

Senior government officials confirm discussions on SNC-Lavalin with Wilson-Raybould

ROBERT FIFE > OTTAWA BUREAU CHIEF

STEVEN CHASE >

SEAN FINE > JUSTICE REPORTER

OTTAWA AND TORONTO

PUBLISHED FEBRUARY 8, 2019

UPDATED 16 HOURS AGO

FOR SUBSCRIBERS



Prime Minister Justin Trudeau address attendees at the Liberal fundraising event at the Delta Hotel in Toronto, Ont., on Thursday, February 7, 2019. THE CANADIAN PRESS/ Tijana Martin

TIJANA MARTIN/THE CANADIAN PRESS

Senior government officials confirmed to The Globe and Mail on Friday that discussions were held with Jody Wilson-Raybould when she was justice minister and attorney-general on

options in the case of SNC-Lavalin Group Inc., including shelving a corruption and fraud prosecution to help workers who could be affected if the company were convicted.

Prime Minister Justin Trudeau told reporters on Thursday he did not direct Ms. Wilson-Raybould to abandon criminal proceedings against SNC-Lavalin, but refused to say whether his office pressed her to do so.

Related: PMO pressed Wilson-Raybould to abandon prosecution of SNC-Lavalin

Related: Trudeau says he didn't direct Wilson-Raybould on SNC-Lavalin case

The officials, who were granted anonymity by The Globe because they were not authorized to speak publicly, said Canadians should not conflate or confuse a “vigorous debate” in the Prime Minister’s Office or among the PMO and members of cabinet over how to handle SNC-Lavalin’s charges with an effort to put pressure on Ms. Wilson-Raybould.

A robust discussion is not pressure, one official said. Another official said the PMO had every right to raise the prosecution case with the justice minister, because a conviction could destroy the company and hurt thousands of workers at SNC-Lavalin.

An official said, however, that setting aside SNC-Lavalin’s prosecution was merely one option discussed to help the company and its workers, and that no decision was made.

Opposition parties and a former judge are calling for a probe after The Globe reported on Thursday that Ms. Wilson-Raybould was unwilling to direct the Public Prosecution Service of Canada in the fall of 2018 to waive court proceedings against the Montreal engineering and construction giant in favour of a negotiated settlement without trial.

Ms. Wilson-Raybould, who was demoted to the post of Veterans Affairs Minister in January, has refused to answer questions in the House of Commons about the allegations, and largely avoided speaking to reporters other than to tell The Globe on Tuesday that discussions of a plea deal were “legal advice between me and the government.”

On Friday, she issued a statement explaining her silence on the matter, which has dominated the federal political debate since Thursday.

“As the former minister of justice and attorney-general of Canada, I am bound by solicitor-client privilege in this matter,” she said.

The PMO declined to say whether it would waive solicitor-client privilege in this case.

Mary Ellen Turpel-Lafond, a former Saskatchewan judge who teaches at the University of British Columbia's Allard School of Law, said solicitor-client privilege should not be used to conceal possible wrongdoing.

"Not waiving the privilege seems to me to be a way of saying, 'We are not going to allow anyone to see what happened here,'" she said in an interview.

She called for an independent investigation by the RCMP, the federal Ethics Commissioner, a Commons committee or an independent judge or investigator. The potential wrongdoing, she said, includes questions of criminality such as obstruction of justice.

"The concern is whether or not there was inappropriate influence on a minister of justice in relation to a specific prosecution. Prosecutors are at arm's length. There are long-standing constitutional principles and legislation to address that."

The public's faith in the justice system relies on such independence, she said.

"Of course, in our society, powerful influences can commandeer political processes for their own purposes," she said. "We all know that. Consequently, the rule of law is a critical principle; nobody is above it. Nobody gets a special deal."

SNC-Lavalin has sought to avoid a criminal trial on fraud and corruption charges stemming from an RCMP investigation into its business dealings in Libya. It has been hoping to strike a remediation agreement – a deal in which criminal prosecution is set aside and a company accepts responsibility for wrongdoing, pays a financial penalty, relinquishes benefits gained from the wrongdoing and improves its corporate compliance rules.

Official Opposition Leader Andrew Scheer announced on Friday that Conservative and New Democratic MPs on the Commons Justice committee are calling for urgent hearings on the matter and will request nine high-ranking government officials to testify, including Ms. Wilson-Raybould and Mr. Trudeau's principal secretary, Gerald Butts.

Kathleen Roussel, the director of the public prosecution service, told SNC-Lavalin on Oct. 10 that it would not be asked to negotiate a remediation agreement. Nine days later, the company filed for a judicial review of that decision.

A senior government official said that after Ms. Roussel's decision, a debate ensued at senior levels of the government over Ottawa's options now that the director appeared intent on heading to trial.

The federal attorney-general is allowed to issue a directive to the director of public prosecutions regarding a specific case. The government official noted that 2015 Open and Accountable guidelines set for the government say "it is appropriate for the attorney-general to consult with cabinet colleagues before exercising his or her powers ... in order to fully assess the public policy considerations relevant to specific prosecutorial decisions."

