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AGM Announcement

- There will be an Annual General Meeting on June 29, 2019.
- The location will be posted on the website, www.comer.org, as soon as the information is available.

Eulogy for William Krehm

By Jonathan Krehm

My father passed away peacefully at home on Friday, April 19, at 11 pm, in his 106th year. He had an amazing full life. We were blessed that he enjoyed relatively good health until the end.

His generation is now gone. His passing marks the end of an era. Not just for us here gathered, but also for those who remember the struggles of the past. He was the last living North American who went to Spain to support the Spanish Republic during the Spanish Civil War.

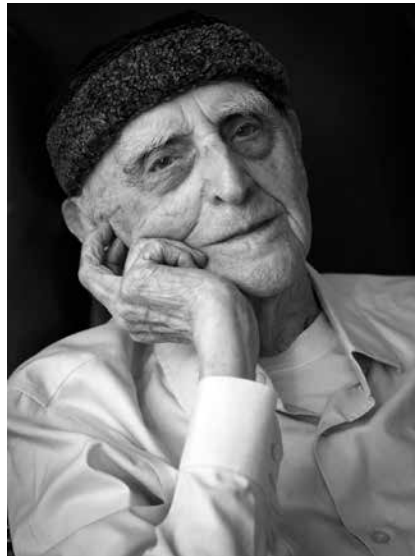
He was a fine amateur musician. He played the violin from age 9 to 95. For 50 years he hosted chamber music on Sunday evenings several times a month. Some of Toronto's finest string players were regulars at these evenings. He reviewed music in the 1950s and early 1960s in a variety of places including *The Globe and Mail*. Ezra Schabas, a former principal of the Royal Conservatory, once told me he thought Bill had been the best music critic in Toronto.

With no business background he entered real estate development in the mid 1950s. He became a house builder, land developer, and real-estate investor. The prosperity my family enjoys today emanates from his efforts.

From his early childhood he was a voracious reader. In 2009 he wrote: "I wrote my junior senior matriculation examination without attending high school in those final two years, and also found the energy and possibly misplaced dedication to go through the three volumes of Marx's

Photo: James M. Ireland

Capital. Unfortunately, as a teenager with my head on fire – these were the opening years of the Depression – I could not avoid polemicalizing against Winston Churchill on my exam paper on history. Obviously this and the diverted time did not help my chances for a scholarship, which in fact I didn't get. So I spent two years in a mathematics and physics courses without money to buy books. It did nothing for my chances of becoming a physicist or a mathematician. But it worked wonders for my learning enough about mathematics and their powerful legitimate uses to keep me in trouble ever since."



He was a self-taught polyglot. His Spanish, French, German were excellent. He also read in Russian, Italian, Latin, Hebrew and Ancient Greek. Even in his last year, suffering from dementia, his Spanish and German were still there.

But throughout his life he was always a rebel. He and my late Uncle Aubrey first organized a protest against an anti-Semitic teacher in Grade 9 at Parkdale Collegiate. While in New York at the age of 16 he joined the American Trotskyist Movement. His political activities continued in Ontario and Montreal throughout the 1930s. In the movement he met my mother. It was sort of a family affair.

My mother Gladys and her two sisters, Rae and Dorothy, were members of the LRWP as were my two uncles, Aubrey Joel and Moie Bohnen. Their small but dynamic group became the largest Trotskyist group

Continued on page 3

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SNC-Lavalin and the Rule of Law

Canada’s SNC-Lavalin Affair: The Site C Dam Project and Bulk Water Export

By Joyce Nelson, Global Research, March 13, 2019

In all the press coverage of the “the SNC-Lavalin affair,” not enough attention has been paid to the company’s involvement in Site C – the contentious \$11 billion dam being constructed in BC’s Peace River valley.

The Liberals say that any pressure they put on Jody Wilson-Raybould to rubber-stamp a “deferred prosecution agreement” for SNC-Lavalin was to protect jobs at the company. But the pressure may have been to protect something much bigger: the Liberals’ vision for Canada’s future. Site C epitomizes that vision.

The “Many Lives” of Site C

Birthing in 1959 on the drawing boards of the US Army Corps of Engineers and BC Electric (then owned by Montreal-based Power Corp), the Site C dam has been declared dead, then alive, then dead again several times over the next five decades until 2010, when BC Premier Gordon Campbell announced that Site C would proceed.¹

Tracking SNC-Lavalin’s involvement in Site C during recent years has been difficult, but Charlie Smith, editor of *The Georgia Straight*, has filled in some of the missing information.

Sometime in 2007, the Site C dam project was quietly moved to Stage 2 of a five-stage process. Smith wrote, “SNC-Lavalin and Klohn Crippen Berger were prime consultants for Stage 2 of the Site C project. This had to occur before the project could proceed to Stage 3 in the five-stage planning process. The decision to advance to Stage 3 was based on a prediction in the Stage 2 report that demand for BC electricity will increase 20 to 40 percent over the next 20 years. ‘As extensive as BC Hydro’s hydro-electric assets are, they will not be enough to provide future British Columbians with electricity self-sufficiency if demand continues to grow as projected,’ the Stage 2 report [Fall, 2009] declared. Bingo. This gave the pro-Site C politicians in the BC Liberal party...all the justification they needed.”²

On April 19, 2010 Premier Campbell

announced that Site C would proceed. At the time, Chief Roland Willson of the West Moberly First Nation called the entire five-stage process a “farce,” and said the government hadn’t finished the second stage of the development process, so he doesn’t know how it can go ahead to the third. Willson said First Nations in the area haven’t seen studies on land use, wildlife, the fishery or the cultural significance of the region, and the process can’t move on to environmental



Site C dam (Source: CC BY-SA 3.0)

assessments [Stage 3] without that work.”³

Nevertheless, the process did move on, and SNC-Lavalin may have been involved in the next stage of the planning process, as well. The Dogwood Institute recently reported that SNC-Lavalin was “an environmental consultant for Site C.”⁴

In 2011, SNC-Lavalin Chair Gwyn Morgan (image on the right) became an advisor to BC Liberal leadership winner Christy Clark during her transition to the premiership. Morgan had joined the SNC-Lavalin board in 2005 and was chair of the company from 2007 until 2013. As *The Tyee* reported in 2014, “Morgan retired in May 2013, the month after SNC-Lavalin agreed to a 10-year corruption-related ban from the World Bank related to a power project in Cambodia and a bridge in Bangladesh. Among the SNC-Lavalin companies on the World Bank [corruption] blacklist are divisions involved in publicly funded BC projects like the Bill Bennett Bridge, Canada Line and Evergreen Line.”⁵

Going Forward

At the time of Gwyn Morgan’s 2013 retirement from the SNC-Lavalin Chairmanship, the company was being investigated in at least ten countries, including: Bangladesh, Cambodia, Ghana, India, Ka-

zakhsan, Malawi, Mozambique, Nigeria, Uganda and Zambia.⁶

While we have no way of knowing whether Gwyn Morgan, as an advisor to Christy Clark as of 2011, in any way lobbied on behalf of SNC-Lavalin, we do know that “Morgan’s personal, family and corporate donations to the BC Liberals totalled more than \$1.5 million.”⁷

At the same time, in 2011 SNC-Lavalin had won the engineering, procurement and construction management (EPCM) contract for the Muskrat Falls hydro project in Newfoundland. But the company was apparently so “distracted” by corruption charges internationally that eventually crown utility Nalcor had to take over the project, which went way over budget and is now the subject of an inquiry.⁸

That didn’t dissuade the BC Premier from going forward. On December 16, 2014, the Christy Clark provincial government gave approval for Site C, despite recommendations by the Joint Review Panel (JRP), which had concluded two months previous that Site C’s hydropower was not needed in the time-frame that BC Hydro was arguing. (Recall that the Stage 2 report had claimed a 20–40% increase in demand over the next 20 years.) JRP member Harry Swain had concluded that demand for electricity in BC has been flat dating back to 2005.

While the newly elected BC NDP government in 2017 debated the cancellation or suspension of Site C, the Financial Post reported that Montreal’s SNC-Lavalin is “part of the lead design team for the [Site C] project.”⁹ That little-known contract may have been signed much earlier.

On February 21, 2018 the Journal of Commerce reported on the progress being made by Site C’s lead design team, comprised of SNC-Lavalin and Klohn Crippen Berger and involving “approximately 40-plus engineers, nine modellers and 15 drafters.”¹⁰ SNC-Lavalin Building Information Modeling (BIM) Manager Rodrigo Freig told the Journal that, “In three years and 43 models later, we only had two model crashes, related to slow server speeds.”¹¹

That comment would suggest that the lead design contract had quietly been issued to SNC-Lavalin and Klohn Crippen Berger sometime in 2015.

