The Nova Scotia murders: End the farce. Call the inquiry.

Paul Wells: There is no excuse for anything but a public, independent inquiry, and the powerful voices now calling for action cannot be ignored.

An RCMP officer talks with a local resident before escorting them home at a roadblock in Portapique, N.S. on April 22, 2020 (CP/Andrew Vaughan)

Look, I know it’s hard to concentrate on government business with all the Trudeau family conflict-of-interest self-immolation going on, but let’s give it a try.

“There is obviously an ongoing RCMP investigation into what actually happened in terms of the shooting,” Justin Trudeau said on June 25, the last time someone—Maclean’s reporter Nick Taylor-Vaisey—asked him about the April mass murder in Nova Scotia.
“But there are many, many questions about the role of domestic violence, about the situation where the shooter was able to get his hands on police vehicles and kit,” the Prime Minister continued. “There are many larger questions. And we are working with the government of Nova Scotia to ensure a process whereby those questions get answered—for the families, for the communities, for Canadians across the country. And we certainly hope to have things to announce in the coming days.”

This was a perfectly serviceable string of declarative sentences from the Prime Minister, and it was good to hear. Five days before Trudeau spoke, I had joined a growing list of people wondering why a public inquiry into the worst mass murder in Canadian history wasn’t already underway. Nova Scotia’s justice minister, Mark Furey, had predicted in early June that an inquiry would be called within days. Then in mid-June Furey said it was getting closer. Now Trudeau said he expected to announce something “in the coming days.”

Great. But that was two weeks ago. Furey, the long-suffering provincial minister, had to tell a reporter yet again last week that an inquiry was delayed. His reasons are worth your attention. At first he referred to “legalities and technicalities.” Simple detail work. But then he took another run at it. “We want to take a different approach to sourcing the questions that individuals would have, particularly the family members,” he said. “We’re taking a human-centred and trauma-informed approach consistent with some of the principles of restorative methodologies.”

This was actually less of a word salad than it sounds. Restorative justice is a widespread concept in law. Nova Scotia, like a lot of places, makes common use of restorative justice in cases where everyone involved can agree a wrong has been done. They get together, discuss how things got off track, come up with a plan for the future. It reduces the load on the rest of the criminal justice system. People feel better.

Except there’s a problem with applying it to Gabriel Wortman’s 13-hour slaughter spree that ended 22 lives before Wortman himself died. And the PM
put his finger on the problem when he spoke on June 25. “There are many, many questions about the role of domestic violence.”

Now, dozens of women’s organizations have joined forces to remind the governments of Canada and Nova Scotia that, precisely because there is a gender element to the April murders, there can be no place for restorative justice in investigating what happened.

Here’s their letter, which they sent on Tuesday to Furey, federal public safety minister Bill Blair, and federal justice minister David Lametti. It is an absolutely extraordinary document. It rejects Furey’s “restorative” approach out of hand; scolds him for blaming restorative-justice principles for the two governments’ ludicrous and ever-longer delay; and demands a prompt, open, effective, public, inquiry, backed by subpoena power.

“We were shocked to see media reports that the launch of an inquiry into the April, 2020 massacre in Nova Scotia was being held up by an attempt to graft a ‘restorative approach’ onto the traditional federal-provincial public inquiry,” the signatories begin. “We wish to express our grave concern about, and opposition to, the use of any process for the federal-provincial response to the Nova Scotia mass shooting which is not fully open and public or which does not mandatorily compel the pertinent institutions and state actors to provide relevant information.”

Who signed the letter? Basically everyone. The letter is signed by 26 women’s groups and social services, both national and in every part of the country. By and large they’re impossible to dismiss as some academic-left fringe. They’re the mainstream on gender issues in law, protection against sexual violence and gender discrimination, and ground-level social services for women in Canada. They’re the groups that governments claiming to be preoccupied with domestic violence should be consulting on the Nova Scotia file.

They include the Ending Violence Association of Canada, the National Association of Women and the Law, the Women’s Legal Education and Action
Fund (Women’s LEAF), Women’s Shelters Canada, and—to name only the regional organizations in Nova Scotia, though they’re joined by several from other provinces and territories—women’s groups and social services in Antigonish, Halifax, Sydney, Port Hawkesbury, Truro and Yarmouth.