In December, Mr. Butts spoke to Ms. Wilson-Raybould about the SNC-Lavalin remediation case, according to Mr. Trudeau's deputy communications director, Cameron Ahmad. He said the justice minister raised the matter with Mr. Butts and he told her to talk to Privy Council Clerk Michael Wernick, the top federal civil servant.

When she was shuffled to Veterans Affairs, Ms. Wilson-Raybould released a statement saying the justice system must be "free from even the perception of political interference." It was an unusual move for a member of cabinet.

"Gerald Butts is the boss at the PMO," Conservative MP Pierre Poilievre told the Commons Questions Period on Friday. "The Prime Minister has told his caucus anything that comes from Gerald Butts comes from the Prime Minister. In December, Mr. Butts talked about SNC-Lavalin's charges with the former attorney-general. What exactly did Gerald Butts say to the former attorney-general in that December conversation?"

The opposition parties also want to hear from Ms. Roussel, Mr. Wernick, Justice Minister David Lametti, Mr. Trudeau's chief of staff Katie Telford, Quebec adviser Mathieu Bouchard and senior adviser Elder Marques, and Jessica Prince, chief of staff to the Minister of Veterans Affairs.

SNC-Lavalin lobbied federal officials more than 50 times on the topic of "justice" and "law enforcement" since 2017, according to the federal lobbyists registry. This includes 14 visits with people in the PMO. Those they spoke to included Mr. Butts and Mr. Bouchard – whom they met 12 times - and Mr. Marques.

Mr. Ahmad, speaking for the PMO, would not say whether Mr. Bouchard or Mr. Marques spoke to Ms. Wilson-Raybould about the SNC-Lavalin prosecution.

"I don't think we will be speaking about meetings that staff had. We won't go into any further details," Mr. Ahmad said.

Mr. Scheer said he hopes the Liberal majority on the Commons justice committee will vote with the opposition to allow Mr. Trudeau's key lieutenants and Ms. Wilson-Raybould to testify. A committee vote on holding a hearing is expected next week.

"If the Prime Minister has nothing to hide, then members of his government should have no reason to oppose these officials from testifying, Mr. Scheer said. "Members of Parliament, and all other relevant authorities, have a responsibility to determine what happened here, and both Trudeau and his officials must be forthcoming. We believe this committee investigation is a necessary first step."

NDP Leader Jagmeet Singh, campaigning in British Columbia, called for probe by federal Ethics Commissioner Mario Dion.

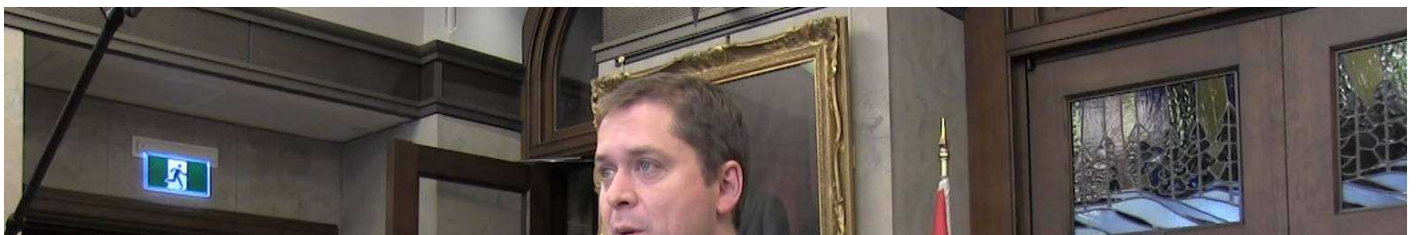
"Canadians deserve a government that is on their side, not on the side of a massive multinational corporation with deep ties to the Liberal Party," Mr. Singh said. "If the Prime Minister truly believes there is no wrongdoing here, he should invite the Ethics Commissioner to investigate his office's dealings with SNC-Lavalin and whether or not that was a factor in the removal of Ms. Wilson-Raybould from her position as attorney-general."

On Thursday, Ms. Wilson-Raybould's father, Bill Wilson, posted a tribute to his daughter on his Facebook page.

"Wish that I could protect my daughter, JODY, in this coming storm, but then I remembered that she is more than able to defend herself," wrote Mr. Wilson, a hereditary B.C. chief. "History will prove that she did the right thing. - Her DEMOTION makes sense now, UGLY POLITICAL SENSE"

He lauded his daughter. "Good for you JODY !! - MUM would be proud of you. I AM PROUD OF YOU !!!!"

With a report from Daniel Leblanc





Conservative Leader Andrew Scheer says Prime Minister Justin Trudeau's closest aides should be called to testify before the House of Commons justice committee on what they said to former justice minister Jody Wilson-Raybould about the criminal case against SNC-Lavalin.

THE CANADIAN PRESS

© Copyright 2019 The Globe and Mail Inc. All rights reserved.

351 King Street East, Suite 1600, Toronto, ON Canada, M5A 0N1

Phillip Crawley, Publisher