Turning off the Tap: Site C and Water Privatization in Canada

A few days ago (March 7), the Canadian Press reported: “SNC-Lavalin is working

on the five biggest infrastructure projects in Canada, according to trade magazine ReNew Canada. Those contracts alone amount of \$52.8 billion, and include projects for Bruce Power and the Darlington nuclear plant in Ontario as well as the Site C dam in BC.”¹²

While the exact amount of the Site C lead design contract is not known, it is likely at least \$1 billion in BC taxpayer dollars. If

Eulogy from page 1

in Canada by 1935. In 1936 Bill was sent to Europe and when the Spanish Civil war broke out he became involved in the international effort to aid the Spanish Republic. He ended up in Barcelona writing for the International Newsletter of the POUM, the anti-Stalinist party that George Orwell fought for. As described in Orwell’s book *Homage to Catalonia*, Bill was caught up in the dreadful events known as the May days and was imprisoned when the Communist Party moved to crush its Left Wing allies in the fight against Franco. Bill, after a two-week hunger strike, got moved from a jail run by Russian secret police to a less ominous one run by Spaniards. He spent the summer of 1937 in jail. Until his old age he was reluctant to talk of these events. They left scars.

In 1939 he travelled to Mexico with two objectives in mind. He had an appointment to meet Leon Trotsky and he planned to write an article on the fate of Spanish Republican refugees in Mexico. He never did get to meet Trotsky but was one of those who stood guard at the funeral home the night after Trotsky was assassinated to make sure his body was not desecrated. The article was more successful. He sent it to *Time* magazine. Henry Luce liked it and hired him as a *Time* correspondent. Bill had leveraged his political activities into a journalistic career. Gladys joined Bill in Mexico in 1941 where they were married. They lived in Mexico City, then Guatemala and finally in Lima, Peru, where my brother, Adam, was born in 1947.

By the end of the 1940s with the Cold War changing the political climate. Bill’s left-wing past was becoming a liability. He was also very critical of American Foreign policy in Latin America. He was let go from *Time* and he and Gladys returned home to Toronto. I came along in 1951.

His journalistic career in Toronto led to being a music critic on air in the early days of CBC television. Then a visit from RCMP to question him about his radical past and

the lead design contract was indeed issued in 2015, this would fit with Christy Clark’s effort to push the project past “the point of no return.”

Help from Trudeau

In February 2015, under the Harper government, federal fraud and corruption charges were filed against three of SNC-Lavalin’s legal entities over its dealings in

his CBC job disappeared. Bill had been let go twice in five years because of his political past. It was time for change. He decided he did not want to work for someone else and became a house builder and a land developer. His business prospered and then expanded in 1963 when a partnership was formed with Ben Cowan, one of Gladys’ brothers. The partnership was called the O’Shanter Development Co. Ltd. and has continued through to this day.

But the rebel in Bill did not go away. By the mid 1960s he started writing about economics. He was very critical of macro-economic theory and what he felt were the resultant central-bank policies. Although not an academically trained economist, he did get papers published in journals in France and Holland as well as at home. In the mid 1970s he started writing books on economics. His last book was written in 2002 at the age 88. He and Professor John Hotson from Waterloo met in 1971 and started to collaborate, founding COMER, the Committee on Monetary and Economic Reform, in 1986.

In 2008 at the age of 94, Bill sued the Bank of Canada in order to make the Bank live up to its own mandate. In 2017 the case was finally lost when the Supreme court denied leave to appeal. From the age of 13 to 103, 90 years of Fighting the Good Fight!

Our Comment

When the COMER suit was launched, the government immediately put forward a “motion to strike” – that is, to declare that the matter was not one able to be settled in court.

While the government succeeded in curbing the progress of COMER’s legal challenge, regarding the failure of both government and the Bank of Canada to fulfil their responsibilities, under the constitution and the *Bank of Canada Act*, the suit raised the level of awareness – nationally and globally – on critical monetary issues, and opened the way for others to proceed.

Élan

Libya. But after the Trudeau Liberals were elected in Fall 2015, the company “signed a deal with Ottawa that will allow the engineering and construction company to continue bidding on federal contracts until criminal charges it faces are resolved.”¹³

As we know now, SNC-Lavalin also began lobbying extensively for a deferred prosecution agreement (DPA) that would effectively free the company of charges without forcing it to admit wrongdoing. In exchange, the company would pay a fine and prove that it has changed its practices to prevent a repeat of any wrongdoing. The Trudeau government quietly inserted changes to the criminal code allowing for DPAs in its 2018 Budget. According to recent report by the Buffalo Chronicle (March 11), SNC-Lavalin’s in-house attorney Frank Iacobucci “was instrumental in persuading” Trudeau to insert that new legal provision into the budget bill.¹⁴

The Buffalo Chronicle also notes that in October 2018, Trudeau asked Iacobucci to lead the government’s negotiations with indigenous communities in BC regarding the TransMountain Pipeline expansion project – a project that SNC-Lavalin hopes to construct. Quoting an unnamed source, the Chronicle states: “Iacobucci, who was already angry that [Jody] Wilson-Raybould was refusing to allow his client [SNC-Lavalin] to negotiate a deferred prosecution agreement, feared that his consultations in British Columbia could be construed as improper. He would only agree to take the role on the condition that Trudeau replaced her with a ‘more dotting’ Member of Parliament.”¹⁵

The full story of Iacobucci’s role in the SNC-Lavalin scandal has yet to emerge, but it’s clear that the Trudeau government has been exceedingly accommodating to the company’s wishes.

The *Georgia Straight’s* Charlie Smith has further spelled out the Trudeau government’s help: “Keep in mind that Trudeau helped SNC-Lavalin with its World Bank problem by endorsing the Asian Infrastructure Investment Bank. This entity was created by China as a rival to the US-led World Bank on infrastructure financing. SNC-Lavalin might be debarred from World Bank financings, but it can bid on AIIB-backed projects. Trudeau also helped SNC-Lavalin and other companies involved in huge public projects by creating the Canada Infrastructure Bank. And the Trudeau government accelerated construction of the Site C dam by awarding federal permits over the opposition of First Nations in the area.”¹⁶

Bulk Water Export

In two slightly different chapters within two recent books, I have argued that the Site C dam on the Peace River is perfectly placed to facilitate bulk water export east of the Rockies and into the American Southwest. Readers can consult my Chapter 10, “Water Export: The Site C End-Game” in editor Wendy Holm’s *Damming the Peace: The Hidden Costs of the Site C Dam* (Lorimer 2018), and the chapter entitled “Site C and NAWAPA: Continental Water Sharing” in my latest book *Bypassing Dystopia: Hope-filled Challenges to Corporate Rule* (Water-shed Sentinel Books 2018).

SNC-Lavalin’s involvement in Site C has been so well-hidden that the company name does not appear anywhere in *Damming the Peace*. But by the time I was writing the water-chapter for my own book, SNC-Lavalin’s connections to Site C were becoming clear enough for me to state that the company “is intricately involved in Site C.” Only now are we learning just how involved they are.

SNC-Lavalin has had its eye on continental water-sharing for at least three decades. Back in the 1980s the SNC Group (as it was called at the time) was part of a consortium called Grandco, which was promoting a continental water-sharing plan entitled the Grand Canal Project. Grandco’s other consortium members included the UMA Group of Calgary, Underwood McLellan Ltd. of Saskatoon, Rousseau, Sauve & Warren Inc. of Montreal, and Bechtel Canada Ltd. (son of US Bechtel, the world’s largest engineering firm).

Grandco’s head lobbyist was Canadian financier Simon Reisman (uncle of current Bilderberg member Heather Reisman). After Simon Reisman publicly advocated for Canadian water export, Prime Minister Brian Mulroney (himself an advocate for large-scale water exports) appointed him as Chief Negotiator for the 1988 *Canada-US Free Trade Agreement* (FTA), the predecessor to NAFTA, signed by Jean Chrétien in 1994. Both the FTA and NAFTA essentially strip Canada’s sovereign right to protect our water resources and make Canada vulnerable to massive water export.

