

## ***In the News***

# **A Rush to Sainthood**

In *HP* 205 (Summer 2018) I wrote about the trial of Gerald Stanley which followed the shooting death of a young First Nations man, Colten Bouchie, who had invaded Stanley's farm property. Both Prime Minister Trudeau and then Justice Minister Jody Wilson-Raybould publicly expressed concern about the not-guilty verdict in the trial, and in doing so raised questions about their political interference in the judicial process.

Then, more recently, Wilson-Raybould created a political furore over what she says was attempted political interference in her own jurisdiction as Justice Minister. Representatives of Prime Minister Trudeau tried to persuade her not to proceed with a criminal prosecution of a large Canadian corporation (SNC Lavalin) because a guilty verdict would curtail their Canadian operations, perhaps at the cost of thousands of jobs.

I guess applying government pressure is all right when you do it yourself, but not so much when it is done to you. But could there be more to Wilson-Raybould's fury, intransigence and willingness to damage, seriously, the Trudeau government. Could it be related to Trudeau's contemporaneous backing away from Wilson-Raybould's ambitious reconciliation plan? Or was that just a coincidence?

Or was there just some moral imperative, in her mind, to protect the rule of law by prosecuting the crime committed by SNC Lavalin? But such an imperative is illusory: plea agreements are made all the time, resulting in lesser or no punishment for admitted crimes. And the recent law specifically permitting "deferred prosecution agreements" allows fines and monitoring to take the place of criminal prosecutions, when it is in the public interest to do so. In this case it certainly would be in the interests of thousands of innocent SNC Lavalin employees.

Speaking narrowly of the rule of law, as if such rule depended upon strict application of the law in all instances, regardless of mitigating circumstances, is to construct a forbidding jurisprudence in which possible humanizing dimensions of law enforcement, such as mercy, fairness and pragmatic common sense, are deemed irrelevant.

So, while many Canadians want to beatify Wilson-Raybould as some sort of heroic whistleblower, protecting the rule of law in Canada, maybe we should wait a while on that.

—Gary Bauslaugh

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