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Chair

Ms. Yasmin Ratansi

Standing Committee on Government Operations and Estimates

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•(1530)

[English]

The Chair (Ms. Yasmin Ratansi (Don Valley East, Lib.)): Order.

I would ask that the media please leave the room.

Committee members, I will....

Pay attention; otherwise you'll tell me....

Order.

Media, could you please leave the room?

Committee members, I need unanimous consent. I'm proposing that we hear from Mr. Hamilton, and after we hear from him, we go and vote and come back. Then we'll do our opening round.

Yes, everybody?

Some hon. members: Agreed.

The Chair: Okay.

Media, the meeting has started; please leave.

Committee members, we are studying the renewable energy project, and we have before us Mr. Arthur Hamilton, partner with Cassels Brock & Blackwell.

Welcome, Mr. Hamilton.

Do you have an opening statement?

Go ahead. The floor is yours.

Mr. Arthur Hamilton (Partner, Cassels, Brock & Blackwell LLP): Thank you, Madam Chair and members of the committee. Good afternoon.

I am a law partner at the law firm of Cassels Brock & Blackwell LLP. It is a matter of public record that I have been retained by Conservative Fund Canada and the Conservative Party of Canada to act as its legal counsel and provide legal advice and direction to its various governing bodies, its employees, and its leader, the Right Honourable Stephen Harper.

I recognize that there has been a significant amount of public comments regarding the events of April 8 and 9 and my involvement in those events. To date I have declined to make any public comment on these matters or on any of the events that transpired following that date.

Declining to make any previous public comment was necessary to respect the various investigations that have been undertaken, or that may be undertaken, by legal authorities. Further, it is important that I respect the legal privilege that I owe to my clients—Conservative Fund Canada, the Conservative Party of Canada, its various governing bodies, its employees, and Prime Minister Stephen Harper.

I appear today at the request of this committee, and I will answer your questions while at the same time ensuring that the legal privilege belonging to those clients is respected.

There is one item I wish to specifically address in this opening statement. In media reports during the week of April 12 and subsequently, Ms. Guergis suggested she had no idea what she may have done. Her lawyer, Howard Rubel, stated, “She is ready to respond and co-operate but it's important that she not respond until she knows what the allegations are.”

I confirm that Ms. Guergis and I had two separate telephone conversations in the morning of April 9. At that time I detailed the allegations that were being made, not only against her but also against her husband, Mr. Jaffer. These allegations also spoke to a number of matters that involved Mr. Jaffer's business partner, Mr. Gillani.

It is now well known that following my two conversations with Ms. Guergis on April 9, she considered herself to be in a position to deliver an e-mail to the Canadian Press on Sunday, April 11, that stated the accusations against her were “baseless” and “unfounded”.

The fact of this e-mail from Ms. Guergis was subsequently reported by CBC news on April 13. What no one knew, until today, is that on the afternoon of April 9, I was contacted by Mr. Jaime Watt, the chairman of Navigator Ltd.

I understood that Mr. Watt was contacting me on behalf of Ms. Guergis. When Mr. Watt and I spoke, two things became clear: first, he had recently spoken to Ms. Guergis, Mr. Jaffer, or both of them; second, he knew the allegations that I had explained to Ms. Guergis.

Ms. Guergis still maintains that she does not know the allegations. As I have said, I explained them to her at length. Moreover, clearly Ms. Guergis remembered enough of the allegations to brief Mr. Watt, or to brief somebody who then briefed Mr. Watt.

During my testimony today, I do not intend to speculate as to why Ms. Guergis or her counsel have chosen to deny that she received a detailed briefing of these allegations against her by me on April 9. However, any suggestion that Ms. Guergis does not know the details of the allegations that were made against her is not accurate. To the contrary; not only was she briefed fully on those allegations by me, but I also spoke in detail about them with Mr. Watt when he called on the afternoon of April 9.

Madam Chair, committee members, thank you for permitting me the opportunity to deliver this opening statement.

The Chair: Thank you very much.

Committee members, there are 21 minutes left before the vote. Would it be okay if we did two rounds of questions, perhaps, and then when you come back there will be the third round of questions?

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Two questions.

The Chair: Sorry, I mean two questions. Thank you.

Is that okay?

Some hon. members: Agreed.

The Chair: We have unanimous consent.

Ms. Siobhan Coady, for the first round of eight minutes.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Thank you very much.

Thank you, Mr. Hamilton, for joining us this afternoon.

You spoke by phone, I believe, with Mr. Snowdy for about an hour on April 8, and then you asked him to come to your office again the next day. I believe that's correct.

Can you tell us what Mr. Snowdy told you during that call and your subsequent meetings with him?

Mr. Arthur Hamilton: Yes. And I appreciate that questioners have limited time, so I will synthesize.

The basis of the allegations, as Mr. Snowdy has already testified before this committee, is this: there is a significant attempt by Mr. Gillani and Mr. Jaffer to defraud potential investors as they hold themselves out as venture capitalists.

We can go into all the reasons why this scheme was questionable at best, but that's the base.

The more difficult part of the conversation was when Mr. Snowdy advised me that Ms. Guergis was assisting Mr. Jaffer in this enterprise.

• (1535)

Ms. Siobhan Coady: How was she assisting?

Mr. Arthur Hamilton: Mr. Jaffer was creating the illusion that he was ultra-connected with the Conservative government and that he could make funds available and effectively open doors to potential investors. Ms. Guergis assisted and amplified that aura of connectedness that Mr. Jaffer was presenting.

Ms. Siobhan Coady: I'll come back to that point.

Did you discuss offshore accounts or shell companies? A yes or no is fine.

Mr. Arthur Hamilton: In very brief terms we discussed offshore companies and shell accounts, yes.

Ms. Siobhan Coady: Can you give us a brief overview of what you discussed about offshore companies? Is it just what Mr. Snowdy has said or can you add to that?

Mr. Arthur Hamilton: It had to do with the way they would present investors with means to get investments offshore.

Ms. Siobhan Coady: You did discuss government access and that Mr. Jaffer was either selling or illegally lobbying? Based on what you just said, that was the premise, I think, or the foundation?

Mr. Arthur Hamilton: Yes. And Mr. Snowdy was clear on two things. Mr. Jaffer was certainly pushing that angle, that this was the value he brought to the partnership with Mr. Gillani, but at the same time, Mr. Snowdy's investigation, as he told me, could find no evidence of any success in tapping even one government dollar.

Ms. Siobhan Coady: What evidence did Mr. Snowdy offer to you on these allegations?

Mr. Arthur Hamilton: Mr. Snowdy and I, the first night, were talking over the phone, so I wasn't present with him. I wasn't able to see any file that he might have had or collected.

Ms. Siobhan Coady: The next day you were, though.

Mr. Arthur Hamilton: The next day, I did ask him if he would bring his file with him. He advised me that he would have to seek his client's permission to disclose the file.

Ms. Siobhan Coady: We know that.

Mr. Arthur Hamilton: When he got to my office we talked further, but he did not have his client's permission to disclose any contents of the file.

Ms. Siobhan Coady: I guess what I'm getting at is that when Mr. Snowdy testified before committee, he said, "I have nothing, no evidence or information, with respect to the conduct of Madam Guergis in my possession or knowledge." He didn't provide any documentation.

I'm hearing from you that he said he had something or that he alluded to the fact that Madam Guergis was involved in something. I'm hearing that from you. That's not what we heard from Mr. Snowdy. Can you tell me where the discrepancy lies?

Mr. Arthur Hamilton: I think the disconnect might be in this. At no time in our phone call that night, or in fact the next day when we met at my office, did I ask him to enumerate statutes that had been violated, or Criminal Code offences. Frankly, as a lawyer, when I'm trying to understand a factual matrix, I'm not interested in somebody else's subjective interpretations of events.