While Site C may provide energy and water for fracking in BC and potentially for tar sands mining in Alberta, in the long term the “end-game” of Site C, according to Wendy Holm, is water export because that freshwater water “will have a far higher value” than oil and gas. The vast 83-kilometres-long reservoir needed for the Site C

dam will submerge 78 First Nations heritage sites (including burial grounds) and flood about 3,816 hectares (9,430 acres) of prime agricultural land in the Peace River Valley

A similar scenario is being played out in Quebec with Hydro-Quebec’s massive \$5 billion Romaine Complex, which is damming the River Romaine and flooding 100 square miles of land; in Newfoundland where the Muskrat Falls mega-dam project “boondoggle” is now the subject of a public inquiry; in Manitoba where several mega-dam projects are poised to flood First Nations land.

Now, thanks to the Trudeau government’s Mid-Century Long-term Strategy, that same scenario is poised to repeat itself many times in the coming years.

Long-Term Strategy

In 2017, the Trudeau government released its Mid-Century Long-Term Strategy (MCS) intended to reduce emissions of greenhouse gas (GHG) at rates to comply with its Paris Climate commitments.

Scientist David Schindler has summarized the MCS: “In brief, Canada has agreed to reduce its GHG emissions by 80 percent by 2050, using 2005 emissions as a baseline. This sounds wonderful, until one reads how this is to be done, as described in the report. All the scenarios used to achieve the miraculous carbon reduction goals rely on replacing fossil fuels by generating massive amounts of hydroelectric power, which is assumed to emit no GHG.... The required hydro development would require the equivalent of building over one hundred Site C dams in the next thirty-two years, an extraordinary plan....”¹⁷

Once all that water has been impounded behind the dams, it is subject to NAFTA treatment (including in the rewritten USMCA agreement) as a tradable “good” or commodity. Chrystia Freeland and the negotiators for the USMCA did not secure an explicit exemption for water under the goods, services, and investment provisions of the deal. According to Bill C-6 (which became law in 2001), as Minister of Foreign Affairs, Freeland has water-export licensing authority and can issue permits for water export.

As I explain in some detail in *Damming the Peace* and *Bypassing Dystopia*, massive drought and over-use of freshwater in the Colorado River region and in the US Southwest have prompted big investors like the Blackstone Group (with Brian Mulroney on its board) to look north for water-investment opportunities. The Blackstone Group

has been involved in water issues for years, and in 2014 it announced a new portfolio company called Global Water Development Partners to “identify, develop, finance, construct, and operate large-scale independent water development projects.”

The Blackstone Group is just one of many investment firms eyeing Canada’s freshwater resources. The Bank of America Merrill Lynch – which designed the Canada Infrastructure Bank – has predicted a global water market worth \$1 trillion by 2020.

Obviously, SNC-Lavalin wants to be in on all that MCS hydroelectric development and other projects to be financed by Trudeau’s Canada Infrastructure Bank in the coming years. But if they have to face prosecution, the company risks being barred from federal contracts for ten years.

The Trudeau government says it is attempting to protect SNC-Lavalin jobs. That may be true, but it is also likely that the Trudeau government is attempting to protect its long-term vision for Canada: a vision that jettisons “reconciliation” and the environment in favour of damming the country and then draining it.

Freshwater has been turned into a commodity and it will be worth far more than oil or gold in the near future. Follow the money. That’s what SNC-Lavalin is doing.

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Joyce Nelson is the author of seven books, including Beyond Banksters and its sequel Bypassing Dystopia. She can be reached via www.joycenelson.ca.

End Notes

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Our Comment about DPAs

A deferred prosecution agreement (DPA) is a provision enabling a large corporation like SNC, to go on receiving government contracts despite past wrongdoings.

Wilson-Raybould’s persistent opposition to the government’s intention to seek a DPA for SNC-Lavalin, has drawn much public attention to this practice.

If DPAs are such a good idea, why sneak in the enabling legislation for one, under cover of an omnibus bill?

That “an ounce of prevention is worth a pound of cure” has always seemed to me to be a good idea.

One has to wonder what a DPA really costs – and who really pays for it – the effect that bribery would have on the cost of construction; the cost of the investigation that leads to prosecution; the expense of “closely monitoring the operations” of “one of the world’s largest electrical engineering companies”!

One has to wonder, too, what sort of profit would tempt a corporation to risk prosecution in the first place?

How difficult is it to qualify for a DPA? Does the punishment fit the crime?

Or does crime really pay after all?

Élan

Canada’s Corrupt Foreign Policy Come Home to Roost

By Yves Engler, therealnews.com, March 3, 2019

Justin Trudeau’s government is engulfed in a major political scandal that lays bare corporate power in Ottawa. But, SNC-Lavalin’s important role in Canadian foreign policy has largely been ignored in discussion of the controversy.

The Prime Minister’s Office has been accused of interfering in the federal court case against the giant Canadian engineering and construction firm for bribing officials in Libya. Former attorney general Jody

Wilson-Raybould claims she was repeatedly pressured to defer prosecution of the company and instead negotiate a fine.

Facing a 10-year ban on receiving federal government contracts if convicted of bribing Libyan government officials, SNC began to lobby the Trudeau government to change the criminal code three years ago. The company wanted the government to introduce deferred prosecution agreements in which a sentencing agreement would allow the company to continue receiving government contracts. At SNC’s request the government changed the criminal code but Wilson-Raybould resisted pressure from the PMO to negotiate a deferred prosecution agreement with the company headquartered in Montréal.

Incredibly, before Trudeau went to bat for SNC after the firm had either been found guilty or was alleged to have greased palms in Libya, Bangladesh, Algeria, India, Kazakhstan, Tunisia, Angola, Nigeria, Mozambique, Ghana, Malawi, Uganda, Cambodia and Zambia (as well as Québec). A 2013 *CBC/Globe and Mail* investigation of a small Oakville, Ontario, based division of SNC uncovered suspicious payments to government officials in connection with 13 international development projects. In each case between five and 10 percent of costs were recorded as “project consultancy cost,” sometimes ‘project commercial cost,’ but [the] real fact is the intention is [a] bribe,” a former SNC engineer, Mohammad Ismail, told the CBC.

While the media has covered the company’s corruption and lobbying for a deferred prosecution agreement, they have barely mentioned SNC’s global importance or influence over Canadian foreign policy. Canada’s preeminent “disaster capitalist” corporation, SNC has worked on projects in most countries around the world. From constructing Canada’s Embassy in Haiti to Chinese nuclear centres, to military camps in Afghanistan and pharmaceutical factories in Belgium, the sun never sets on SNC.

Its work has often quite controversial. SNC constructed and managed Canada’s main military base in Kandahar during the war there; SNC Technologies Inc provided bullets to US occupation forces in Iraq; SNC has billions of dollars in contracts with the monarchy in Saudi Arabia.

Across the globe SNC promotes neoliberal reforms. The company greatly benefits from governments shifting to public-private partnerships. SNC is also a member or sponsor of the Canadian Council on Africa, Ca-

nadian Council for the Americas, Canada-ASEAN business council, Conseil des Relations Internationales de Montréal and other foreign policy lobby/discussion groups.

SNC has been one of the largest corporate recipients of Canadian “aid.” The company has had entire departments dedicated to applying for Canadian International Development Agency (CIDA), UN and World Bank funded projects. SNC’s first international contract, in 1963 in India, was financed by Canadian aid and led to further work in that country.

In the late 1960s the firm was hired to manage CIDA offices in African countries where Canada had no diplomatic representation. In the late 1980s CIDA contracted SNC to produce a feasibility study for the Three Gorges Dam, which displaced more than a million Chinese. During the occupation of Afghanistan CIDA contracted SNC to carry out its \$50 million “signature project” to repair the Dahla dam on the Arghandab River in Kandahar province (\$10 million was spent on private security for the dam).

In 2006 SNC was bailed out by the Canadian aid agency after it didn’t follow proper procedure for a contract to renovate and modernize the Pallivasal, Sengulam and Panniyar hydroelectric projects in the southern Indian state of Kerala. A new state government demanded a hospital in compensation for the irregularities and SNC got CIDA to put up \$1.8 million for the project. (SNC-Lavalin initially said they would put \$20 million into the hospital, but they only invested between \$2 and \$4.4 million.)

Company officials have been fairly explicit about the role Canadian diplomacy plays in their business. Long-time president Jacques Lamarre described how “the official support of our governments, whether through commercial missions or more private conversations, has a beneficial and convincing impact on our international clients.”

Even SNC’s use of bribery has a made-in-Ottawa tint. For years Canada lagged behind the rest of the G7 countries in criminalizing foreign bribery. For example, into the early 1990s, Canadian companies were at liberty to deduct bribes paid to foreign officials from their taxes, affording them an “advantage over the Americans,” according to Bernard Lamarre former head of Lavalin (now SNC-Lavalin). In 1991, Bernard, the older brother to SNC-Lavalin’s subsequent head Jacques Lamarre, told *Maclean’s* that he always demanded a receipt when paying international bribes. “I make sure we get a

signed invoice,” he said. “And payment is always in the form of a cheque, not cash, so we can claim it on our income tax!”

