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HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Director of Public Prosecutions

September 2nd 2014

Re: Request for the Director of Public Prosecutions to review the Wright- Duffy PMO Scandal

I am writing on behalf of the Official Opposition to formally request that the Office of the Director of Public Prosecutions review the evidence collected by the RCMP in relation to the Wright-Duffy Scandal and make a determination as to whether Nigel Wright, other staff in the Prime Minister's Office, and Conservative Senators should be charged under the *Parliament of Canada Act*. I ask that you make your deliberations public.

Documents made public by the RCMP reveal that many staff in the Prime Minister's Office (ex-chief of staff Nigel Wright, current chief of staff Ray Novak, Benjamin Perrin, Patrick Rogers, Chris Woodcock, and David Van Hemmen) along with sitting Senators (David Tkachuk, Carolyn Stewart-Olsen, Marjory LeBreton, and Irving Gerstein) and Conservative Party Officials (Dan Hilton and Arthur Hamilton) were aware of, and/or participated in the scheme to make a secret payment to a sitting Senator, whitewash a Senate report, interfere in an external audit, all in an attempt to exonerate Senator Mike Duffy who now stands charged with bribery and defrauding the Canadian public.

In their thorough and highly professional investigation, the RCMP has laid an unprecedented 31 charges against Conservative Senator Mike Duffy under several sections of the criminal code. In their work they meticulously unpacked and sewed together an incredibly complex set of actions and behaviours providing Canadians an unprecedented look into a scandal within the Prime Minister's Office.

There is no dispute over whether the Prime Minister's Chief of Staff, Nigel Wright, paid a sitting Senator \$90,000. There seems to be no dispute that several members of the Prime Minister's Office, sitting Senators, and Conservative Party officials were knowledgeable of and participated in this payment scheme.

According to an Information To Obtain (ITO) filed November 15, 2013 by Corporal Greg Horton, in Nigel Wright's own version of events he admits that he attached two conditions to his \$90,000 payment to Senator Duffy: "i. Pay back the money right away; ii. Stop talking to the media about it."

In addition to agreeing to certain media lines, the ITO describes in great detail how Senator Duffy's Senate business was influenced by the \$90,000 deal and explains how the secret payment to buy the

Senator's compliance was the key element in a larger conspiracy to change a Senate report and interfere with an external audit commissioned by the Senate.

Given this evidence, I was surprised to see that no one in this case was charged under the Parliament of Canada Act, which deals specifically with the legality of payments to Senators. Furthermore, as your office is the service of jurisdiction in dealing with breaches of the Parliament of Canada Act, I was extremely surprised to read in a statement from your office that you "had no involvement in the Nigel Wright investigation."

Especially as people are rarely charged under *The Parliament of Canada Act*, I would expect that your office be relied on in determining whether a case is to be made against Nigel Wright, other PMO staff, Conservative Party officials and Conservatives Senators who were involved in this scandal.

The *Parliament of Canada Act* states that you cannot offer compensation to a Senator in an attempt to influence them in regards to a controversy before the Senate.

As Section 16 of the Parliament of Canada reads:

16. (1) No member of the Senate shall receive or agree to receive any compensation, directly or indirectly, for services rendered or to be rendered to any person, either by the member or another person,

(a) in relation to any bill, proceeding, contract, claim, controversy, charge, accusation, arrest or other matter before the Senate or the House of Commons or a committee of either House; or

(b) for the purpose of influencing or attempting to influence any member of either House.

(3) Every person who gives, offers or promises to any member of the Senate any compensation for services described in subsection (1), rendered or to be rendered, is guilty of an indictable offence and liable to imprisonment for a term not exceeding one year and to a fine of not less than five hundred dollars and not more than two thousand dollars.

The actions described in documents made public by the RCMP raise questions about violations of this Act. The fact that only one individual has been charged in a conspiracy that involved some of the most powerful figures in government raises troubling questions.

The Director of Public Prosecutions was created to intervene in prosecutions of public interest, so Canadians could be confident that prosecutorial decisions would be "free from any improper influence". As it states in the Director of Public Prosecutions Act:

(3) The Director, under and on behalf of the Attorney General,

(a) initiates and conducts prosecutions on behalf of the Crown, except where the Attorney General has assumed conduct of a prosecution under section 15;

(b) intervenes in any matter that raises a question of public interest that may affect the conduct of prosecutions or related investigations, except in proceedings in which the Attorney General has decided to intervene under section 14;

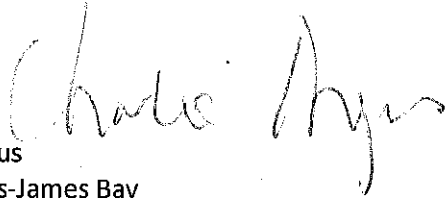
(d) advises law enforcement agencies or investigative bodies in respect of prosecutions generally or in respect of a particular investigation that may lead to a prosecution;

(e) communicates with the media and the public on all matters respecting the initiation and conduct of prosecutions;

We acknowledge the RCMP for their thorough work, but the unprecedented political sensitivities of an investigation into the Prime Minister's Office requires the intervention of the DPP." It is incumbent upon the DPP to examine the evidence the RCMP has brought forward, examine them against the laws and statutes of Canada, and explain to the Canadian people if an offense has occurred and if no offense has occurred, why that is so. The DPP was specifically given a mandate to make prosecutorial decisions in matters of the public interest, and communicate publicly about those decisions. Your office was made independent to maintain public confidence in the justice system and the government.

The Canadian public needs to be reassured. We must ensure that Canadians are not left with the impression that it is okay for the office of the Prime Minister to operate in an undefined ethical grey zone. If there are no sanctions or consequences for such behaviour it will leave Canadians thinking that Ottawa is indeed a very broken place in 2014

Sincerely,

A handwritten signature in cursive script, appearing to read "Charlie Angus".

Charlie Angus
MP Timmins-James Bay