The letter makes it clear these groups are not merely expressing a preference or offering stylistic advice. It’s a matter of established Nova Scotia government policy. In Nova Scotia, they write, “there is a moratorium on the use of restorative justice processes for offences involving domestic or sexual violence.” And indeed there is; here’s Mark Furey talking about it only a year ago. The reason for the moratorium is not technical or trivial: it’s that bringing parties together in private imports the power imbalances that drive gender-based violence into the process. A woman can’t quietly discuss bygones with a tormentor, or, in his absence because he’s dead, with the police who took nearly a day to stop the torment.

Nor could a restorative approach, operating as they usually do behind closed doors, bring the facts to light. Here the letter drafters’ strong advocacy of a truly public process is heartening to read. “The demand was for transparency and accountability—for a fully-open process. Providing the public with an after-the-fact report or series of reports drafted by an intermediary is not informing the public through open hearings that any member of the public can attend, that the media has complete access to, and through which every Canadian has access to the information disclosed.”

Finally, the letter states again and again that any attempt to involve the RCMP in designing the inquiry process or shaping its outcomes is illegitimate on its face—because the RCMP’s behaviour is central to the questions an inquiry must resolve. “The public deserves an inquiry into the NovaScotia mass shooting in which the process is presided over by an independent and impartial commissioner rather than a process facilitated by a team of commissioners, some of whom are interested parties.”

What these distinguished and deeply engaged advocates and activists are
calling for is, in the end, very old-fashioned. An open hearing room. Cameras in the back. Witnesses compelled to appear. A process with the simplicity and clarity to bring the facts of a national tragedy to light. This is, ironically, the sort of process Mark Furey was describing more than a month ago, before he got tugged off onto some absurd and endless procedural siding by his incurably busy-bodying federal cousins.

I know Justin Trudeau is distracted by the nonstop absurdities of his family’s assorted moonlighting ventures. That should not matter. This country cannot wait forever on a decision by a compromised Prime Minister who cannot make decisions. Canada has a justice minister with the authority to determine the scope and nature of judicial inquiries. Nova Scotia has a federal minister with a mandate to promote the province’s interests at the cabinet table. Unfortunately the justice minister is David Lametti and the province’s voice at cabinet is Bernadette Jordan, and neither has had anything to say about any of this in three months. One day both will find their federal political careers behind them. Will their Instagram accounts keep them warm as they ponder what they could have done with the time the voters gave them?

It’s three months since the murders. It’s two months since families and prominent Nova Scotians began demanding a speedy inquiry. It’s a month since the federal and Nova Scotia governments started claiming they were about to do something. It’s two days since the best advice on gender issues said, loudly and clearly, that there is no excuse for anything but a prompt, public, powerful and independent inquiry. The longer they stall, the clearer it becomes that Trudeau and his provincial cousins are trying, not to ask questions, but to pre-determine the answers. It’s a farce. It needs to end. It’s time for a public inquiry now.
The Nova Scotia shooting inquiry: Three months later, there isn't one

Paul Wells: At first, it was 'imminent'. Then it was 'in the coming days'. Now it's just 'next steps.' Are governments even capable of following through?

Remember that public inquiry into the worst mass murder in Canadian history? The inquiry that’s been “imminent”—that’s the word Nova Scotia justice minister Mark Furey chose—for six weeks? The one Justin Trudeau said three weeks ago he wanted to announce “in the coming days”?

It’s still not happening, and as far as I can tell both the federal and Nova Scotia governments hope you’ll forget they ever mentioned it.

On Wednesday after lunch I sent identical emails to the offices of three cabinet ministers: Mark Furey, the justice minister of Nova Scotia; David Lametti,
justice minister of Canada; and Bill Blair, the public safety minister of Canada. Here’s what I asked.

“Hi,

I write for Maclean’s magazine. I’m writing another column on why there’s still no public inquiry into the April shootings in and around Portapique. I thought I’d check with the minister’s office to see whether you can provide my readers any update on progress toward an inquiry. Will there be one? When? What’s its structure? Will it reflect the concerns of 26 women’s advocacy and social-service organizations that called last week for a prompt, public, independent inquiry with subpoena power?

Thanks for any help you can provide. I’ll be filing my column around midday tomorrow, Thursday.

Best wishes pw”

Lametti’s office let me know they would let Blair’s office answer. Here’s what I received shortly before noon Thursday from Mary-Liz Power, Blair’s press secretary.