Ms. Siobhan Coady: Well, I think this is interesting. If you're looking for the factual matrixes, what I'm understanding...and this is from the Ethics Commissioner. She confirmed that Mr. Snowdy was the sole source of the information about Madam Guergis, and that was told by you, is what we understand from the Ethics Commissioner. I have her testimony here.

Mr. Arthur Hamilton: Mr. Snowdy was not the sole source of the information.

Ms. Siobhan Coady: Who was the other source? If you're looking at the factual matrix, you've taken—as we understand it—the comments by one individual. You've said there were more allegations; from whom, and how did they come about?

Mr. Arthur Hamilton: Ms. Guergis was her own source, and there were others that—

Ms. Siobhan Coady: On April 9?

Mr. Arthur Hamilton: On April 8 and April 9, yes.

Ms. Siobhan Coady: Who was the other source, then?

Mr. Arthur Hamilton: There were other sources, and their names remain privileged information. I'm not at liberty to divulge those to this committee.

Ms. Siobhan Coady: Just so we understand, this is attorney-client privilege between you and the Conservative Party? Is that why you're not telling us what's going on here today?

Mr. Arthur Hamilton: It's in part attorney-client privilege. There are also other privileges in play, including the lawyer's work product privilege.

Ms. Siobhan Coady: So—in order for us to do our investigation—what you're saying is that other people came forward with allegations: were they around the time of April 8 and April 9?

Mr. Arthur Hamilton: I didn't say other people came forward with allegations. Other people were the source of information, which I put into the factual matrix.

• (1540)

Ms. Siobhan Coady: I'd like to ask you for your notes on calls, meetings, perhaps e-mails that you have between you and Mr. Snowdy. This is around April 8, April 9. That's the first time you met with Mr. Snowdy, is it not, the April 8 phone conversation?

Mr. Arthur Hamilton: There were no notes in respect of that.

Ms. Siobhan Coady: You took no notes?

Mr. Arthur Hamilton: I tracked Mr. Snowdy down by doing a Google search and then found him through one of his existing companies and their answering service. I reached one of his night supervisors, who I implored to have Mr. Snowdy call me back.

Ms. Siobhan Coady: So you took no notes of this meeting?

Mr. Arthur Hamilton: I have personal notes on the phone call.

Ms. Siobhan Coady: Could you provide those to us, please?

Mr. Arthur Hamilton: Those are privileged.

Ms. Siobhan Coady: By whom? You have no client-attorney privilege between Mr. Snowdy and you.

Mr. Arthur Hamilton: They are my solicitor work product.

Ms. Siobhan Coady: I'll come back to that point. I'd like to argue it, but I want to make sure I have legal basis.

So you provided information to the Prime Minister's Office around the April 8 or 9 timeframe when you were discussing it with Mr. Snowdy. You said you brought in other potential allegations....

Is someone getting me that information about whether an attorney's work product is privileged?

The Chair: We have a specialist here.

Ms. Siobhan Coady: Great. I'd like someone to be seeing to that.

So you had this conversation with Mr. Snowdy on April 8, April 9. You had a conversation with Madam Guergis, who you said also gave you some kind of factual information, and then you spoke to the Prime Minister's Office. Who did you speak with in the Prime Minister's Office—the Prime Minister himself?

Mr. Arthur Hamilton: This will be for general application: any discussions between me and any of my clients, or any communications passing back and forth, are privileged. I will not be answering questions on that.

Ms. Siobhan Coady: If I may, Madam Chair, on a point of order, I'd like to have a ruling on this very issue. He talked about the lawyer's work product, and in this particular instance he's invoking attorney-client privilege.

I'd like to hear from the law clerk, if I may, please.

Ms. Melanie Mortensen (Parliamentary Counsel (Legal), House of Commons): Thank you, Madam Chair.

I'm Melanie Mortensen. I'm the parliamentary legal counsel in the Office of the Law Clerk and Parliamentary Counsel.

In regard to solicitor-client privilege or work product privilege, these kinds of privileges do not limit the ability of a lawyer as witness to be able to reply. Nonetheless, the committee may take into consideration the privilege that is claimed in determining how or whether to address the witness, whether to limit the question somewhat in order to safeguard the nature of the information that is privileged, or whether to go in camera.

I think this is best summed up by Mr. Walsh, the law clerk, in his appearance at a different committee. I'll simply read his opinion.

On November 4, 2009, there was another lawyer appearing who claimed solicitor-client privilege. I realize that in this case a work product privilege is being claimed. But in my view, it would be the same answer.

Mr. Walsh said the following:

What he's saying relative to the obligation on lawyers as lawyers, in the usual context in which lawyers operate, is true.

Solicitor-client privilege, in my view, is an important privilege. It is one the committee obviously should respect but not necessarily be governed by. It is a principle that relates to the legal rights of people who are in that solicitor-client relationship. It's all designed for the benefit of the client, not the lawyer. It is to protect the client's rights from being prejudiced by the wrongful disclosure of information exchanged with a lawyer.

But that's in the context of legal rights, legal proceedings. There are no legal rights at issue here. These are not legal proceedings. These are parliamentary proceedings. It is, in my view, open to the committee to seek answers from a lawyer appearing as a witness, notwithstanding this principle, although I do believe that it is a principle of some importance and that the committee should not tread needlessly upon that principle in seeking information from a witness who is a lawyer.

The Chair: Could I just—?

Mr. Bob Dechert (Mississauga—Erindale, CPC): I have a point of order.

The Chair: If you'll give me a moment, we'll see if we can resolve this with Mr. Hamilton.

Mr. Hamilton, would you be able to answer in a different way that will not violate your client privilege?

● (1545)

Mr. Arthur Hamilton: Let me just respond, because there are at least two principles at play here. There's the positive and the negative of the privilege. If you ask me if I've spoken to ten people in a client's office and I've only spoken to three of them, I won't tell you about those three but I'll confirm that I haven't spoken to the other seven. That is in and of itself its own waiver of privilege. So whether you consider that the negative or the positive of privilege, those types of questions should not be answered either.

I'm happy for my friend to rephrase the question, but when we're drilling down to things like me producing my notes that are in my personal solicitor's brief, I don't see how that could be rephrased and it become an acceptable question that doesn't trench on privilege.

The Chair: Did you have a point of order, Mr. Dechert?

Mr. Bob Dechert: I'm not sure of the case that Mr. Walsh was referring to in the information that Ms. Mortensen read, but I believe Mr. Hamilton is a member of the Law Society of Upper Canada and is therefore bound by the rules of professional conduct of the Law Society of Upper Canada. Subsection 2.03(1) states: "A lawyer at all times shall hold"—

The Chair: Mr. Dechert, it's not a point of order. You're arguing, and you're arguing against the ruling of the—

Mr. Bob Dechert: No, no, I think you need to hear this, Madam Chair. You need to understand what's—

The Chair: Mr. Dechert, it's not a point of order. It's okay, she can turn her questions around. You're arguing against what the law clerk ruled at a hearing, so—

Mr. Bob Dechert: Madam Chair, I'm pointing out, as a rule of order, that what should apply here are the rules of professional conduct of a member of the Law Society of Upper Canada. That's not what Mr. Walsh was quoting from.

The Chair: Have you finished?

Mr. Bob Dechert: No, I haven't finished.

The Chair: Okay, finish it.

Mr. Bob Dechert: Thank you.

Subsection 2.03(1) of the rules of professional conduct that govern the actions of all members of the Law Society of Upper Canada states:

A lawyer at all times shall hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship and shall not divulge any such information unless expressly or impliedly authorized by the client or required by law to do so.

