision about a Premier of a province,” and explained that he was guided by “the purity of the law” ([Judgment of His Honour Andrew Harrigan, 1985](#), 3). He ruled that there was insufficient evidence to prove that the accused was the owner of the marijuana. Based on the evidence presented and tested, the verdict was reasonable. If Harrigan had stopped there, his decision may have been less controversial. The judge, picking up on a suggestion of the defence, agreed that it was possible that the marijuana may have been placed in the garment bag by someone like Pat Ryan who desired a dramatic story. Harrigan based this speculative reasoning on his acceptance of the testimony of the RCMP officers, who claimed that they had not leaked details of the drugs seizure. He claimed that he found it suspicious that the reporter was at the airport on 27 September “making a view of all the

various areas that we later got photographs of” (Judgment, 9). The judge suggested an alternative theory which, despite the brief timeline, had some unknown person interfering with the garment bag when Ritchie was briefly out of his office taking pictures of the event. In jury trials, jurors are instructed to ignore press coverage of the cases in which they are involved. Yet Harrigan appeared well versed in media coverage of the Hatfield issue and he was not pleased by what he viewed as intrusive behaviour by reporters. Citing alleged harassment of a RCMP officer by a Toronto reporter, he believed that the press should not invade individual privacy and sensationalize public opinion of criminal proceedings. He also hinted that if knowledge of the incident had not leaked out almost immediately, and if Ryan had not been making inquiries, the defendant may not have been charged. Harrigan, considering the defence theory of a plant, speculated that Ryan could have produced “the juiciest story to ever crack the media” (Judgment, 10). The judge suggested that “somebody elsewhere in Ottawa” could have overruled “good, honest, diligent peace officers” (the local RCMP) who tended to use their discretion when considering charges. He even suggested that Superintendent Ling believed that Hatfield had been framed. The fact that the large outer pocket of the luggage had been almost completely unzipped, for Harrigan, was suspicious (yet the drugs were found in another pocket). He also criticized the scale of the prosecution’s behind-the-scenes planning: “never has so much been done by so many for such a little situation” (Judgment, 5).¹²

The judge’s remarks understandably offended many journalists and were deemed inappropriate by Ontario Liberal MP John Nunziata, who stated that he suspected political interference in the case and that Hatfield had benefited from preferential treatment ([Canadian Press 1985b](#)). The larger issue was that politicians and the media were reluctant to criticize judges, possibly for fear of contempt of court. Although judges in Canada were protected by the traditions of judicial independence, the New Brunswick branch of the Canadian Bar Association believed that Harrigan had crossed a line with his remarks and that the case proved the need for a judicial council to police abuses of that independence.¹³ Compounding the issue was a public letter from James D. Harper, the original trial judge, that criticized the CBC for distorting his earlier remarks and opining that the “media-inspired sympathy” for Pat Ryan would bring him “instant fame and fortune” ([Cormier and Michaud 1992](#), 182; [no author 1985a](#)). One columnist deemed Harrigan’s treatment of Ryan a denial of natural justice and condemned the judge for using a hypothetical scenario at the expense of a person who could not defend himself ([Murray 1985](#)).

Aftermath

In the wake of the comments by the judge and the defence, Ryan, who did not testify at the trial, volunteered for fingerprint and polygraph tests that proved his lack of involvement. He refused to name the source who had tipped him off a day after the seizure about

a high-ranking government official being caught with contraband ([Canadian Press 1985b](#)). The controversy continued. The public now learned that the federal solicitor general, who was in charge of the RCMP, had been briefed on the discovery of the drugs as early as 26 September and had spoken with Hatfield by phone and in person in Ottawa, before the charge had been laid. The solicitor general had no jurisdiction over criminal charges and the meeting occurred before a charge had been drafted, but the “propriety” of the meeting was questionable ([Roach 2007](#), 36).