“The tragedy that took place in Portapique, Nova Scotia has left Canadians with many questions. We are united in our grief as we mourn the loss of 22 innocent lives, and we stand with Nova Scotians in the search for these important answers.

Minister Blair has been in close contact with Nova Scotia’s Attorney General and Minister of Justice, Minister Furey, throughout this difficult period. Our governments are working together to ensure that we take all lessons to be learned from this tragedy, and both are considering all possible tools and avenues of investigation. We will do everything possible to ensure tragedies like this one never happen again.”

I intend no criticism here of Mary-Liz Power. This is the way of the world: when
you send questions to a cabinet minister’s office these days, or indeed to most large organizations in or out of government, you should not expect to be starting a conversation so much as you are initiating a process of talking-point formation. The person who transmits the resulting product is its author only in the sense that, say, a federal budget is an opportunity to find out what Bill Morneau thinks about anything.

But I note that there is no answer in this mopey villanelle to any of my actual questions. Will there be an inquiry? Blair’s office doesn’t say. When? They don’t say. What’s its structure? They don’t say. Will it reflect the concerns of passionate professionals working for women’s safety and deliver a prompt, public, independent inquiry with subpoena power? They don’t say. If I had not already been ground down by years of this shit, I would be cross.

If it’s any consolation, somebody with some involvement in... in... in whatever the two governments are doing sent me this bonus line, “on background,” so I cannot further specify whom I heard from. “We are in close contact with the government of Nova Scotia and will be announcing next steps in due course.”

This is progress. No, wait, what’s the opposite of progress? This is that. An inquiry that was “imminent” on June 2 and would be announced “in the coming days” on June 25 is now coming “in due course”—if it’s even still an inquiry. I mean, now it’s just “next steps.”

An hour later, this arrived from Jill McKenzie, a communications advisor to Furey, the Nova Scotia justice minister.

“We recognize that Nova Scotians are looking for, and deserve, answers about the tragic events that happened in April. The Department of Justice is actively engaged with the federal government on this matter and an announcement is forthcoming. The Minister of Justice will respond to the Coalition directly regarding their letter.”

This also answers none of my questions, although there’s some hope Furey’s
reply to the letter from women’s groups will provide more detail. That it’s taken him nine days so far to write back to them, and counting, is discouraging but perhaps not conclusive.

We’ll find out. Here’s my column from June 20 calling for an inquiry. Here’s my column from last week with updates and a fresh call for an inquiry. I’ll be filing a new column here with updates every week until there’s an inquiry or I retire. Political journalism often concentrates on the moments when decisions are made. I might as well cover a failure to make a decision. I have time.

Meanwhile, let’s look at how politicians used to make decisions, since you too, dear reader, are probably forgetting what that looks like.

On May 7, 1945, Germany surrendered to the Allies. In Halifax, a bustling port city with much of Canada’s Atlantic fleet in the harbour, Rear Admiral Leonard W. Murray sent thousands of sailors into town to celebrate. They did, boisterously and at times violently. Murray sent more ashore the next day. Looting and property damage were rampant and by the end of the second day, three people were dead.

May 7 and 8, 1945 were a Monday and Tuesday. On Thursday, May 10, the government of Canada appointed Roy Kellock, who’d been a Supreme Court justice for seven months, to lead an inquiry into the Halifax riots. Kellock reported on July 28.

That’s two days to call the inquiry and just over two months for it to report. Incidentally, Prime Minister Mackenzie King was out of the country the week of the riots, at founding meetings for the United Nations in San Francisco, so the Kellock Commission was ordered by Finance Minister J.L. Ilsley in his capacity as acting Prime Minister. In the old days, people made decisions without waiting around for permission.

I get that life was simpler then. Governments had less capacity. There was no internal mechanism for figuring out how a riot happened, so the feds
appointed a judge. It would have been surprising if an inquiry into the Nova Scotia murders had been called in only two days.

But the growth of governments’ capacity and complexity is supposed to enhance their capability, not make them seize up. It’s starting to look like the job of convening an inquiry they say they want is simply beyond the abilities of Justin Trudeau, Stephen McNeil, and the governments they say they lead.

I’ll let you know by next Thursday whether any of that changes.
The Nova Scotia shooting 'review' and the deafness of government

Paul Wells: Everyone was demanding a public inquiry. What we got was something zero people asked for—a toothless, rickety review panel.