The Chair: Mr. Dechert—

Mr. Bob Dechert: I'm not finished yet.

The Chair: Order.

Mr. Dechert, I don't need to hear it read, because you're basically arguing against the law clerk, and we're saying—

Mr. Bob Dechert: I'm not. Madam Chair—

The Chair: Ms. Coady has no problems in not asking those questions. What you're doing is arguing. It's not a point of order.

I'm sorry, I rule you out of order.

Mr. Bob Dechert: Madam Chair, it's not....

A point of order. This is—

The Chair: Order!

That's it.

Mr. Bob Dechert: Madam Chair, I have a point of order.

The Chair: I've heard your point of order. I'm sorry, that is my call.

Okay, continue on....

Mr. Paul Calandra (Oak Ridges—Markham, CPC): I have a point of order.

The Chair: Okay, Mr. Calandra.

Mr. Paul Calandra: I don't think he was.... I'm under the impression that it's the chair who makes the rulings, not the law clerk. The law clerk was providing an interpretation of what Mr. Walsh—

The Chair: Mr. Calandra, it's not a point of order. If you wish to—

Mr. Paul Calandra: It actually is a point of order, Madam Chair.

If I could actually finish what I was talking about—

The Chair: Wait, Mr. Calandra.

Mr. Paul Calandra: —then you might be able to decide whether it's a point of order.

The Chair: Mr. Dechert, Mr. Calandra, points of order are not the reason to start speaking. Points of order are when you are really making a point of order against something. You were arguing.

Could you please let Ms. Coady finish her round of questions? She has agreed with Mr. Hamilton that she will not ask the questions because it would not be fair to Mr. Hamilton.

So if we're all on that page, I think we should continue.

Mr. Bob Dechert: My point of order, Madam Chair, if I may, is that the ruling that was read has nothing to do with the rules of professional conduct that govern the members of the Law Society of Upper Canada. That is exactly what is at stake here.

The Chair: It's your opinion. We're not going into opinions, Mr. Dechert.

Mr. Bob Dechert: It's not my opinion, I'm just reading—

The Chair: Mike off.

Thank you.

Go ahead, Ms. Coady.

Ms. Siobhan Coady: Thank you very much, Madam Chair.

I think they're trying to be obstructionist again today. I just asked for an opinion.

I'm assuming now, Mr. Hamilton, that the Prime Minister has not authorized you to speak. Mr. Snowdy had his client authorize him to speak. I'm now hearing that the Prime Minister has not authorized you to speak.

I have just one point.

The Chair: And your question.

Ms. Siobhan Coady: Oh; I'm on my final question.

The conflict of interest commissioner did talk about Mr. Snowdy as the sole source. Did you actually write the letter to the Ethics Commissioner? Were you at all involved in that letter to the Ethics Commissioner? It was signed off by the chief of staff to the Prime Minister, but were you involved in the writing of that letter?

Mr. Arthur Hamilton: Again, that's asking a question that is going to get at privileged information.

Ms. Siobhan Coady: Can I ask more questions?

•(1550)

The Chair: To cool off, we'd better go to the vote.

The meeting is suspended. Be back after the vote, please.

•(1550)

(Pause)

•(1610)

The Chair: Can the media leave, please?

Monsieur Guimond, are you ready to start your round of questions?

•(1615)

Mr. Bob Dechert: I have a point of order, Madam Chair.

The Chair: Yes, Mr. Dechert.

Mr. Bob Dechert: Thank you.

Madam Chair, we heard a minute ago from Ms. Mortensen. Whatever the ruling she was referring to that was made by Mr. Walsh on another occasion, in another committee, in another context, I didn't hear her say anything about the rules of professional conduct, which are what apply here.

You know, it's wonderful to hear that statement by Mr. Walsh, but it was taken in a different context, which we don't know and wasn't

explained to us. I don't think it should stand as any kind of ruling on the question of what this witness should or shouldn't have to disclose to this committee. I was simply trying to—

The Chair: To read out the law society's—

Mr. Bob Dechert: —for the benefit of the committee, let the committee know what the rules are that apply and govern all members of the Law Society of Upper Canada, of which Mr. Hamilton is one.

The Chair: Thank you—

Mr. Bob Dechert: If you were to rule that he breaches those rules, you put him in contention with the law society and he could be disbarred for that. So take that carefully—

The Chair: Mr. Dechert, I have not ruled that he's in contempt. I have not ruled anything. I'm just asking committee members to be mindful of how they question the witness. That's all.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Point of order, Madam Chair.

[English]

Mr. Bob Dechert: Fair enough, but my point, Madam Chair—

The Chair: Mr. Dechert, I am now going to suggest to you that you may be a lawyer, but in terms of parliamentary procedures, Parliament is supreme. I do not want to get into this contention between Parliament, the law society—

Mr. Bob Dechert: Madam Chair, I'm simply trying to inform the committee of this rule.

The Chair: The committee's very informed.

Mr. Bob Dechert: It is not informed. You haven't let me read the rule on professional conduct.

The Chair: Okay. Thank you.

We've heard from you.

[Translation]

Mr. Guimond, begin your...

Mr. Michel Guimond: Point of order.

[English]

Mr. Bob Dechert: A point of order, Madam Chair.

The Chair: Yes, Mr. Guimond.

[Translation]

Mr. Michel Guimond: Madam Chair, I would like you to tell...

[English]

Mr. Bob Dechert: A point of order, Madam Chair.

[Translation]

Mr. Michel Guimond: all the members here today, as well as the witnesses that this....

Mr. Bob Dechert: Point of order, Madam Chair.

Mr. Michel Guimond: Is he going to let me speak?

[English]

The Chair: It's your turn, Mr. Guimond.

Mr. Bob Dechert: You're refusing to hear a rule of law that applies.

[Translation]

Mr. Michel Guimond: The witnesses and all the members should be reminded that....

[English]

Mr. Bob Dechert: You're refusing to be advised, Chair.

[Translation]

Mr. Michel Guimond: —that Mr. Hamilton has witness protection under parliamentary privilege. In the sponsorship scandal, we heard from witnesses who were subject to criminal proceedings. There was a long list of proceedings. Nevertheless, they received the committee's protection. So my Conservative colleague's argument does not hold water. The witness is fully protected in terms of his professional corporation. Therefore he can answer all the questions we put to him in a free and informed manner.

[English]

The Chair: Thank you.

Can we continue with the questions, please?

Mr. Guimond, you have eight minutes.

[Translation]

Mr. Michel Guimond: Thank you.

Mr. Hamilton, is Mr. Snowdy your client?

[English]

Mr. Arthur Hamilton: Mr. Snowdy is not my client.

[Translation]

Mr. Michel Guimond: He is not your client. I needed to know that before asking you questions about him.

How many times have you met with Mr. Snowdy?

[English]

Mr. Arthur Hamilton: Including April 9, I believe we've met face to face four times.

[Translation]

Mr. Michel Guimond: Some of those meetings took place before or after Ms. Guergis's resignation. Is that right?

[English]

Mr. Arthur Hamilton: I understood Ms. Guergis resigned from cabinet, but be that as it may, all of my face-to-face meetings with him were after her resignation.

[Translation]

Mr. Michel Guimond: You are aware that Mr. Snowdy testified under oath before the committee and that he attributed certain remarks to you. He said you asked him the following question: "Is it possible that someone can produce a photograph or a record whereby the minister, her husband [Rahim Jaffer], and his business partner [Mr. Gillani], who is awaiting trial on fraud-related materials—there is a warrant for his arrest for a handgun possession issue [...]—are dining together?"