Commissioner Simmonds later denied any political interference in the prosecution, although he confirmed that he had briefed MacKay on the case. The meeting between MacKay and Hatfield had taken place in Ottawa’s Chateau Laurier Hotel, not on Parliament Hill, in early October. MacKay’s chief of staff, Hatfield’s lawyer and a lawyer from Toronto were present. Although not illegal, this meeting suggested to critics that Hatfield had taken advantage of his position and connections and that MacKay had exercised poor judgment ([No author 1985d](#)).¹⁴

Hatfield won his legal battle but the negative publicity and hard-hitting editorials and editorial cartoons emboldened dissidents within his party. Since the 1970s, the premier had enjoyed positive publicity as a flamboyant playboy but now that image became a liability. Despite protests that he was the victim of a conspiracy, and had been mistreated by the justice system and press, the marijuana allegation was the beginning of Hatfield’s fall from grace. Several days after the acquittal, the *Montreal Gazette* published a report of a party, in 1981, where the premier allegedly had provided cocaine and marijuana to four young males, three of them St. Thomas University students, at his home on Elmcroft Drive. They claimed to have met Hatfield at Fredericton’s Diplomat Motel, where night hawks went to dine. Two of the men were interviewed by the RCMP and one attended the 1985 trial, but their statements were not entered as evidence. Pro-Hatfield columnist Dalton Camp suggested that the federal Department of Justice had leaked the information on the 1981 events to discredit the premier. Another allegation was that three of the youths had flown with Hatfield on a government plane to Montreal for a social outing. One of the former students spoke to a reporter on 4 February and two of them ended up on the CBC’s *The Journal*, interviewed by Barbara Frum. The premier now faced renewed pressure from the media, the Liberal opposition and from within his own party. Providing cocaine and marijuana to students was, morally and legally, much more serious than being caught with a few grams of cannabis. The issue was seized upon by the federal Liberal opposition (who appeared to have some insider knowledge of the alleged events before they were made public). Nunziata was outspoken on the issue, which caused the RCMP to contact him in April to try to determine the source of his information. The MP not only refused to co-operate, he accused the force of harassment ([Beltrame 1985](#); [Royal Canadian Mounted Police 1985b](#), 32–33).

The new revelations prompted Hatfield to issue a statement on 13 February, in which he portrayed himself a victim of a conspiracy and accused the national media of

subjecting his reputation to “serious allegations and rumours.” At a press conference where he took no questions, he repeated his denial that the marijuana at the airport had been his and suggested that he should have never been charged, given that “the authorities knew at least two people were aware a narcotic had been found in my suitcase before I had been told.” This appeared to imply that someone within the RCMP had leaked information to the press. He claimed that he had been “treated less fairly by the justice system than other Canadians,” because of the delay in being charged and the “unprecedented investigatory procedures” for a simple possession case: new fingerprint technology, “couriers for marijuana,” expert witnesses and a total of seventeen Crown witnesses. He noted that his luggage had been left in an unattended unlocked room at the airport, and that the manager had testified seeing one of the outer pockets partially open and had closed it. Hatfield believed that the drugs had been planted “in order to disgrace me and to force my removal from office.” The premier also complained about the conduct of the federal Department of Justice lawyer who had confirmed to a Liberal MP the names of the two men who claimed that Hatfield had given them drugs four years earlier and questioned how and why media outlets had been given copies of their statements to the RCMP. He admitted that the students, strangers to him, had been in his home, as he was “extremely gregarious” and socialized with people from all walks of life. Hatfield resented the recent allegations, denied their veracity and admitted to being under immense personal stress. He spoke of a conspiracy to remove him from office and vowed that only an election would end his premiership and reassured supporters: “I have not and will not let you down” (Premier’s Statement, 13 February 1985, in [Royal Canadian Mounted Police 1985b](#)).