In 1977, the *US Foreign Corrupt Practices Act* outlawed bribes to foreign officials. Ottawa failed to follow suit until the Organisation of Economic Co-operation and Development (OECD) launched its anti-bribery convention in 1997. The OECD convention obliged signatories to pass laws against bribing public officials abroad and two years later Canada complied, passing the *Corruption of Foreign Public Officials Act* (CFPOA). Still, for the next decade Canadian officials did little to enforce the law. The RCMP waited until 2008 to create an International Anti-Corruption Unit and didn’t secure a significant conviction under the CFPOA until 2011.

As the recent scandal demonstrates – and the *Financial Post* noted years ago – SNC has “considerable lobbying power in Ottawa.” Placing its CEO among the 50 “Top People Influencing Canadian Foreign Policy,” *Embassy* magazine described SNC as “one of the country’s most active companies internationally,” which “works closely with the government.” The now-defunct weekly concluded, “whoever is heading it is a major player” in shaping Canadian foreign policy.

And, as it turns out, in shaping the way things are now done at home in Ottawa.

Yves Engler is a Canadian commentator and author. His most recent book is The Ugly Canadian – Stephen Harper’s Foreign Policy, and previously he published The Black Book of Canadian Foreign Policy and Canada in Haiti: Waging War on the Poor Majority.

Our Comment

Were Canada’s chief engineering and construction corporation to forfeit the right to foreign contracts, presumably those would go, instead, to foreign competing corporations.

The political and economic ramifications of that would most certainly extend beyond “nine thousand jobs in Quebec.”

As Yves Engler has pointed out, the controversy has focussed on the scandal of corporate power in Ottawa, while “SNC’s important role in Canada’s foreign policy has largely been ignored.”

In a Global Research article, *SNC-Lavalin The Corporate Face of “Ugly Canadian,”* March 11, 2019, Engler contends that “some Canadian diplomatic posts are PR arms for SNC-Lavalin.”

On the other hand, he has attributed

“Ottawa’s support for SNC, despite corruption allegations in 15 countries,” to the fact that “the company has proven to be a loyal foot soldier, fighting for controversial foreign policy decisions under both Liberal and Conservative governments.”

He goes on to cite various examples of cooperation between SNC and Canadian governments, as “a strong proponent of neoliberalism, promoting, for example, privatization of water services in a number of countries.

Joyce Nelson, in her article on the Site C Dam project further corroborates SNC’s role in Canada’s foreign policy, arguing that “the pressure on Jody Wilson-Raybould may have been to protect something much bigger than jobs – the Liberals’ vision for Canada’s future,” explaining the common goal of such projects in terms of a “predicted global water market worth \$1 trillion by 2020.”

All this is borne out in the desperate effort to reign Wilson-Raybould in.

Élan

The Real SNC-Lavalin Issues

By Judy Kennedy, Annapolis NDP, Orange Zest, March 2019

Mainstream media have obsessed over whether the PMO & Associates have unduly influenced Jody Wilson-Raybould to allow the deferred prosecution agreement (DPA) process in the prosecution of the criminal case against SNC-Lavalin. By so doing they have succeeded in drawing attention away from the basic issue: sanctioning the criminal behaviour of those who headed the corporation.

The Liberals smuggled an amendment to the Criminal Code – Sec. 715.32 – into the Budget Implementation bill of 2018, Harper style, thus avoiding Parliamentary discussion. It is a bad piece of legislation. It permits those responsible for criminal acts of bribery and corruption to bypass the consequences of a conviction under the regular process in favour of a mere “hand slap” and a fine, available only to big corporations.

As Attorney General, Jody Wilson-Raybould had the duty to consider the Public Prosecutor’s decisions in cases of significant public interest. SNC-L’s application for the DPA process was certainly that. She agreed with the Public Prosecutor that it didn’t qualify. It didn’t because of one of several factors that the prosecutor must consider, particularly whether the corporation “was convicted of an offence or sanctioned by a regulatory body, or whether it entered into a previous remediation agreement or other

settlement, in Canada or elsewhere, for similar acts or omissions.”

The World Bank happens to have a list of such offenders: its Debarred Firms list of those convicted of bribery and corruption offences and barred from applying for the Bank’s funds for ten years. During the ten-year period up to 2018 SNC-L is mentioned 101 times on that list. (I counted and may have missed some.) It is also mentioned 42 times under “Other Sanctions.” These offences were committed globally, not just in Canada. Clearly, the corporation didn’t qualify for the DPA. This has now been confirmed by the Federal Court.

So why did the PMO & Associates persist in trying to change the AG’s decision, defying the *Conflict of Interest Act*?

They said she should still consult expert opinion. Well! Ms. Wilson-Raybould happened to be the Minister of Justice as well as the AG as the bill was being drafted. As such she certainly was aware of and had to have consulted others regarding its content over the three years of its navigation into law. Particularly as it was to apply to SNC-L which had been charged in Canada with such offences prior to the last election.

This leads us to another clause of the law, the one describing factors that must *not* be considered. Subsec.(3) states :”if the organization is alleged to have committed an offence under section 3 or 4 of the *Corruption of Foreign Public Officials Act*, the prosecutor must not consider the national economic interest, the potential effect on relations with a state other than Canada, or the identity of the organization or individual involved.” (italics added)

Yet *Jobs! Jobs! Jobs!* is all we hear from the PMO folks: have they not read the law?

The Minister of Justice had to have approved the amendment. But did she have a choice, given the hundreds of thousands of dollars that SNC-L has allegedly contributed to the Liberal party? And if she had resigned at that point someone more pliable would have replaced her, as was done in January.

What Jody Wilson-Raybould did was approve a text that could and would ultimately – even affirmed by the Federal Court – apply to SNC-Lavalin!

What a landmark case!

Our Comment

A landmark case, indeed! Could this revelation lead us to insights into the need, and the way, to spring ourselves from the neoliberal trap?

Élan

Why Wilson-Raybould Was Right

By Michael Harris, thetetye.ca, February 15, 2019

Her government was intensely lobbied, but the law is clear.

We may not yet know if Jody Wilson-Raybould was pressured by Justin Trudeau or the PMO to let SNC-Lavalin duck a criminal trial, but there is no doubt that is exactly what the company wanted.

Under a so-called deferred prosecution agreement (DPA), the prosecutor stays proceedings against the organization, which in turn pays a fine, offers some form of remediation, and agrees to stronger reporting requirements. If the company meets all the terms of a DPA, charges are dropped.

Much has been said about how a reasonable attorney general might opt for the DPA considering all the harm a criminal conviction of the engineering giant might do to the economies of Quebec and Canada.

But if you read the actual language creating the DPA option, it will become clear why Wilson-Raybould and her director of public prosecutions Kathleen Roussel were not only correct in their decision, but required to make it.

When firms are charged under the *Corruption of Foreign Public Officials Act*, as was SNC-Lavalin, “The prosecutor,” states the legislation, “must not consider the national economic interest, the potential effect on relations with a state other than Canada, or the identity of the organization or individual involved.”

More on this later. First some background.

The new law was unveiled in 2018 as an amendment to the Criminal Code put forward by then justice minister Jody Wilson-Raybould herself. It was tucked into an omnibus bill to approve the federal budget, you know, the omnibus bills the Liberals hated when Stephen Harper was using them to keep Parliament in the dark.

The amended law, which is dubious at best since there has always been a thing called prosecutorial discretion, made it possible for offending companies to negotiate a non-criminal penalty for a criminal act.

It seemed tailor-made for the situation SNC-Lavalin was facing back in February 2016, when discussions about DPA legislation first began. Perhaps that’s why when the legislation was passed in 2018, it was made retroactive.

SNC-Lavalin has been charged with

fraud and corruption under the Criminal Code and the *Corruption of Foreign Officials Act*. The company allegedly paid \$48 million in bribes to get contracts in Libya, including the Great Man-Made River Dam, Benghazi Airport, and the prison with that Orwellian name, Judicial City. The work represented the kind of Big Moolah that weakens corporate ethics at the knees.

The RCMP laid charges on February 15, 2015 after a lengthy international investigation that also uncovered alleged payments of \$160 million to the son of then Libyan dictator Muammar Gaddafi.

The Mounties also exposed a plan to spirit Saadi Gaddafi off to Mexico if things got dicey in Libya. Things got quite dicey. His father was later deposed and murdered, and Saadi went to jail.