Did you ask him that? Could a photo have been taken when they were dining together? Is there such a record out there? Was that one of your concerns?

• (1620)

[English]

Mr. Arthur Hamilton: I asked that question of him on April 8, yes.

[Translation]

Mr. Michel Guimond: I want to address another area of concern regarding your clients—you partly answered the question earlier. Some of your clients, Conservative ministers or the Prime Minister, allegedly met with Mr. Gillani and Mr. Jaffer. You also allegedly asked Mr. Snowdy that question.

Is that right?

[English]

Mr. Arthur Hamilton: I didn't ask him that question, no. He offered, as part of an answer to me, that he could find no evidence of any contact or any money flowing from the government as a result of Mr. Jaffer's activities.

[Translation]

Mr. Michel Guimond: Did you already have the information Mr. Snowdy gave you, or did it clarify things a bit more?

[English]

Mr. Arthur Hamilton: In the telephone call we had late in the evening of April 8, yes, I would say all of the information he gave me was the first time I had heard that information.

[Translation]

Mr. Michel Guimond: Did you convey all the information you gathered from your meetings and discussions with Mr. Snowdy to the Prime Minister or someone in his office?

[English]

Mr. Arthur Hamilton: I'm not in the position to answer the question of what I did with the information. But if it helps, sir, you can understand that I understood the information Mr. Snowdy was giving me to be highly material to my clients.

[Translation]

Mr. Michel Guimond: Do you consider Prime Minister Harper to be your client?

[English]

Mr. Arthur Hamilton: Yes. He is one of the individuals I mention in my statement.

[Translation]

Mr. Michel Guimond: Did you communicate with former minister Guergis after being told that some rather embarrassing information about her was available?

[English]

Mr. Arthur Hamilton: I'm sorry, something may have been lost in translation. I spoke to Mr. Snowdy first on April 8, and then I spoke twice, on the morning of April 9, with Ms. Guergis. Then Mr. Snowdy came to my office.

So the two interactions with Mr. Snowdy bookended the two telephone conversations with Ms. Guergis.

[*Translation*]

Mr. Michel Guimond: How many times did you speak with Ms. Guergis?

[*English*]

Mr. Arthur Hamilton: I don't want to play with words. In the week leading up to April 9, I spoke several times with Ms. Guergis on a number of subjects. The telephone call on April 9 was obviously the first time I had a chance to explain to her the allegations that were surfacing.

[*Translation*]

Mr. Michel Guimond: Former minister Guergis keeps telling the media, at every opportunity, that she was not told why she was ousted from the government and the caucus. You were being polite earlier, referring to Ms. Guergis's "resignation". It could be said that Ms. Guergis resigned involuntarily. She was pushed into it—I think it is obvious she did not do so happily. So she does not know the reasons why she was thrown out.

Is that right? Is she lying, or do you think, deep down inside, she knows full well the reasons why she was thrown out of the Conservative government and caucus?

•(1625)

[*English*]

The Chair: Monsieur Guimond, you have time for one final question, please.

Mr. Arthur Hamilton: I'll answer that.

The Chair: No, no, I meant after this one.

[*Translation*]

Mr. Michel Guimond: It will be my last question after this one?

The Chair: Yes, yes.

[*English*]

Mr. Arthur Hamilton: As I said in my opening statement, I am confident that I took her through all of the allegations, which were repeated to me by Mr. Snowdy, in our phone calls on April 9.

I'm not going to get into somebody disregarding an oath, or lying, but if somebody says that Ms. Guergis was not told by me, on April 9, of the allegations that were surfacing, the person saying that would be incorrect.

[*Translation*]

Mr. Michel Guimond: Mr. Snowdy told the committee that, in his opinion, the information he gave you did not justify Ms. Guergis being thrown out of the Conservative government and caucus.

We here in the committee are trying to get to the bottom of the situation, to understand what happened. He told us that, in his opinion, there was no evidence or information regarding Ms. Guergis's conduct.

So is she the victim of an injustice? Or is she not telling the whole story? Or, according to him, do you have other information that Mr. Snowdy revealed to you?

[*English*]

Mr. Arthur Hamilton: I don't agree with all the propositions you built into the speech before your question, sir, but be that as it may, as I said to your colleague already, people have subjective impressions of what they may have thought they said, etc. And if Mr. Snowdy has testified that he doesn't believe he made any allegations against Ms. Guergis, that's his belief; I can only tell you what I heard from my side of the conversation.

When Mr. Snowdy made it clear to me that there was information available that Minister Guergis was assisting Mr. Jaffer to create the aura that he was connected, to advance a commercial purpose that he was pursuing, that was the information I received. And that is material, sir, not only to Ms. Guergis but obviously to Mr. Jaffer and anyone else involved in that enterprise.

The Chair: Thank you.

We'll now go to Mr. Warkentin for eight minutes.

Mr. Chris Warkentin (Peace River, CPC): Thank you, Madam Chair.

I do appreciate your testimony this afternoon, Mr. Hamilton. We appreciate your being here.

I may go over a few things that have been discussed already, but I think it's important that there's clarity on some of these points.

You're stating—for the record, I guess—that you did speak with Ms. Guergis about the allegations against her.

Mr. Arthur Hamilton: I did.

Mr. Chris Warkentin: You did: so you confirm that answer.

How long was that conversation? Can you give us some type of timeframe as to how long it was?

Mr. Arthur Hamilton: There were two conversations that day. The first one was certainly shorter than the second, and the two together lasted more than 20 minutes, in my recollection.

Mr. Chris Warkentin: Can you characterize those conversations? You say that the first one was short and the second one was longer. Can you give us a general impression or some sense of the nature of those conversations?

Mr. Arthur Hamilton: The first call was placed to me by Ms. Guergis. She was clearly emotional. I believe when I answered the phone—I customarily answer "Arthur Hamilton"—without her introducing herself, I could hear she was, if not crying, very emotional: Arthur, what's going on?

I believe that is almost a direct quote.

I asked her: Where are you? What are you asking me, exactly?

She proceeded to lay out...and this is when she made the two statements: first, that she had resigned from cabinet, and second, that she was stepping away from caucus, as I explained before.

At that point, I asked her: Let me get off the line for a moment. I want to verify something, and then I'll call you back.

When I called her back, I think I got her message, or I couldn't get through, on her cellphone. I believe I sent her an e-mail. She phoned me back again.

The second phone call was longer. I took her through the allegations as Mr. Snowdy had presented them to me.

The reason that phone call took appreciably longer, obviously, is that she was interjecting at points. She kept saying, almost to every point I would lay out: That's not true. That's ridiculous. That's not true.

For context, just so the committee understands, I was speaking with Ms. Guergis the day before, on April 8, in respect of another matter. For chronology purposes, people might remember that was the day of the first story in the *Toronto Star* about the night of Mr. Jaffer's arrest. And even in the context of discussing things with Ms. Guergis that day, she was on the defensive—i.e., Could you believe the lies they printed in the *Toronto Star*?—and so on.

The second call I had with her on April 9 took that same defensive tone, as I was laying out the allegations, as did the call on April 8.

• (1630)

Mr. Chris Warkentin: In a 20-minute conversation, or if the two conversations were approximately 20 minutes combined, what did you speak about? That would be my first question. Did you only go over the allegations? How much detail did you lay out for her, during that period of time, about the allegations? I guess that's my question.

Mr. Arthur Hamilton: I gave her the detail that I had from Mr. Snowdy, as I have described here today. The call also talked about other related items, if you want to call them that. We talked about why it was proper that she resign from cabinet.

I think this is an important point for everyone in this committee to understand. Nobody, as of April 9, as far as I'm concerned, was making an assessment that these allegations against Ms. Guergis were true. No one was dispatching them as being untruthful. It was the fact that the allegations existed. That was the reason she quite correctly resigned from cabinet and was stepping away from caucus.