One biographer has called the statement, prepared with the help of Dalton Camp, “a masterpiece of diversionary tactics and partial denials” ([Starr 1987](#), 214). It was similar to Hatfield’s response, in 1977, to allegations of corruption in party financing: a counterattack ([Cormier and Michaud 1992](#), 79). Before he issued his statement, a less than spontaneous show of support for the beleaguered leader took place at Caraquet, on the Acadian Peninsula, where Hatfield’s policies were popular. The *Globe and Mail* reported that most party dissidents, who were in the Saint John area, were too shy to go public ([no author 1985e](#)). The 13 February statement displeased the Liberal opposition, which, along with the *Daily Gleaner*, called for the premier’s resignation. Critics pointed to the poor optics of the premier meeting with the solicitor general before he was charged ([no author 1985c](#); [1985d](#)). Later that month, Hatfield’s acting Attorney General John Baxter, according to a *Toronto Sun* reporter, accused the RCMP of “trying to bring down an elected government” and described the force as a powerful body which people were afraid to criticize ([Royal Canadian Mounted Police](#), 33–34). Attending a first ministers’ conference in Saskatchewan, Hatfield denied that the RCMP as an organization was “out to get him,” but believed that a small number of officers was responsible for the leak ([Cruikshank 1985](#)).

Hatfield, in keeping with past approaches to political crises, also hit back behind the scenes. On 25 February 1985, his Attorney General, Fernand Dubé, wrote to Elmer MacKay complaining about the conduct of the RCMP in New Brunswick. In public, he had expressed confidence in the RCMP and saw no evidence of a deliberate leak from within the force ([no author 1985c](#)). In his confidential communication to the federal solicitor general he was more concerned about jurisdiction and accountability. Dubé cited the RCMP's failure to share information on the drugs seizure with his department or the provincial Department of Justice. Although he was acting on orders from Ottawa, Chief Superintendent Ling's role in the Hatfield case was "absolutely unacceptable" as it ignored the role of the attorney general. According to Dubé, this violated the promise of a close liaison between J Division and the province made during the 1977 kickback investigation, and, again, in the 1982 contract renewal between the RCMP and New Brunswick for provincial policing. Information on high-profile investigations, especially those involving public officials, was supposed to be shared. Dubé demanded that Ling be replaced as commander of J Division ([Dubé to MacKay 1985](#)).

Both the RCMP in New Brunswick and the provincial Department of Justice pursued the original leak to the media, without success. On 27 February 1985, a few weeks after the newest allegations against Hatfield arose, J Division informed the province's director of Public Prosecutions that its investigation had "completely exonerated" Pat Ryan. In April, the same official was informed that continued investigation could not "conclude that any person or persons 'planted' the marijuana in the Premier's suitcase" ([McLaughlan to Murray, 1985a](#); [McLaughlan to Murray, 1985b](#)). This was a direct rejoinder to the claims of Judge Harrigan and Hatfield and his lawyers. The investigation of Ryan had involved a voluntary polygraph, statements from eighteen individuals and a review of photographs and video of the royal visit and various documents. It revealed that, on the date of the airport incident, he had spent the entire day at the press gallery in the legislature (New Brunswick, RCMP, J Division, 1985).

The RCMP went further in its response to the allegations of the premier and his supporters. Commissioner Simmonds, provided information by Chief Superintendent Bélanger and Inspector Bruneau (documents and interviews), prepared a forty-one-page report (that included addenda) which was presented to Solicitor General MacKay in May 1985. Against normal practice, this report was released to the public. It focused on the actions of RCMP officers and no one else and was specifically interested in whether any members had violated the *RCMP Act*, its accompanying regulations or the commissioner's standing orders ([Royal Canadian Mounted Police 1985](#)). Simmonds explained that in this case, given that the accused was a prominent political leader, the police needed to be "scrupulously objective and professional," at the same time reassuring the public that the administration of justice was not being compromised. The inquiry concluded that the Mounties who had discussed the discovery of the marijuana with civilians before

the charge had been laid had been “unprofessional to a degree,” but not malicious. Technically, they had violated the force’s oath of secrecy, but none appeared to suffer any repercussions ([Royal Canadian Mounted Police 1985](#), 16). Simmonds also concluded that the investigation into the alleged “pot party” of 1981, despite criticisms that the RCMP was digging up dirt for some type of politically motivated attack on the premier, had been a legitimate part of the investigation, as the results were potentially valuable as rebuttal evidence, if Hatfield had testified ([Royal Canadian Mounted Police 1985b](#), 25). Southam News, which broke the story of the alleged 1981 pot party, on 4 February 1985, assured Chief Superintendent Bélanger that its sources had come from outside the RCMP ([Royal Canadian Mounted Police 1985b](#), 27–28).¹⁵