A full three and a half years after being charged with fraud and corruption in the Libya case, the Canadian engineering firm found itself exactly where it didn’t want to be – facing a criminal trial.

A preliminary hearing began on October 29, 2018, just 19 days after the company was turned down for a remediation agreement by Wilson-Raybould’s justice department. Quebec judge Claude Leblond will decide if the evidence presented by the RCMP merits a criminal trial. SNC-Lavalin requested and was granted a publication ban on the proceedings.

Of note. The preliminary in this case was originally scheduled for September 10, 2018. But it was postponed until after the activation of the new Criminal Code provision – a development that SNC-Lavalin’s lawyer said “was probably a good thing” in its case. The new law, featuring the deferred prosecution agreement, came into force on September 19, 2018.

The Globe and Mail reported a conversation between Trudeau and Wilson-Raybould on September 17, 2018, just two days before the new law came into effect. Trudeau claims that he told Wilson-Raybould that decisions involving the DPA were hers alone to make.

That is a curious thing to tell an accomplished former Crown prosecutor who probably has a better grasp of the law than the former teacher. On October 10, 2018, federal prosecutors under Wilson-Raybould decided to proceed to trial against SNC-Lavalin.

Past Crimes and Probes

SNC-Lavalin is the same company whose former CEO, Pierre Duhaime, turned a blind eye to the massive McGill University

Hospital fraud involving SNC-Lavalin executives and Harper appointee Arthur Porter. That is called breach of trust.

It took a stunning six years for Quebec prosecutors to get that case to court, which led to Duhaime's guilty plea and criminal conviction.

Porter, whom Harper appointed to oversee Canada's spy service, died a fugitive from justice after spending two years in a Panamanian jail.

Porter's wife Pamela got 33 months in prison after pleading guilty to two counts of money laundering.

Riadh Ben Aissa, a former SNC-Lavalin executive, got 51 months in prison after pleading guilty to using false documents, a plea that saw 15 other charges against him dropped.

By comparison, Duhaime fared much better. The former SNC-Lavalin CEO got 20 months of house arrest, 240 hours of community service, and a court-ordered payment to a victim's centre of \$200,000.

SNC-Lavalin Inc. was also banned by the World Bank for 10 years on any of the projects it financed – a result of the company's sleazy business practices in obtaining contracts in third-world countries. The same ban would apply in Canada if the company were to be criminally convicted.

Final irony?

SNC-Lavalin, Canada's great born-again company if you buy the bump about their ethical resurrection, is now being investigated by the RCMP and Quebec prosecutors for a new scandal from the bad old days – an alleged kickback payment to Michel Fournier, former boss of Canada's Federal Bridge Corporation.

As reported by the CBC, Fournier has already plead guilty to receiving \$2.3 million from an SNC-Lavalin affiliate in order to win a \$127 million contract to renovate Montreal's Jacques Cartier Bridge.

A Frenzy of Lobbying

Now SNC-Lavalin's latest mess has crashed onto the centre stage of Canadian politics in an election year. The company has importuned the Liberals for a break in this case. According to the CBC, the company relentlessly lobbied federal officials on the subject of justice and law enforcement since 2016.

Targets of their lobbying included Francois-Philippe Champagne, now Infrastructure minister, and top officials from Global Affairs Canada, Export Development Canada, Public Services and Procurement

Canada, the Privy Council Office and of course the PMO.

The Globe and Mail reported that lobbyists for SNC-Lavalin visited officials in the PMO 14 times, including 12 visits with principal secretary Gerald Butts and the PM's senior Quebec advisor, Mathieu Bouchard.

After those sessions, there was even a one-on-one meeting between Wilson-Raybould and Butts at the Chateau Laurier in Ottawa on December 5, 2018.

Butts says he told the minister to seek the advice of the Clerk of the Privy Council. Canadians have yet to hear Wilson-Raybould's recollections of the meeting.

Was the PM's principal secretary talking about the SNC-Lavalin case? If so, that would be strange. Wilson-Raybould's director of public prosecutions had decided to proceed to trial with the company weeks earlier.

Upholding the Law

As a source close to the story told me on background, "All this talk about pressure. The proof of the case is in the demotion. They wanted her to give SNC a pass. She refused, as is her right. But then they demoted her, which sends a message: Do as we want or you will be punished. All the rest is fog."

An interesting speculation. But this much is inarguable. SNC-Lavalin lurched and lobbied, kicking and screaming in its attempt to avoid criminal prosecution in the Libya affair. Despite ceaseless pressuring, they lost their prolonged bid to get a free pass through the normal criminal justice system. Or at least they have for now.

It is worth saying that director of public prosecutions Roussel was not exercising animus against the company with her decision not to enter into a deferred prosecution agreement with SNC-Lavalin. As noted earlier in this piece, she was following the very law the company wanted to invoke. It states, in part:

"Despite paragraph (2)(i), if the organization is alleged to have committed an offence under section 3 or 4 of the *Corruption of Foreign Public Officials Act*, the prosecutor must not consider the national economic interest, the potential effect on relations with a state other than Canada, or the identity of the organization or individual involved."

In addition to criminal charges, that is exactly the charge SNC-Lavalin is facing, which is why the company's request for a judicial review of this matter by the Federal

Court should go nowhere. Roussel made the right call – and so did Wilson-Raybould.

In shuffling out his former justice minister, Trudeau did not.

It is widely believed that the prime minister demoted Wilson-Raybould. What no one knows for sure is why, despite the PM's latest explanation that Scott Brison's sudden resignation from cabinet was the only reason Wilson-Raybould was moved.

Though it is a matter of optics rather than documented evidence, the timing is seriously suspicious. The minister was demoted just months after Roussel's decision to proceed to trial against SNC-Lavalin rather than negotiate a DPA. To regular people, that looks a lot like payback.

And then there is the telling comment of Canada's new justice minister, Quebecker David Lametti, that the SNC-Lavalin case is still under consideration.

Lametti told several news agencies, including the *Globe* and Canadian Press, that he could still intervene in the SNC-Lavalin case. As "a final step" he could even issue a directive to prosecutors to do a negotiated settlement of the matter.

My question is this: Since the director of public prosecutions has already made her decision under the law, and the Prosecution Service was designed back in 2006 to be independent of political interference, why is the matter still under consideration?

Isn't it true that the director has the power to make "binding and final decisions to prosecute offences"? If not, then all we are left with is politics. That's why it is so tempting to conclude that Wilson-Raybould simply didn't give the PM and her colleagues the decision they wanted – and paid the price.

SNC-Lavalin is all about jobs, cash, and billions in support from Export Development Canada. With 8,500 Canadian employees, and worth around \$10 billion on the market, it is in one respect like the crooked investment banks in the US back in 2008, too big to fail. That could have been what Wilson-Raybould was reminded of in all those "discussions" that the government said were perfectly normal.

And in a way they are. It is true that an attorney general can direct their director of public prosecutions, but that is an extremely rare occurrence. In the United Kingdom, for example, it has been done, but almost always in the name of national security.

As for an attorney general discussing a case with cabinet colleagues, that too is understandably and properly done from

time to time. But only if the conversations amount to information exchange, not pressuring. When an AG acts, they act alone, free of government or policy direction. As for the director of public prosecutions, aside from the AG, they are not answerable to any politician.

The last word in this vital matter of cabinet colleagues assisting a sitting attorney general on a case goes to a long gone politician who died at the age of 101, Sir Hartley Shawcross.

Shawcross was the attorney general of England back in 1951, and gave the world the Shawcross Principle, laying out how the relationship between the AG, the director of public prosecutions, and cabinet ought to work. All federal and provincial attorneys general in Canada have since adopted his doctrine. On the precise issue of how cabinet can properly interact with an AG, this is what Shawcross had to say:

“The assistance of his colleagues is confined to informing him of particular considerations, which might affect his own decision, and does not consist, and must not consist in telling him what that decision ought to be. The responsibility for the eventual decision rests with the attorney general, and he is not to be put, and is not put, under pressure by his colleagues in the matter.”

We need to know what happened to Wilson-Raybould, honest to Sir Hartley we do.

Mr. Prime Minister, it is one thing to move a senior cabinet minister, quite another to demote them. The question stands: why did you demote Canada’s first Indigenous justice minister?

If you won’t answer that question with something other than a flimsy process explanation, then at least waive the solicitor/client privilege in this matter so that Wilson-Raybould can tell Canadians herself what really happened.

Michael Harris, a Tyee contributing editor, is a highly awarded journalist and documentary maker. Author of Party of One, the bestselling expose of the Harper government, his investigations have sparked four commissions of inquiry.