We talked about her not being burdened with the responsibility she would owe to caucus members, as she had to focus her time now on defending these charges. So part of the discussion was about going forward and her sitting as an independent, and I believe it was she who identified in that call that she would be sitting as an independent.

Mr. Chris Warkentin: Did Ms. Guergis say anything to you then that...? You know, after you informed her of the allegations, was there any response other than they were untrue, or...?

Can you just give us some sense as to what her reaction was? You've generalized her response, but is there something more specific that you can share with us?

Mr. Arthur Hamilton: Her reaction was emotional. Almost on every point, when I was laying out the allegations, she had a response as to the untruthfulness of that allegation.

Just so you understand, this wasn't a debate. I wasn't arguing with her. I wasn't suggesting that it was true. It was the fact that those allegations were out there.

The last thing I remember speaking with Ms. Guergis about was that one thing Mr. Snowdy had told me was that the worst was yet to come, that the first article in the *Toronto Star* was not the last. When

I pointed out that information to Ms. Guergis, I think she understood that.... Well, I shouldn't say what she understood, but she was on notice that this wasn't going to be a one-day story. Things were going to incrementally continue to roll out.

As it happens, there is another point on which Mr. Snowdy proved prescient, because the article in the *Toronto Star* the next week, which connected Ms. Guergis to Mr. Jaffer's commercial enterprises, was by far a more serious situation, one that I had not heard about as of April 9.

Mr. Chris Warkentin: There's been quite a bit of talk in the media about the letter that was sent from the Prime Minister's Office to the Ethics Commissioner, Mary Dawson, at this committee as well as at the ethics committee.

Do you have anything more to add to the discussion that has been taking place in the media with regard to that letter?

• (1635)

Mr. Arthur Hamilton: I spoke to the Ethics Commissioner's office on April 9 and followed up with a subsequent call one day the next week. I don't have it at hand, to be specific.

I am aware of the contents of the letter from Mr. Giorno based on those communications. I can say without a doubt that all the information I received from Mr. Snowdy fully supported the content of the letter that Mr. Giorno sent to the Ethics Commissioner. It is accurate, and I don't want anybody to be mistaken about that. The letter that Mr. Giorno sent is accurate and appropriate given the circumstances.

Mr. Chris Warkentin: Are you familiar with the testimony of Mr. Snowdy at this committee on May 12 of this year?

Mr. Arthur Hamilton: I am.

The Chair: Thank you very much.

We now go to—

Mr. Arthur Hamilton: Sorry, Madam Chair, could I just finish?

The Chair: Yes.

Mr. Arthur Hamilton: I'm also aware that Ms. Dawson testified before the ethics committee about that letter as well, and I think it's fair to say that Ms. Dawson's recollections of the letter and the way she presented them during her testimony were by far more accurate because she had seen the letter. Mr. Snowdy, in his testimony, obviously was reporting what he had heard, but he's never seen the letter. So Ms. Dawson's testimony is by far the better guidepost for this committee.

The Chair: Thank you.

Mr. Martin, for eight minutes, please.

Mr. Pat Martin (Winnipeg Centre, NDP): I don't really know how to best use my eight minutes now. My mood keeps changing on this.

One of my questions was going to be whether you spoke to the Ethics Commissioner's office. So to what extent did you talk about what you knew, or what you believed to be true, with her or with her office?

Mr. Arthur Hamilton: The first call, I believe, was in advance of when the Ethics Commissioner's office called Mr. Snowdy. I wanted to make sure that the Ethics Commissioner's office was not hung out to dry and did not know where to go to source the information, which was the subject of the letter.

My first call was...I don't want to say it was a courtesy call, but it was a call of assistance to the general counsel at the Ethics Commissioner's office. I know Ms. Bélanger. I've worked with her on other matters, obviously—

Mr. Pat Martin: Not to interrupt you—sorry—but did you invoke solicitor-client privilege at any time during your conversation with the Ethics Commissioner?

Mr. Arthur Hamilton: They weren't asking me anything that would impinge on privilege. So it was not necessary to do so, no.

Mr. Pat Martin: Has the RCMP contacted you in any way on these matters?

Mr. Arthur Hamilton: Yes.

Just to help you, sir, the RCMP has obviously asked that discussions with them not be divulged. They have an ongoing investigation.

Mr. Pat Martin: Did you invoke solicitor-client privilege with the RCMP when you spoke to them on any details surrounding the case?

Mr. Arthur Hamilton: Again, they weren't asking any questions of me that would impinge on solicitor-client privilege, so it was not necessary to invoke that principle.

Mr. Pat Martin: Would you agree that if you did divulge to them anything that you refused to divulge to us, you would have voluntarily forgone your solicitor-client privilege? You can't apply it in a selective fashion, right? You can't invoke it with this party and share information with that party, or you—

Mr. Arthur Hamilton: I might have missed the first part of your question. Can you try that again? Sorry.

Mr. Pat Martin: Actually, I don't have time. It's just....

Navigator has raised its ugly head here again. What was Jaime Watt's role? Is he representing Ms. Guergis from a public relations point of view? Is that what you understand? Why would she go to Navigator?

Mr. Arthur Hamilton: From my call with Mr. Watt, I understood that he had been approached to assist them, and he wanted to better understand the situation in making his determination as to whether he would take that retainer.

Mr. Pat Martin: Based on the information Mr. Snowdy gave you, were your concerns that you passed along to your client, the party, more of an ethical nature or did they encroach on the possibility that there was criminal activity? In other words, were you worried that what Mr. Jaffer and Mr. Gillani were doing may constitute influence peddling, which is a violation of the Criminal Code, and more than just illegal lobbying, which is just an affront to our rules around here?

• (1640)

Mr. Arthur Hamilton: Well, I don't agree that it's "just an affront", but in any event—

Mr. Pat Martin: It's a lesser issue than influence peddling.

Mr. Arthur Hamilton: Perhaps I can answer this way. As the information was coming forward from Mr. Snowdy, I recognized that it was all material, and it raised the basis for the need for an investigation, an investigation, frankly, that I could not conduct.

In truth, Mr. Martin, I didn't start parsing out what was criminal or what could have been regulatory in nature. I simply knew that it was information that I could not keep to myself. It had legs, and it had credibility, and it was reliable such that further investigation was warranted.

Mr. Pat Martin: Did the commercial enterprises that you thought Mr. Jaffer and Mr. Gillani were promoting include Dr. Chen and the Chinese connection, or were you dealing more with Mr. Wright and Mr. Harvey?

Mr. Arthur Hamilton: Interestingly enough, Dr. Chen did not come up in my first discussion with Mr. Snowdy. It was Ms. Guergis who mentioned Dr. Chen to me, and that's when I answered one of your colleague's questions about her being a source that raised concern.

Mr. Pat Martin: You don't see her as your client, even though she's a member of the Conservative Party.

Mr. Arthur Hamilton: I was not in a solicitor-client relationship with Ms. Guergis, no.

Mr. Pat Martin: Did she indicate that she had been meeting regularly with Dr. Chen to further his commercial interests?

Mr. Arthur Hamilton: She didn't use the word "regularly", but she did indicate, in what turned out to be an inconsistent statement, that the only time she'd had a business dinner to assist or be with Rahim was when she met Dr. Chen.

Mr. Pat Martin: Were you aware that he had travelled to China, using the diplomatic passport, on behalf of Dr. Chen, without her?

Mr. Arthur Hamilton: I'm aware of that now. I did not know that on April 9, when I spoke to Ms. Guergis.