Simmonds admitted to lapses by members of J Division but, given the lack of evidence, he called for censure of his organization to be withdrawn. He defended RCMP investigation techniques and attributed the leak to the media to the unidentified woman. Similarly, there was no evidence that the RCMP had leaked information on the 1981 drug party allegations, and no evidence of any interference in the case by the premier, his attorney general, the federal attorney general or solicitor general ([Royal Canadian Mounted Police 1985b](#), 36–38).¹⁶ The inquiry report blamed much of the speculation and rumour on the media and called on Hatfield to prove his allegations or retract them. In an addendum, Simmonds took issue with Liberal MP Robert Kaplan’s suggestions that the investigation had been influenced by the solicitor general and made a strong case for the independence of the police in criminal investigations. A second addendum summarized an interview with Hatfield on 14 May 1985, in which the premier repeated a number of grievances about the RCMP but admitted that he had no solid evidence to back them up. Simmonds wrote: “The premier’s apprehensions toward the RCMP appear to be deep seated and long standing,” reaching back to the kick-back investigation of the 1970s ([Royal Canadian Mounted Police 1985b](#), Addendum to report on RCMP investigation of the HATFIELD Case; Second Addendum to report on RCMP investigation of the HATFIELD case, 4). Hatfield made no public response to the report ([no author 1986a](#)).

Conclusion

Did Richard Hatfield benefit from his privileged position during his legal battle? The answer to this question is both yes and no and the reasons are complex. Because of the high-profile nature of the case, federal prosecutors (extending all the way to the Department of Justice in Ottawa) and the RCMP (the senior leadership) carefully orchestrated not only the collection of evidence but also the charge. Because of his office and connections (his party covered his legal bills) the premier, unlike the typical accused cannabis offender, was able to mount an extensive defence. It is clear from Commissioner Simmonds’s internal review that the discovery of the marijuana at the airport placed the

RCMP in a difficult position. After his acquittal, Hatfield employed his position to accuse the members of RCMP, without any direct evidence, of working to remove him from office. This appeared to be a public relations tactic for deflecting attention away from the newest allegations, which also were framed as unsubstantiated leaks. The negative side of being a political celebrity associated with “the politics of fun” came after the trial, when the allegations of the 1981 drinking and drug use with university students became national news. Although no charges were laid in connection with this supposed incident, Hatfield’s credibility and image were seriously compromised, both with the public and his own party.

The Hatfield case contains many ironies. Although the RCMP commissioner downplayed the significance of Hatfield’s telephone and face-to-face conversations with the solicitor general, these were not the typical responses of a citizen anticipating a cannabis charge. Elmer MacKay, in addition to being in charge of the RCMP, was a member of Mulroney’s PC government that would launch its own version of the War of Drugs. This used much of the rhetoric of its American counterpart, and was criticized by academics, but actually devoted more resources to education and awareness and treatment than to enforcement (Boyd 1986). And the Hatfield affair—especially its link to MacKay—was not the last time the RCMP was associated with allegations of political interference. The 1997 APEC controversy, the 2004 sponsorship scandal, the 2006 budget leak allegations, and the Airbus affair of the early 2000s (which included former Prime Minister Mulroney suing the RCMP and its commissioner for defamation) are all high-profile examples (Roach 2007).