Our Comment

How does government support become collusion and, finally, submission to corporate power? Is it inevitable that, “democratically” elected governments be transformed “into servile vassals of the owners, executors, investors, and major shareholders of the big corporations”?

The infiltration of neoliberal principles like privatization and deregulation, and of strategies like “free trade” into our political economy have served the corporate purpose well.

The Lavalin “scandal” has led us to firm insights into the process and the need to confront it.

Joyce Nelson’s article on the Site C Dam refers to the highly pertinent example, reported in *The Buffalo Chronical*, of Prime Minister Trudeau’s asking SCN’s lawyer, Frank Iacobucci, to lead the government’s negotiations with indigenous communities in BC regarding the Trans Mountain Pipeline Expansions project. He would only “agree to take the role on the condition that Trudeau replace Jody Wilson-Raybould with a ‘more doting Member of Parliament,’ fearing that, given she was refusing to allow his client, SCN to negotiate a DPA, his consultations in BC could be construed as improper.”

In who’s best interest was that arrangement?! What will it take to become a real democracy?

Are we up to it?

Élan

Sordid SNC-Lavalin Affair Exposes Canada as a Plutocracy, Not a Democracy

By Ed Finn, rabble.ca, Economy, Politics in Canada, March 1, 2019

With all the political commentators pontificating on the SNC-Lavalin affair and former attorney general Wilson-Raybould’s explosive testimony to the House of Commons justice committee, I wouldn’t dare venture to offer my own modest opinion on the imbroglio if I didn’t think I had something original to say.

To put it bluntly, I’m convinced that the eruption of this political scandal occurred because we live in a plutocracy rather than a democracy.

The Oxford dictionary defines plutocracy as “government by a wealthy elite.”

US president Abraham Lincoln once defined democracy as “government of the people, by the people, and for the people.” But, since women and people of colour were denied voting rights at that time, he was careful not to say “government of, by, and for *all* the people.”

Indeed, more than 80 years were to pass before women and people of colour were

grudgingly permitted to cast their ballots – a long delay that lasted in Canada as well as the US.

The freedom to vote, however, even when ostensibly extended to all citizens of a country, does not automatically make that country a democracy. If the governments thus elected still give priority to policies and laws that favour the upper-class elite, while neglecting the needs of middle- and lower-class citizens, the latter’s right to vote is effectively nullified.

This is what happens when large corporations amass so much political as well as economic power that they are able to subvert “democratically” elected governments. In effect, they transform them into servile vassals of the owners, executives, investors, and major shareholders of the big corporations.

Such as SNC-Lavalin.

Study Exposes US Plutocracy

If you think I exaggerate, consider the findings of a prolonged study of the political system in the US conducted a few years ago by researchers at Princeton and Northwestern universities.

They concluded that the US can no longer be called a democracy. They described its current political form – even before Donald Trump became president – as “an oligarchy ruled by a small, powerful group of people with an entrenched commitment to serving their special interests.”

In short, a plutocracy.

Commenting on this study, consumer activist Ralph Nader noted that half the families of four or more in the US “have incomes too low to lift them out of poverty. We have the highest child poverty rate in the developed world, and the lowest average wage. Electorally [as this study finds], the US is a money-driven two-party tyranny – yet we’re still lecturing other countries on democracy!”

Former *New York Times* correspondent Chris Hedges claims that the conversion of democracy to plutocracy has given corporate oligarchs most of the wealth, power and privilege, “while the rest of us struggle as part of a vast underclass, increasingly impoverished and ruthlessly repressed. There is one set of laws and regulations for us, another set for a corporate power elite that functions as a global mafia.”

That Canada has also become a plutocracy is clear. David Moscrop, political scientist at the University of British Columbia, referring to the US study, pointed out that “oligarchic forces” have also undermined

democracy in Canada. “Policy outcomes skewed to favour an elite are unlikely to benefit most Canadians,” he says.

He points to the inherent unfairness of our first-past-the-post electoral system, which remains in effect after Prime Minister Trudeau cynically broke his promise to replace it with some form of democratic proportional representation.

“Only twice over the past two decades,” Moscrop points out, “has a winning party received more than a 40 percent minority of the vote. Giving these and other serious shortcomings, we can’t claim to be living in a democracy. A plutocracy would indeed be a more accurate description.”

Plutocracy Spawns Poverty, Inequality

The inequitable society that has been created by the plutocrats’ dominant economic system – *laissez-faire* capitalism – has enriched and empowered an affluent minority in Canada, as it has in the US and elsewhere. The plutocratic one percent wallow in luxury while millions of Canadian families are destitute and millions of underpaid workers scabble precariously from paycheque to paycheque.

We live in a country in which – despite a recent decline in national poverty rates – more than 750,000 children still remain impoverished while just two of our richest business tycoons – media magnate David Thomson and Holt Renfrew owner Galen Weston – hold a combined wealth of more than \$33 billion. And the collective wealth of the next six richest Canadians amounts to another hefty \$30 billion.

Is this not also the Oxford dictionary’s definition of a plutocracy?

Only in a plutocracy could this sort of inhumane disparity persist. Only in a plutocracy could the big corporations exercise such overwhelming political influence. Only in a plutocracy do governments meekly coddle, protect, and subsidize large corporations, and supinely bow to their wishes.

Canada Also Subsidizes Big Business

The most striking example of this political subservience to the big business barons occurred during the crippling recession in 2007-08. That momentous economic crash was precipitated by the big unregulated American banks and other large financial firms. Their greed, reckless low-cost mortgages, short-selling, insider trading, money-laundering, and other infamous schemes inevitably triggered the worst financial col-

lapse since the Great Depression.

If the US at the time had been a democracy, the blame and punishment for the meltdown would rightly have been imposed on the culprits – the owners and managers of the financial institutions. But all but a few of them not only escaped prosecution and jail terms, but were saved from collapse by enormous government bailouts.

Only in a plutocracy could such a monstrous injustice be inflicted and rationalized. And the same plutocratic perversity prevails in Canada, if not quite to the same drastic extent.

For example, although our federal government boasted that Canadian banks didn’t need any bailouts during the 2007-08 economic crisis, a CCPA study found that they actually received a combined \$114 billion in cash and loan support from the Canadian and U.S. governments.

Our federal government also bailed out General Motors and Chrysler with \$13.7 billion in public money. Although it was all claimed to be in the form of loans, the auto companies failed to repay nearly \$4 billion of that amount, so the Trudeau government last year gave up and wrote it all off as a free gift.

Such huge bestowals of public funds on big corporations is standard practice in a plutocracy. A recent study by the University of Calgary’s School of Public Policy found that the federal government and the four largest provinces spend \$29 billion every year subsidizing business firms.

Of that huge largesse, \$14 billion comes from the federal government and \$14.6 billion from the provinces of Ontario, Quebec, Alberta, and British Columbia. The most extravagant and harmful subsidy, by far, is the \$3.3 billion a year that our federal and provincial governments lavish on the large oil and gas companies. This is a gargantuan annual gift to the worst polluters of the environment. In effect, it helps them keep increasing the toxic carbon emissions that cause global warming.

Among other prominent corporate recipients of massive government gravy, in addition to SNC-Lavalin, is aerospace company Bombardier, which is also based in Quebec. It also has a history of malfeasance and currently faces bid-rigging and corruption charges in the courts of Sweden and Brazil. A few years ago, when suffering serious financial setbacks, Bombardier was bailed out by a \$3.7 billion government subsidy. It was allegedly intended to enable the company to avoid layoffs, but, shortly

afterward, the company still sacked thousands of employees while company executives raised their own salaries.

Financial Post columnist Andrew Coyne’s acerbic reaction was to quip that “Bombardier is not in the transportation industry; it’s in the government subsidies industry.”

Commenting on this and other huge government handouts of public cash to the corporations, the *Huffington Post*’s Mike Milne made this cynical observation: “In the land of government plenty – that vast landscape populated with the tax dollars of Canadians – there is no shortage of politicians willing to hand out and defend subsidies to big business, and no dearth of corporations willing to take the cash.”

Companies Subsidized, Social Programs Cut

While Ottawa and the provinces continue to maintain and even increase the amounts of their tax revenue they expend in business subsidies, they have proportionately reduced their spending on social services.

The OECD’s latest report on the social expenditures of its 34 member countries ranked Canada 24th for the relatively low 17.2 percent of GDP it spent on social services. Most of the 23 countries that surpassed Canada had social spending rates of 23 percent of GDP or more. Some, including Denmark, Sweden, Norway, Finland, France, Belgium, Italy and Ireland, had rates higher than 28 percent.