Mr. Pat Martin: Did the subject of the missing passport come up with Ms. Guergis at all?

Mr. Arthur Hamilton: No. Again, according to the media reports, the allegation of the missing passport has surfaced more recently.

Mr. Pat Martin: To summarize, because I know I'm running out of time, and we have to go and vote yet again—

Mr. Chris Warkentin: On a point of order, Madam Chair, I wonder if we couldn't get consent from committee members to sit through part of the bells, as we did last time, to allow Mr. Martin to continue.

The Chair: Do we have consent? *Oui*?

It is a half-hour bell, right? So we have to vote at 5:10 p.m. I think we'll be able to do it.

Mr. Martin, continue. We held your time.

Mr. Pat Martin: Where was I? Oh, yes, the connection with Dr. Chen.

So we know that at least one of Mr. Jaffer's clients had met with Ms. Guergis. That's where the crossover may have occurred: Ms. Guergis possibly helping out Rahim Jaffer's private sector clients to advance them.

Certainly, when Rahim Jaffer can produce a cabinet minister for a business dinner, it creates the impression that he can bring the help of the government to the table. Is that the impression that you're concerned about, that Rahim Jaffer was peddling his influence with the government of the day and demonstrating that influence by producing a cabinet minister to dine with prospective clients?

Mr. Arthur Hamilton: Mr. Snowdy I think cast it correctly to me, that Mr. Jaffer was creating the aura that he was ultimately connected with the government in Canada, and part of that shtick, if I can use that word, was to point to a cabinet minister who happened to be his wife. That was Mr. Snowdy's assertion, yes.

Mr. Pat Martin: Isn't that kind of the very definition of influence peddling?

Mr. Arthur Hamilton: I'm not going to get into legal characterization, but you can well appreciate, Mr. Martin, that this warranted further investigation. It was not for us to sit on this information. That would have been inappropriate.

Mr. Pat Martin: I appreciate that you're sharing with us what you can. Speaking candidly, then, or as candidly as you can, do you think Mr. Jaffer and Mr. Gillani were being honest with this committee in their testimony?

•(1645)

Mr. Arthur Hamilton: I haven't reviewed their testimony in detail, but it seems to me that at one point Mr. Gillani went to the trouble of impeaching Mr. Jaffer, so you probably don't need my characterization. It looks like there's a clear impeachment on the record with two partners, one turning on the other.

The Chair: Thank you.

We now go the next round of five minutes.

Ms. Mendes.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Thank you, Madam Chair.

Good afternoon, Mr. Hamilton.

The Prime Minister and you, just now, have called the allegations serious and credible. And yet you or your clients...if you are not passing judgment, how do you explain that Ms. Guergis was thrown out of caucus? How does that fit into it? If you believe that the allegations were credible and serious, and at the same time you say that, you know, you're not passing judgment, how does that fit?

Mr. Arthur Hamilton: Again, I'm not certain that she was, to use your phrase, "thrown out of caucus". I explained to you the way Ms. Guergis explained it to me, and it was an ambiguous statement. I've never traced that down to see which way the ambiguity is resolved.

Mrs. Alexandra Mendes: How was that ambiguous?

Mr. Arthur Hamilton: She said she was stepping away from caucus. That could have been her decision or it could have been somebody else's decision.

Mrs. Alexandra Mendes: Okay: so you are not aware of how this went.

You mentioned in your statement that Ms. Guergis assisted and amplified Mr. Jaffer's apparent influence peddling. How did she do it?

Mr. Arthur Hamilton: That was the allegation by Mr. Snowdy, yes, and it would seem that attending business dinners, on its face, could give rise to that type of assertion.

Mrs. Alexandra Mendes: But she's the one who actually brought it to your attention, that she had attended this one dinner with Dr. Chen.

Mr. Arthur Hamilton: She brought it to my attention, but in making the statement she did, she made an inconsistent statement from a previous statement she had made to me.

Mrs. Alexandra Mendes: Can you share that previous statement?

Mr. Arthur Hamilton: The previous statement was that she had only had one business dinner, ever, with Rahim; that was the way she put it.

I had assumed that this was the Dr. Chen dinner. As it happens, we now know, and it's verified, that she attended at least one other function with Mr. Jaffer at Sassafras during the Toronto International Film Festival.

So there is an inconsistency there.

Mrs. Alexandra Mendes: That has been described by one of the witnesses as a social evening and not necessarily a business one. But okay—

Mr. Arthur Hamilton: Again, I am not here—

Mrs. Alexandra Mendes: Yes, and I'm not going to—

Mr. Arthur Hamilton: —finding the facts, but when, as a lawyer, somebody makes an inconsistent statement such as that... There are a number of reasons why somebody would be making an inconsistent statement. Some of them are quite innocent. Some are not so innocent. It's not for me to make that determination and decide what we do with it.

The inconsistency stands, and it's troubling.

Mrs. Alexandra Mendes: Did you tell Ms. Guergis only what Mr. Snowdy said, or did you tell her about the other sources that had been providing you with information?

Mr. Arthur Hamilton: In terms of the allegations, I only spoke to what Mr. Snowdy had told me. We did, in the context of the second and longer conversation on the morning of April 9, talk about the mounting pressure that was on her.

Remember the backdrop against which that week comes to us. She was under siege literally every day that week for something. You may recall that she was being hit by press stories that she was trying to get expenses, for jogging outfits or what have you, into her campaign budget. Frankly, it was your party that attacked her and Mr. Jaffer on the mortgage they had secured for their property.

So we were talking about other sources of pressure, but in terms of the allegations, it was Mr. Snowdy's allegations that I was reporting to her.

Mrs. Alexandra Mendes: I'll pass the rest of my time to Madam Coady.

Ms. Siobhan Coady: Thank you very much.

I just want some clarification. On April 8 you spoke on the phone to Mr. Snowdy. You said it was new information. On April 9 Madam Guergis resigned, or was removed, from cabinet. You had several other meetings with Mr. Snowdy.

You also said that you took her through the allegation that was presented by Mr. Snowdy, yet in earlier testimony you said there were other sources of information.

• (1650)

Mr. Arthur Hamilton: Yes.

Ms. Siobhan Coady: That's an inconsistency, to me. I'd like for you to help me with that inconsistency, if you would, please.

Mr. Arthur Hamilton: There is no inconsistency.

Ms. Siobhan Coady: Okay. So you're telling me that we had new information on the 8th, 9th, and the next day Madam Guergis resigned. The letter to the Ethics Commissioner talks about Mr. Snowdy as being the only source of the information, yet you're saying there are other sources of information.

I think that's an inconsistency.

Mr. Arthur Hamilton: I disagree.

Ms. Siobhan Coady: Okay.

Well, I think we're....

[Translation]

The Chair: Mr. Nadeau, five minutes, please.

Mr. Richard Nadeau (Gatineau, BQ): Thank you, Madam Chair.

Good afternoon, Mr. Hamilton.

The purpose of this entire study is to determine whether Mr. Jaffer, among others, engaged in lobbying. It centres around that.

Based on the allegations that you received, in all the cases that you have handled regarding this matter, which is quite unfortunate.... In your opinion, was Mr. Jaffer lobbying with respect to companies in order to obtain information that could benefit those companies?

[English]

Mr. Arthur Hamilton: It would seem that the only thing Mr. Jaffer brought to the table was his supposed access.

Appreciate the scheme that was laid out to me by Mr. Snowdy. Mr. Gillani and Mr. Jaffer are holding themselves out as venture capitalists, and they are charging people venture capital fees.

I see Mr. Martin nodding his head.

The one thing that was missing was that they didn't have any venture capital.