Outwardly, Hatfield’s hold on his party in the immediate aftermath of the marijuana trial appeared strong, but in early 1986 the opposition won a by-election for the Edmundston riding. According to Cormier and Michaud, the premier’s political career was destroyed by the drugs scandal, but it is difficult to underestimate the power of the anglophone backlash against bilingualism. The new drugs allegations fuelled growing innuendo about Hatfield’s sexuality, something that the media would not report in this era (Cormier and Michaud 1992, 161). The first well-known Canadian politician to announce that he was gay, Svend Robinson, the NDP Member of Parliament, did so in 1988. Many now conclude that Hatfield was a closeted gay man at a time when public opinion towards homosexuals was often intolerant (no author 1986b). In 1987, he quit as PC leader after his party failed to win a single seat in the provincial election. In his own riding Hatfield won only 38% of the vote. He was appointed to the Senate in 1990 but died from a brain tumour the following year. In 2018, New Brunswick joined other provinces in establishing the sale of marijuana for recreational purposes. In 2019, the government announced that it planned to privatize the system of public retail outlets that was operating in the red. Premier Blaine Higgs wanted the people of his province to smoke more of the substance that had contributed to the political demise of his PC predecessor.

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NOTES

1. In 1969, a Toronto jury acquitted American rock musician Jimi Hendrix of smuggling heroin and hashish (No author 1969) and in 1978, Keith Richards of the Rolling Stones, pled guilty in Toronto to possessing heroin and was given a suspended sentence and probation in order to continue treatment (Furness 1978). In the 1970s, Rosie Rowbotham of Ontario became a type of counterculture celebrity during his trial for conspiracy to import hashish. The American writer Norman Mailer spoke at his sentencing hearing as a character witness (Thomas 2019).
2. The Hatfield controversy is also examined, briefly, by Roach 2007.
3. One recent example is the trial of CBC radio personality Jian Ghomeshi who was acquitted of sexual assault charges in 2016.
4. Subsequent controversies included the RCMP's investigation in the 1990s of allegations of sexual and physical abuse at the New Brunswick Training School, its reactions to anti-shale gas protests in 2013, and its response to a mass shooting in Moncton that killed three of its members in 2014.
5. In 1981, PC fundraiser Francis Atkinson had been convicted of bribery.
6. There were no female Mounties on duty at the airport, and none on the bus to Moncton later that day.
7. Gillis had been the PC party's lawyer since it won office in 1970.
8. For Robinette, see Finlayson, 2003. It was not public knowledge at the time, but Hatfield's legal bills were covered by the PC party: Starr 1987, 235.
9. According to one Ontario defence lawyer in 1985, drug prosecutions were a form of lucrative political patronage for law firms: Makin 1985.
10. The issue of the independence of provincial court judges was addressed by the Supreme Court of Canada in its 1985 ruling Valente. The court refused to rule that provincial judges were impartial: Valente v. The Queen 1985.
11. Harper later complained to the CBC that his interview had been edited to place his remarks in a bad light, but the CBC denied this and, early in 1985, broadcast the entire unedited interview.
12. The RCMP commissioner later wrote that it was "almost inconceivable" that the bag could have been tampered with at the airport: RCMP 1985b, 3.
13. A judicial council was formed in June 1985, but it refused to hear Ryan's complaint because it pre-dated the creation of the body: Canadian Press 1986.

14. According to Ryan, when he met MacKay in October 1984, the solicitor general insisted that that the drugs in Hatfield's luggage had been planted: [Cormier and Michaud, 1992](#), 181.
15. According to the internal inquiry, the press uncovered the 1981 allegations after a reporter attending the trial overheard a conversation between Inspector Waller and Halifax-resident Peter Daigle about witness fees. This led to the discovery of a second former student, Michael Kyte, linked to the alleged 1981 party. The Crown had planned to use Daigle as a rebuttal witness if Hatfield testified. Daigle had taken an RCMP polygraph test in Halifax before the trial. Neither the Department of Justice nor Simmonds believed that the evidence provided by the two men would support a second prosecution of Hatfield. In 1984 Kyte lived in Toronto. See: RCMP 1985, 26–31. The NB Department of Justice and Office of the Attorney gathered information on Kyte, who had been charged with attempted fraud in Alberta, and Daigle, who had several convictions in Quebec. This appeared to be the result of a complaint from Hatfield. See: Hatfield Marijuana Case, 1986.
16. An official in the NB Attorney General department requested the Ontario authorities to investigate Kyte under Section 128 of the Criminal Code, See: [Gregory to McLeod, 1985](#).

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