The decision of Canadian governments to convert so much of the tax revenue they derive from workers into mammoth handouts to corporations could only be maintained in a plutocracy. This depletion of tax revenue through profligate business bounties gives political leaders the contrived excuse that they simply can’t afford to improve the social services they had deliberately stripped of adequate funding.

Inexcusable and Sustained Pressure

Now let’s apply these stark realities to the intense and long-sustained political pressure exerted on Wilson-Raybould by Justin Trudeau and his staff to intervene in the trial of SNC-Lavalin – specifically, to save the Montreal-based firm from a conviction for its charges of corruption.

The company had every reason to expect such a “get-out-of-jail-free” rescue from a political party whose election campaigns it had so generously funded, and with whom it had developed such a long and cozy relationship. And the Liberals had every reason

to expect they could provide the company with that deliverance, which in a plutocracy is almost taken for granted.

For a plutocracy to function as intended, however, *all of a government's cabinet members have to be "team players."* They have to share the same perverted priorities – and the same willingness, if necessary, to put expedience ahead of principle in the service of corporate overlords.

However, when Trudeau appointed Wilson-Raybould attorney general, he rashly placed a non-conformist and incorruptible wolf in his flock of compliant cabinet sheep. She was never going to put the interests of a criminally deprived corporation ahead of the public interest.

Her valiant adherence to that moral and ethical principle triggered the colossal political uproar that followed. It also inadvertently exposed the existence of plutocracy as the real type of government that prevails in Canada.

That fundamental aspect of the SNC-Lavalin affair would not have been so widely publicized without Wilson-Raybould's revelations, but it has still been studiously ignored by the mass media pundits. As usual.

Ed Finn grew up in Corner Brook, Newfoundland, where he worked as a printer's apprentice, reporter, columnist, and editor of that city's daily newspaper, the Western Star. His career as a journalist included 14 years as a labour relations columnist for the Toronto Star. He was part of the world of politics between 1959 and 1962, serving as the first provincial leader of the NDP in Newfoundland. He worked closely with Tommy Douglas for some years and helped defend and promote Medicare legislation in Saskatchewan.

Neoliberal Fascism and the Echoes of History, Part II

Part I of this article ran in the November-December, 2018, issue of ER.

By Henry A. Giroux, Social Project, The Bulletin, August 20, 2018

What is crucial to understand is that neoliberalism is not only a more extreme element of capitalism, it has also enabled the emergence of a radical restructuring of power, the state and politics, and in doing so converges with a style of fascism suited to the American context. Political theorist Sheldon Wolin, in his book *Democracy Incorporated*, was one of the first to analyze the transformation of a capitalist democracy into what he called an inverted form of

totalitarianism. According to Wolin, the political state was replaced by a corporate state that exploits all but the ruling classes, empties politics of any substance through rigged elections, uses the power of capital to define citizens largely as consumers of products, and applies the power of the corporate state as a battering ram to push through policies that strengthen the power of capital.

For Wolin, neoliberalism was the endpoint of a long process “to transform everything – every object, every living thing, every fact on the planet – in its image.”¹ He believed that this new political formation and form of sovereignty in which economics dominated politics was hostile to both social spending and the welfare state. Wolin rightly argued that under neoliberalism, political sovereignty is largely replaced by economic sovereignty as corporate power takes over the reins of governance.

The dire consequence, as David Harvey points out, is that “raw money power wielded by the few undermines all semblances of democratic governance.”² Policy is now fashioned by lobbyists representing big businesses such as the pharmaceutical and health insurance companies, going so far in the case of the drug companies to drive the opioid crisis to increase their profits.³

Under neoliberalism, the welfare state has been largely dismantled, while the power of a punishing apparatus of an emerging police state has been expanded, buttressed by a pervasive culture of fear that exempts itself from the legalities and constitutional obligations of a democracy, however neutered. Wolin was keenly aware of the ruthlessness of corporate culture in its willingness to produce striking inequalities in an epic war on the promise and ideals of a substantive democracy.

Wolin's great contribution to theories of totalitarianism lies in his ability to lay bare the authoritarian economic tendencies in neoliberalism and its threat to democracy. What he did not do is associate neoliberalism and its enervating effects closely enough with certain legacies of fascism. In this absence, he was unable to predict the resurgence of strongman politics in the United States and the ascendant fascist investments in white supremacy, racial sorting, ultra-nationalism, a war on youth, women's reproductive rights and a race-inspired, eliminationist politics of disposability. What he underemphasized was that neoliberalism impoverished not only society economically while serving the interests of the rich, but it also created a powerful nar-

ative that normalizes political inaction as it shifted the weight and responsibility of all social problems onto the individual rather than the society.⁴

In the age of neoliberal myth-making, systemic deficiencies such as poverty, homelessness and precarious employment are now relegated to individual failures, character deficits and moral turpitude. Correspondingly, notions of the social, systemic and public disappear, serving to expand the base of those who feel voiceless and powerless, opening them up to the crude and simplistic emotional appeals of authoritarian figures such as Trump. In truly demagogic fashion, Trump promises a new world order that will be fashioned out of the rhetorical bombast of dehumanization, bigotry and a weaponized appeal to fear and hate. As the poor and discarded vanish from the political discourse of democracy, they become susceptible to a “volatility and the fury that [mutilates] contemporary politics that thrives on an appetite for authoritarian and fascist impulses.”⁵

Fascism by Trial in the Age of Trump

In a thoughtful analysis, the Irish journalist O'Toole asserts neoliberalism creates the conditions for enabling what he calls a trial run for a full-blown state of contemporary fascism:

“To grasp what is going on in the world right now, we need to reflect on two things. One is that we are in a phase of trial runs. The other is that what is being trialed is fascism – a word that should be used carefully but not shirked when it is so clearly on the horizon. Forget ‘post-fascist’ – what we are living with is pre-fascism. Rather than overthrow democracy in one full swipe, it has to be undermined through rigged elections, the creation of tribal identities, and legitimated through a ‘propaganda machine so effective that it creates for its followers a universe of “alternative facts” impervious to unwanted realities....’ Fascism doesn't arise suddenly in an existing democracy. It is not easy to get people to give up their ideas of freedom and civility. You have to do trial runs that, if they are done well, serve two purposes. They get people used to something they may initially recoil from, and they allow you to refine and calibrate. This is what is happening now and we would be fools not to see it.”⁶

Ultra-nationalist and contemporary versions of fascism are gaining traction across the globe in countries such as Greece (Golden Dawn), Hungary (Jobbik), In-

dia (Bharatiya Janata Party), and Italy (the League) and countless others. Needless to say, they have been emboldened by Trump, who has displayed a close admiration for authoritarian leaders such as Russia's Vladimir Putin, Turkey's Recep Tayyip Erdogan and China's Xi Jinping. He recently praised North Korean leader Kim Jong-un for his "intellect and personality" and without irony stated "He speaks and his people sit up at attention. I want my people to do the same."⁷

Trump also has used his power to pardon people such as right-wing pundit Dinesh D'Souza and former Arizona sheriff Joe Arpaio, who defied court orders to stop racially profiling Latinos. He has publicly accused Democrats in Congress for not standing following his State of the Union address and has conducted a foreign policy that trashes Western allies while celebrating authoritarian strongmen.

In addition, Trump consistently promotes extremist policies and surrounds himself with far-right-wing ideologues such as Attorney General Jeff Sessions, National Security Adviser John Bolton and senior adviser Stephen Miller – all hard-liners on just about every issue. Steve Bannon's early presence in the Trump administration was symbolic of the extremism Trump brought to the White House. Bannon, who served as former senior counselor to the president, ran Breitbart, a white nationalist tabloid. Now freelancing, Bannon continues to normalize white supremacist ideas in his endless speeches and public appearances. Trump shares Bannon's allegiance to white supremacy and has relentlessly catered to the racial fears and economic anxieties of an abandoned white working class. Moreover, he has created a new synergy between his authoritarian demagoguery and an array of fascist groups that include the alt-right, white nationalists, militia groups and others who embrace his militarism, race-based law and order agenda and his overt contempt of undocumented immigrants and Muslims.⁸

Trump has elevated himself as the patron saint of a ruthless neoliberalism. This is evident in the various miracles he has performed for the rich and powerful. He has systemically deregulated regulations that extend from environmental protections to worker safety rules. He has enacted a \$1.5 trillion tax policy that amounts to a huge gift to the financial elite and all the while maintaining his "man of the people" posture. He has appointed a range of neoliberal fundamentalists to head major government

posts designed to serve the public. Most, like Scott Pruitt, the former head of the Environmental Protection Agency, and Betsy DeVos, the secretary of Education, have proved to be either corrupt, incompetent, or often both. Along with the Republican Congress, Trump has vastly increased the military budget to \$717 billion, creating huge financial profits for the military-industrial-defense complex while instituting policies that eviscerate the welfare state and further expand a war machine that generates mass suffering and death.

