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COLUMNISTS

OPINION

Geoffrey Stevens: Why the Ethics Commissioner is out to lunch in Trudeau report

By **Geoffrey Stevens** Contributing Columnist

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Americans are starting to worry about a recession. So what does Donald Trump do? The maestro of diversion, he changes the channel. The United States, he proposes, should buy Greenland.

What? Buy Greenland? Absurd!

Of course, it's ridiculous, but the distraction works. Historians, economists, climatologists and political scientists rush to join the Buy-Greenland debate as the inane idea floods the airwaves and social media.

Justin Trudeau must wish he'd thought of buying Greenland. He could use something to divert public attention away from what we will call the Second Coming of SNC-Lavalin. The First Coming, which ran from February through the spring, featured former attorney general Jody Wilson-Raybould, who, as she would have it, was wronged by the Prime Minister and his aides and his ministers, who ganged up on her in a futile effort to pressure her to let SNC off criminal charges for dispensing bribes to secure contracts in Libya in the Moammar Gadhafi era.

Just as the Liberals were recovering from that blow, along came the Second Coming in the form of last week's report by Commons Ethics Commissioner Mario Dion. In it, he embraces Wilson-Raybould's interpretation of events and dismisses most of Trudeau's explanation that he was simply trying to protect jobs and investment. He concludes that the Prime Minister contravened Section 9 of the Conflict of Interest Act, a non-criminal statute that serves as a code of conduct for cabinet ministers.

What is Section 9?

"Section 9," Dion explains, "prohibits a public office holder from using their position as a public office holder to seek to influence a decision of another person so as to further their own private interests or those of a relative or friend, or to improperly further another person's private interests."

Dion's 63-page report is not an easy read. (He could have used a good editor.) Having read it carefully twice, I can find no suggestion – not even a hint – that the private interests of Trudeau, his family, friends or any acquaintances would have benefited in any way if SNC-Lavalin had been offered a remediated settlement or deferred prosecution agreement (a DPA) in place of the criminal prosecution.

Sure, the company – meaning its current management, shareholders and employees – would benefit if a DPA helped it to survive in Quebec. So might the Liberal party, by virtue of being in office, if the government did not force the company to the wall.

But benefit to the private interests of Trudeau, his relatives or friends? To mix and mangle metaphors, I think Mario Dion, grasping at straws, is out to lunch.

SNC-Lavalin has never been a conventional political scandal. No crimes were committed, no secrets betrayed, no public funds wasted, misdirected or stolen, no envelopes of cash secretly slipped to a politician (as happened in the Airbus scandal). It can be argued that SNC was not so much a scandal as an alarming exercise in poor judgment.

Wilson-Raybould rejected all entreaties, including one from her own deputy minister, to seek an outside legal opinion. Members of Trudeau's staff applied too much pressure. The Prime Minister did not pay close enough attention to see how the pressure was alienating his Attorney General. The Clerk of the Privy Council, Michael Wernick, crossed the line between public servant and politician. And Dion, in the opinion of some legal experts, erred in law and overstepped his mandate.

None of this really matters now. The election is just two months away. Having weathered the First Coming, can Trudeau survive the Second? My sense is that most voters made up their minds – against Trudeau or still with him – back in the spring and Dion's verdict is unlikely to change them.

Still, the Liberals do need to divert attention away from SNC. There is no way Trudeau could outbid Trump for Greenland. But how about a nice warm little island in the Caribbean? I would gladly donate my entire trove of Canadian Tire money to that purchase.

Cambridge resident Geoffrey Stevens, an author and former Ottawa columnist and managing editor of the Globe and Mail, teaches political science at Wilfrid Laurier University and the University of Guelph. His column appears Tuesdays. He welcomes comments at geoffstevens@sympatico.ca

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