Mr. Pat Martin: [Inaudible—Editor]

Mr. Arthur Hamilton: So the whole thing would collapse under its own weight. Why would you pay somebody a fee to access their funds when they don't have any funds? What they were effectively

paying a fee for was, "Now Mr. Jaffer is going to open up government to me and I'll get the funds from government"? Why would you pay Mr. Jaffer for that service? You could go anywhere and achieve the same result.

So, quite frankly, as Mr. Snowdy was outlining, this whole part of the scheme—speaking as somebody who practises in this area, in the regulatory and security litigations area—was just pure nonsense, on its face, if that's what Mr. Jaffer and Mr. Gillani were presenting to people.

[Translation]

Mr. Richard Nadeau: Mr. Jaffer still gave presentations: he sent a certain number of emails to—if I am not mistaken—seven departments, or at least people in this government in public office, to gather information, according to Mr. Glémaud and Mr. Jaffer.

Given what you have just told us about the partnership between Mr. Gillani and Mr. Jaffer, I want to ask you this: Did Mr. Jaffer's practices lead Ms. Guergis—in an incriminating, naive or other manner—down a path that was, at the very least, unfortunate for her, in terms of her position as a minister?

[English]

Mr. Arthur Hamilton: I'm not able to characterize his conduct as criminal or naive or what have you. I'd simply repeat my last answer: anyone holding themselves out as a venture capitalist when they have no venture capital in back of them—that's highly questionable conduct.

I hope no one in this room would disagree with that.

[Translation]

Mr. Richard Nadeau: Was there a point to your meetings and discussions with Mr. Snowdy? There must have been an interest on your end, since you listened to him, and Mr. Snowdy wanted to meet with you, as well. There was a purpose behind all that.

Was it to learn more about Ms. Guergis's conduct as a minister?

• (1655)

[English]

Mr. Arthur Hamilton: I don't believe he was coming to me to learn any information from me. I was getting information from him.

[Translation]

Mr. Richard Nadeau: No, but you, you were getting information. What interested you in that information? Was it the minister's conduct?

[English]

Mr. Arthur Hamilton: I wanted to learn all the facts that surrounded anything that might impact upon Ms. Guergis, yes.

[Translation]

Mr. Richard Nadeau: According to Mr. Snowdy, you said that the former minister had been monitored for 18 months. So since November 2008, roughly. Could you elaborate on that for us?

[English]

Mr. Arthur Hamilton: I don't believe I gave him that timeframe. He was asking questions to the effect of why certain things had not been done about demoting her, etc., earlier. I certainly was not in a position to answer those questions. That's not a decision the legal counsel of my client would presume to make.

[Translation]

The Chair: Mr. Nadeau, that is all.

[English]

Mr. Arthur Hamilton: So I simply couldn't answer him on any suggestions or any questions he had in that vein.

The Chair: *Merci.*

Mr. Dechert, for five minutes.

Mr. Bob Dechert: Good afternoon, Mr. Hamilton, sir.

I'll start with finishing the discussion on the rules of professional conduct, which, for some bizarre reason, the chair didn't want the members to hear earlier, probably for partisan reasons.

I stated the general rule. There's further commentary on that point, which states that this rule “must be distinguished from the evidentiary rule” of lawyer and client privilege, which I believe is what the law clerk was referring to, concerning oral or documentary communications “passing between the client and the lawyer”. The ethical rule is “wider and applies without regard to the nature or source of the information or to the fact that others may share the knowledge”. As well, “The lawyer owes a duty of confidentiality to every client without exception, regardless of whether it is a continuing or casual client”. The duty “survives the professional relationship and continues indefinitely after the lawyer has ceased to act for the client, whether or not differences have arisen between them”.

I just think the committee should understand that.

You mentioned earlier that you were familiar with Mr. Snowdy's testimony with respect to the letter sent by the Prime Minister's Office to the Ethics Commissioner, Ms. Dawson.

Mr. Arthur Hamilton: Yes.

Mr. Bob Dechert: Are you also familiar with Ms. Dawson's testimony to the access to information, privacy, and ethics committee on April 22?

Mr. Arthur Hamilton: Yes. That's the testimony I mentioned earlier.

Mr. Bob Dechert: Are you familiar with Ms. Dawson's testimony with respect to the letter sent from the Prime Minister's Office to her?

Mr. Arthur Hamilton: Yes. I reviewed that.

Mr. Bob Dechert: Whose testimony is more accurate, in your opinion—Mr. Snowdy's or Ms. Dawson's?

Mr. Arthur Hamilton: It's definitely Ms. Dawson's, because she had the benefit of seeing the letter. Mr. Snowdy was going off a rendition that had been provided to him by another.

Mr. Bob Dechert: Thank you.

Earlier, Mr. Hamilton, you mentioned that you'd had a conversation with Mr. Jaime Watt of Navigator, the public relations firm.

Mr. Arthur Hamilton: Yes.

Mr. Bob Dechert: Did he discuss the same allegations to you that you had discussed with Ms. Guergis, arising out of your conversations with Mr. Snowdy?

Mr. Arthur Hamilton: Yes.

Mr. Bob Dechert: Okay.

In light of that, do you believe Ms. Guergis was being completely honest about the allegation and her understanding of why she is no longer in the cabinet or the Conservative caucus?

Mr. Arthur Hamilton: I think it calls into question her statements. But again, I don't want to get into who's lying, or making a subjective decision—

Mr. Bob Dechert: Certainly.

If I just follow it, to be clear, Mr. Snowdy made certain allegations. You reported those to Ms. Guergis. A few hours after you spoke to her, Mr. Watt called you on her behalf and essentially repeated those allegations.

Mr. Arthur Hamilton: Yes. In the context of our call, we reviewed those allegations, yes.

Mr. Bob Dechert: Okay.

Thank you very much.

The Chair: Is there anyone else on that side?

Yes, Ms. Hoepfner.

Ms. Candice Hoepfner (Portage—Lisgar, CPC): Thank you very much.

I just want to again go back to your conversations with Ms. Guergis on April 9. You had a very short conversation initially. Did she initiate that call? She called you, is that right?

Mr. Arthur Hamilton: Yes. That was the “Arthur, what's going on?” call.

Ms. Candice Hoepfner: Okay.

Then you said you needed to check something, you tried her again, got her voicemail, and then there was an actual e-mail exchange.

Mr. Arthur Hamilton: I don't remember if it was an exchange or whether I simply sent her an e-mail that said: Please call me; I just tried to call you.

● (1700)

Ms. Candice Hoepfner: Then she called you back. Is that correct?

Mr. Arthur Hamilton: Yes.

Ms. Candice Hoepfner: Okay.

Then you said that as you were discussing the allegations and letting her know what they were, with each allegation she denied them and said they were not true.

Mr. Arthur Hamilton: That's correct.

Ms. Candice Hoepfner: Did she at any time say that's not true, he's making that up, and here's the reason these are being made up? Or did she just deny the allegations?

Mr. Arthur Hamilton: I believe it was more in the line of strict denial without giving any commentary. Once in a while she would say something like this: That can't be true, because I was doing something else at that point.

So it was something of that nature, but nothing specific. She never had a specific alibi that would impeach Mr. Snowdy's assertion.

Ms. Candice Hoepfner: I guess what I'm trying to find out is that if she knew what these allegations were, as you're saying that you disclosed to her, I'm wondering if the conversation also entailed, in her mind, why they were not true and what the motives for these accusations were.

Mr. Arthur Hamilton: It was more the denial as opposed to the basis for the denial.

The Chair: That's all the time.

Ms. Candice Hoepfner: Okay.

Thank you for that.

The Chair: No, no, he can answer your question. You just can't ask any more questions.

Ms. Candice Hoepfner: Oh, I see. I'm finished. All right.

