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# Charlie Angus

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The Right Honourable Justin Trudeau  
Prime Minister of Canada  
Office of the Prime Minister and Privy Council  
80 Wellington St, Ottawa, ON K1A 0A6

March 4<sup>th</sup>, 2019

**Re: Clerk of the Privy Council**

Dear Prime Minister Trudeau,

I am writing to you today regarding the deeply compromised position in which Mr. Michael Wernick finds himself as clerk of the Privy Council. Five former Attorneys-General have contacted the RCMP asking for an investigation into the allegations of political interference in the SNC-Lavalin prosecution. The testimonies of both Mr. Wernick and the former Attorney General, the Hon. Jody Wilson-Raybould, before the Standing Committee on Justice and Human Rights have added to my concerns. It is becoming clear that Mr. Wernick played a key part in the actions that have precipitated this crisis.

The Clerk of the Privy Council is the highest-ranking member of Public Service of Canada, and has special responsibilities across the entire breadth of government. Apart from being the statutory Head of the Public Service, the Clerk is, per your Cabinet manual, *Open and Accountable Government*, "a non-partisan public servant" who "acts as the Prime Minister's deputy minister and principal source of public service advice."

Not only is Mr. Wernick the Clerk of the Privy Council, he is also one of five members of the new Critical Election Incident Response Panel responsible for making the decision to inform Canadians about potentially compromising incidents during an election period. It is doubly important in light of that that Mr. Wernick be seen as completely beyond even the appearance of partisan preference or political controversy.

Mr. Wernick has served Canadians in the public service for decades, and I recognize the contributions he has made to Canada's governance. However, given the testimony provided by both Mr. Wernick and Ms. Wilson-Raybould, his ability to carry on in this capacity has been seriously compromised.

The Clerk of the Privy Council is an office that Canadians must see as beyond partisan controversy. In his actions related to the prosecution of SNC-Lavalin as well as his testimony before the Justice Committee, he has strayed from non-partisan advisor to political actor. His statements before the Justice Committee suggest a worrying politicization of his position.

Mr. Wernick's testimony to the Justice Committee began with a series of personal remarks that were not germane to his appearance before the Committee, and veered into the expression of personal political views. I was particularly struck by his speculation that a Canadian politician may face political assassination if the deterioration of faith in public institutions continued. There is no room, especially in the tense environment of a serious political controversy, for the country's top civil servant to express their own opinions on unrelated issues, particularly in an inflammatory, sensational way.

This was a clear breach of the duty of public servants appearing before parliamentary committees, as the Privy Council Office's "Note on the Responsibilities of Public Servants in Relation to Parliamentary Committees" makes clear:

*"...matters of policy and political controversy have been reserved more or less exclusively for Ministers, principally because political answerability on the part of officials would inevitably draw them into controversy, destroy their permanent utility to the system and, indeed, undermine the authority and responsibility of their Ministers."*

He made a number of comments where he took personal positions, for example praising Minister Bennett's work on Indigenous reconciliation, when the clear subtext was that Minister Bennett was given this file in preference over Ms. Wilson-Raybould. His defense of the high standard of integrity in your government was given without explaining his active role in pursuing the Prime Minister's interests in the controversy before committee. Both commentaries were beyond the code for public servants. I refer you to the rules regarding answering questions at committee:

*"Officials may give explanations in response to questions having to do with complex policy matters, but they do not defend policy or engage in debate as to policy alternatives. In other matters, principally those having to do with the administration of the department and its programs, officials answer directly on behalf of their Ministers. Again, the answers should be limited to explanations."*

Ms. Wilson-Raybould's testimony raised even more serious questions about Mr. Wernick's failure to uphold his duty of non-partisanship as Clerk of the Privy Council. Ms. Wilson-Raybould testified that on September 17<sup>th</sup>, in a meeting with yourself and Mr. Wernick in which the matter of a deferred prosecution for SNC-Lavalin was discussed, Mr. Wernick suggested that the upcoming election in Quebec was a reason for urgent intervention on the file.

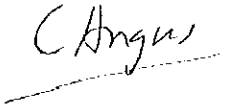
It is wholly inappropriate for the Clerk to bring up these partisan considerations, particularly in the sensitive context of discussing with the Attorney General of overriding a decision by the independent public prosecutor.

The former Attorney General also described veiled threats she received from the Clerk in relation to the issue of a deferred prosecution agreement with SNC-Lavalin: “[c]onversations like the one I had with the Clerk of the Privy Council who invoked the Prime Minister’s name throughout the entirety of the conversation, spoke to me about the Prime Minister being dug in, spoke to me about his concerns as to what would happen. In my mind, those were veiled threats, and I took them as such.”

And finally, we learned from her testimony that as Ms. Wilson-Raybould was being removed from her position the Clerk made it clear that the new Attorney General would be given the file on SNC to handle. This testimony paints a picture of a Clerk who used numerous veiled threats on behalf of the Prime Minister and where the former Attorney General understood she was being threatened with being fired if she would not follow through on the interference with a legal prosecution. If the new Attorney General was put in place to fulfill this interference with the prosecution, it would represent a serious political undermining of the role of Attorney General.

Mr. Wernick has overstepped his role. He has become a central player in a very political controversy that may have included attempts to obstruct the work of the independent public prosecution service. For these reasons, Prime Minister, he cannot remain Clerk of the Privy Council and I urge you to ask for his resignation immediately.

Sincerely,

A handwritten signature in cursive script that reads "C Angus". The signature is written in black ink and is positioned above a horizontal line that serves as a separator.

Charlie Angus, MP  
Timmins—James Bay