We might as well give it a name, this odd feeling of having been heard, understood—and ignored—by government.

It’s a familiar enough sensation, after all. It’s not that the lines of communication have broken down. It’s not that the message isn’t getting through. It’s not even that governments are inert or inactive. On the contrary, they’re whirlwinds of action. They’re just doing... *something else*... besides what circumstances warrant and populations demand.

This odd feeling is all I have after Mark Furey, Nova Scotia’s justice minister,
and Bill Blair, the federal minister of public safety, announced the end of three months of confusion about how governments would respond to the April mass murder around Portapique, N.S. They’re convening a review. It’s like a public inquiry, only toothless and secretive. But look, they’ve put nice people in charge of it!

As recently as Wednesday, hundreds of people, many of them relatives and friends of the people Gabriel Wortman shot dead on April 18 and 19, marched in Bible Hill, N.S., demanding a full public inquiry into the murders. They are joined in this call by several of the country’s most prominent women’s groups; dozens of senators, including most of the senators Justin Trudeau has appointed; and much of the Dalhousie University law faculty.

Here’s the Nova Scotia Public Inquiries Act. It’s six paragraphs long. Two of them ensure that inquiries will have the power to compel witnesses to testify under oath. That’s central. As the women’s groups put it, “We wish to express our grave concern about, and opposition to, the use of any process for the federal-provincial response to the Nova Scotia mass shooting which is not fully open and public or which does not mandatorily compel the pertinent institutions and state actors to provide relevant information.”

So that’s who asked for a public inquiry. Who asked for an independent review panel? Give Furey credit for this much: When I asked him, he admitted nobody had. That’s zero people.

The rickety claptrap Furey and Blair announced will be backed by stern letters from both ministers ordering organizations they’re responsible for to cooperate with the review. That list includes “RCMP, the Canada Firearms Program, the Canada Border Services Agency, the Criminal Intelligence Service and the national Alert Ready Program.”

What happens if an organization ignores a stern letter? Well then, by God, the review panel can... complain to Blair and Furey (or their successors; the review panel is to report by August, 2021, which may well be after Nova Scotia and
federal elections). If that doesn’t get the recalcitrant agencies to play ball, well then, by God, the review panel can... say so, in public.

Stop, or I’ll shout “stop” again.

What’s to stop an RCMP officer from, say, retiring from the force and suddenly being institutionally out of reach of the review panel? Nothing, but thanks for asking. What’s to ensure you and I can see the testimony so we know whether it’s reflected in any final report? Nothing. There’s no provision for any public testimony, let alone for subpoena power or sworn veracity.

The ministers put great emphasis on the fact that interim and final reports from the panel will be public. They were extravagant in their praise for, as Furey put it, the “competence” of the panellists, who are led by former Nova Scotia Chief Justice Michael MacDonald and include former Fredericton police chief Leanne Fitch and Anne McLellan, the former federal justice minister who gets called for everything these days.

I agree they’re competent! But in our system (I find myself having to explain, as if to a child), we don’t send people into public tasks armed with only their competence. We normally like to arm them with an apparatus of law. Anne McLellan was competent before she had the authority to introduce laws in Parliament. But it was the authority that made her a minister of the Crown. Leanne Fitch was competent before she had the authority to administer lethal violence. But it was the authority that made her a cop.

I know Furey and Blair know this. Their news conference was an exercise in saying obvious things while ignoring other obvious things, for reasons about which we can only speculate until one of them writes his memoirs. In that gap between the act and the explanation, a gap that will certainly last years, lies the latest erosion of our sense that we are understood by the people who get to confiscate our money and tell us what we are permitted to do. It’s alienating.

Before the ministers’ announcement, I asked Dalhousie University law
professor Archibald Kaiser for some comment on the delay in announcing any sort of inquiry. Kaiser sent me a long, thoughtful essay. "Instead of reassuring the public, the behaviour of governments has been opaque, tardy, uncertain, avoidant and condescending," he wrote. "It is hard to make sense of why there have been so many bungles and missed opportunities in the aftermath of Canada’s worst mass killing."

Probably this... thing the ministers have concocted will be better than nothing. Certainly the two governments’ amen corners will activate on Twitter to warn us that if we are ungrateful, other parties might replace them in government, and then where would we be. This is our lot: government by slogan, diversion and threat. Surely there should be a name for that.