Mr. Arthur Hamilton: Thanks. That was my answer. It was more in terms of base denial as opposed to the underlying reasons for the denial.

The Chair: Thank you.

Ms. Coady, for five minutes.

Ms. Siobhan Coady: Thank you very much.

Again, I'm having some confusion here. On one hand you're saying that Mr. Snowdy's testimony and the allegations were enough for you to call Madam Guergis and cause whatever was caused, either her resignation or her removal from caucus and from cabinet; and then, on the other hand, his testimony is not.

It's a little bit confusing there. I don't know if you want to make a comment about that.

Mr. Arthur Hamilton: I never said Mr. Snowdy's discussions with me were not enough.

Ms. Siobhan Coady: I beg your pardon?

Mr. Arthur Hamilton: I don't believe I've ever said that Mr. Snowdy's discussions with me were not enough.

Ms. Siobhan Coady: Not enough for what?

Mr. Arthur Hamilton: They are not the full amount of my knowledge, but I never said they were not enough.

Ms. Siobhan Coady: No; on one hand you said the allegations were enough that you brought them forward to the Prime Minister, and that caused a chain reaction over April 8 to 9. Now—just in previous testimony—you're saying that perhaps it's not enough...but in his testimony to the committee.

But I'll move off that point.

Mr. Arthur Hamilton: I never said that, and we should probably move on to something more productive.

Ms. Siobhan Coady: I beg your pardon?

Mr. Arthur Hamilton: We should probably move on to something more productive.

Ms. Siobhan Coady: Well, thank you for telling me how to do my job. I appreciate that.

Mr. Arthur Hamilton: I'm not doing that. I just want to help you use your time effectively.

Ms. Siobhan Coady: Oh, I'll use my time very well effectively, thank you.

Why did you inform Mr. Snowdy that Madam Guergis was being removed from caucus and cabinet before the Prime Minister made the public announcement? That's what he testified at committee.

Mr. Arthur Hamilton: I understand he testified to that. That's not what I told him. By the time he got to my office on April 9, the press were already reporting that she was resigning from cabinet. Mr. Snowdy asked me about that, and I told him all I could tell him was that I thought the Prime Minister was at the Vimy memorial that morning, so nothing was going to happen before that memorial was done. I believe that's the way I expressed it to him.

I would never make a statement like that.

Ms. Siobhan Coady: Mr. Snowdy stated that you said this: I've spoken about these issues with the Prime Minister. Obviously the minister has been under other scrutiny for the last 18 months with respect to her other conduct issues.

What were the other issues you discussed with Mr. Snowdy around that?

Mr. Arthur Hamilton: I didn't discuss them with Mr. Snowdy at that point, but in conversations with Mr. Snowdy, we did talk about her difficulties in the week leading up to April 9, that I just explained: the person from her office writing letters under a pseudonym, or anonymously, or whatever was done; the problems with her Elections Canada filing; and then obviously the mortgage issue and the way that, frankly, the Liberal Party jumped on that, quite likely inappropriately. Even Tom Clark from *Power Play* had to jump in and—

Ms. Siobhan Coady: You had several other conversations with Mr. Snowdy post-April 9 when he came to your office, including a couple of days right before his testimony here. Can you tell us about those conversations, please?

Mr. Arthur Hamilton: That was the Monday before he testified. He and his lawyer, Mr. Groot, attended at my office.

Ms. Siobhan Coady: Could you tell us about those conversations, please?

Mr. Arthur Hamilton: I think it was more for Mr. Groot's benefit. He wanted the benefit of my understanding of the way committees work, and so I answered Mr. Groot's questions. And then Mr. Snowdy, of course, had some new information for me at that meeting.

• (1705)

Ms. Siobhan Coady: What new information was presented?

Mr. Arthur Hamilton: I believe that's where I first learned about the China angle.

Ms. Siobhan Coady: Okay, because I thought you said that Madam Guergis brought that to your attention; now you're telling me that Mr. Snowdy brought that to your attention?

Mr. Arthur Hamilton: Ms. Guergis raised Dr. Chen. She did not raise the China trip.

Ms. Siobhan Coady: Okay. Thank you very much for that clarification.

Now, all during this while, the Prime Minister was saying that Madam Guergis was doing a good job. I remember it, as I was in the House that day, a couple of days prior to her being removed or resigning from cabinet. Yet these concerns that you raise were going on prior to that. Could you speak to that? Could you add anything to that?

Mr. Arthur Hamilton: I don't think I can.

The Chair: Sorry; we are just clarifying whether the votes are at 5:10 or 5:15.

Please go ahead and answer the question.

Mr. Arthur Hamilton: I don't think I can clarify that. It's not part of my role to scrutinize who's doing a good job in cabinet.

The Chair: Thank you very much.

Mr. Martin, I know that you have a question, or a point of order, but can I release Mr. Hamilton first? It doesn't concern him.

Mr. Hamilton, I thank you for being here.

I thank Mr. Dechert for his intervention, but he has to read a lot of parliamentary procedures...like Erskine May, Beauchesne's, and O'Brien and Bosc.

We could, if we wanted to, have asked you to answer, but we decided not to. I think we have to reinforce that this is a parliamentary committee, a committee of the House, and it has a different procedure to follow.

But I thank you, and I thank my colleagues for keeping their questions such that you didn't have to violate any client-solicitor privilege.

The witness is free to go.

With that, I'd like to suspend for 30 seconds...

Oh, only five minutes are left?

Okay, Mr. Martin, go ahead.

Mr. Pat Martin: I'd like to use one moment to ask that the committee agree that we give the chair the authority to issue the necessary summons to compel Mr. Jaffer to attend. I believe the logical date would be June 16, Wednesday next week, for a full meeting. We need him here as well for the full period of time.

So I think we would be back to the situation where Madam Guergis and Mr. Jaffer would be here at the same time. That would be my recommendation. But either way there has to be a summons,

because I don't trust that he will come; even if he leads us to believe that he will come, I don't think he will come unless he's compelled to.

The Chair: Ms. Coady, you can have a quick one.

Ms. Siobhan Coady: On that, we're waiting for the documents to be translated, and I think they might be germane to the conversation we want to have. Do you have a report that tells us when those documents might be available to us? If we're summoning Mr. Jaffer, I think they might be germane to that conversation.

Secondly, I'm just worried that we... I know that Mr. Jaffer has more documents.

The Chair: Yes.

Ms. Siobhan Coady: That was in that letter. I think we should be asking for those as well.

The date, to me, whether it's next Wednesday or some time before we conclude for summer recess, I think is important. I would like to have some documents, so that's why I'm asking the chair when we might expect those documents.

The Chair: I would remind the committee that last Monday the committee gave me the authority to issue a summons if Mr. Jaffer did not turn up.

Ms. Siobhan Coady: Yes.

The Chair: So I have the authority. If we want, we will issue the summons.

On the date, if you just quickly go to Mr. Jaffer's letter, I want something from him. He is in contempt because he has not provided us with documents. He was supposed to have provided us with everything. If you go to the last sentence, his lawyer says he has more documents.

I would like to see those documents, and I think the best way we can do that is to send a letter to Mr. Jaffer's lawyer and tell him to provide us with the documents and ask him to come on the 16th or the 23rd.

An hon. member: The 16th would be better.

Mr. Pat Martin: We're going to be adjourned on the 18th.

The Chair: Fair enough.

We'll ask him to come on the 16th, and we will ask for the documents to be brought as well.

Does everybody agree?

Some hon. members: Agreed.

The Chair: Do we need to come back for committee business? I think there are four votes after 5:30, and perhaps we won't be able to.

Thank you.

The meeting is adjourned.

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