Trump has reduced food assistance for those who are forced to choose between eating and taking medicine, and his policies have prevented millions from getting adequate health care.⁹ Last but not least, he has become a cheerleader for the gun and security industries going so far as to call for the arming of teachers as a way to redress mass shootings in the nation's schools. All of these policies serve to unleash the anti-liberal and anti-democratic passions, fears, anxieties and anger necessary to mainstream fascism.

Trump's Politics of Disposability

Trump's neoliberalism aligns with fascism particularly through his embrace of white supremacy and his commitment to an expanding notion of disposability. Trump's view of disposability takes on a double register. First, he produces economic policies that support the neoliberal conviction that human beings without economic value, those who make no contribution to the market, are refuse, waste and excess, and have no possible social use. In neoliberalism's survival-of-the-fittest ethos, which amounts to a form of econocide, redundancy becomes code for disposability in economic terms. The only relations that matter are those compatible with economic decision making and the imperatives of capital. As Anis Shivani observes, "Anyone not willing to conceive of themselves as being present fully and always in the market," who presents a burden to the state, or refuses "to invest in their own future...will be subject to discipline and refused recognition as [a] human being."¹⁰

Trump extends the logic of redundancy and disposability beyond economic categories to all those others who cannot fit into a white nationalist script. This is the language of the police state – one fashioned by the history of US apartheid. The endpoint of the language of white supremacy via a regressive crime policy is a form of social death, or even worse. What is frightening

about Trump's racist vocabulary is that it registers a move from the coded language of benign neglect to policies marked by malignant cruelty that legitimates state violence.

Trump's allegiance to white supremacy is hard to miss, though many deny it by focusing more on his economic policies rather than his white supremacist agenda. Ta-Nehisi Coates offers an insightful analysis of Trump's white supremacist ideology:

"It is often said that Trump has no real ideology, which is not true – his ideology is white supremacy, in all its truculent and sanctimonious power.... His political career began in advocacy of birtherism, that modern recasting of the old American precept that black people are not fit to be citizens of the country they built. But long before birtherism, Trump had made his worldview clear. He fought to keep blacks out of his buildings, according to the US government; called for the death penalty for the eventually exonerated Central Park Five; and railed against 'lazy' black employees.... Trump inaugurated his campaign by casting himself as the defender of white maidenhood against Mexican 'rapists,' only to be later alleged by multiple accusers, and by his own proud words, to be a sexual violator himself.... In Trump, white supremacists see one of their own."¹¹

Author John Feffer goes further and argues Trump's hatred of immigrants is clear not only in his push for "extreme measures to keep them out of the United States: a wall, a travel ban, a zero-tolerance family-separation policy" but also signifies his view of them as a "threat that transcends the political. It's a matter of blood and soil, the touchstones of extreme nationalism."¹² What Feffer fails to acknowledge is that Trump's view of ethnic sorting is also reminiscent of a central policy of earlier forms of fascism. Under Trump's "zero-tolerance" border crackdown, immigrant families in the language of a fascist past disappear, are lost or categorized as "deleted family units."¹³

The United States is in a dangerous moment in its history, which makes it all the more crucial to understand how a distinctive form of neoliberal fascism now bears down on the present and threatens to usher in a period of unprecedented barbarism in the not too distant future. In an attempt to address this new political conjuncture, I want to suggest that rather than view fascism simply as a repetition of the past, it is crucial to forge a new vocabulary and politics to grasp how neoliberal fascism has

become a uniquely American model for the present. One way to address this challenge is to rethink what lessons can be learned by interrogating how matters of language and memory can be used to illuminate the dark forces connecting the past and present as part of the new hybridized political nightmare.

The Language of Fascism

Fascism begins not with violence, police assaults or mass killings, but with language. Trump reminded us of this in 2015 while announcing his candidacy for president. He stated, without irony or shame, that “when Mexico sends its people, they’re not sending the best. They’re sending people that have lots of problems and they’re bringing those problems. They’re bringing drugs, they’re bringing crime. They’re rapists and some, I assume, are good people...”¹⁴ This is more than the language of polarization or a strategic dog whistle, it is an overt discourse and theatrical performance in the service of white supremacy and racist violence, a logic largely missed by the mainstream press at the time. This initial blast of racist invective served to forecast how Trump’s campaign and presidency would appeal to white nationalists, the alt-right and other neo-Nazi groups.

The language of fascist violence takes many forms, and Trump provided another disturbing example of his use of language as a tool of power and domination that expands what earlier fascist regimes had done. Early in his presidency, Trump had his administration prohibit officials at the Centers for Disease Control from using words such as “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” and “science-based.”¹⁵ Banning words such as “vulnerable,” “diversity” and “fetus” signals Trump’s war on empathy, equality and women’s reproductive rights. Soon afterward, the Trump administration started erasing all references to climate change and greenhouse gases from government websites as well as information about LGBTQ Americans.¹⁶

Such actions share a legacy of state censorship, the repression of dissent by banishing freedom of speech and book burning, all of which were part of the playbook of fascist regimes. Author Ruth Ben-Ghiat is right in stating that each of the words on Trump’s censorship list “is part of an ongoing war about the future of our democratic rights to speak and research freely, to control our own bodies and identities, and to live

without fear of being targeted by the state because of our faith, skin color, or sexual orientation.”¹⁷

It is worth noting that words are not just about the production of meaning but also about how they generate consequences, especially in light of how such meanings – buttressed by state-sanctioned relations of power – function in a larger context. Some meanings have a force that others don’t, especially because power confers authority and can set in motion a range of effects. This is particularly clear in light of how Trump uses the power of the presidency at times when reacting to critics, especially those who garner some public attention through their criticism of him or his policies. His attempts to squelch dissent takes on a rather ruthless register as he often publicly humiliates those who criticize him, threatens their livelihood and uses language that functions to incite violence against his critics. We have seen too many instances in which Trump’s followers have beaten critics, attacked journalists and shouted down any form of critique aimed at Trump’s policies – to say nothing of the army of trolls unleashed on intellectuals and journalists critical of the administration.

As a tool of state repression, language holds the potential to open the door to fascism. As Rose Sydney Parfitt observed, “The language, symbols and logic of fascism are being deployed today more overtly than at any time since the early 1940s.”¹⁸ Trump uses language that dehumanizes and makes it more acceptable for individuals to rationalize racist beliefs and practices. Under the Republicans’ “Southern strategy” and later in the Clinton, Bush and Obama administrations, racism was either coded in dog-whistle discourses or rendered unspeakable in the language of color blindness. Trump discarded such formalities by making racist language overt, shockingly deployed as a badge of honor, and pragmatically used as a nod to his base of support.

Reminiscent of Nazi tactics to dehumanize enemies, he has called some undocumented immigrants “animals” and “criminals,” and has used the word “infest” in referring to immigrants on the southern border. Columnist and author Aviya Kushner asserted Trump’s tweet claiming that immigrants will “infest our country” bears an alarming resemblance to the Nazi claim that Jews were carriers of disease.¹⁹ In response to Trump’s use of the term “animal” to refer to some immigrants, Juan Cole argues the Nazis used the term as a “technical term,

‘Untermensch’ or underman, subhuman” in referring to “Jews, gypsies, gays, and other groups as well as the slaughter of Russian boys at the Eastern Front.”²⁰ Making them appear as less than human paved the way “toward permitting their elimination.”²¹ A convergence between Trump’s language and the race-based ideology of Holocaust-era Nazis was clearly heard when Trump implied a moral equivalency between the violence perpetrated by white supremacists and neo-Nazis marching in Charlottesville and the presence of peaceful protesters demonstrating for the removal of a Confederate statue. Trump’s scapegoating rhetoric of demonization and bigotry not only dehumanizes racialized others, it also prepares the ground for encouraging hate groups and an intensification of hate crimes.

The FBI has reported that since the 2016 election, hate crimes have increased; there have been a disturbing number of stories that include Nazi swastikas being painted on school walls, synagogues being firebombed and a spike in violent attacks on Muslims and foreigners.²² Trump’s use of dehumanizing language invites comparisons with the insidious rhetoric of fascism’s past. Not only have his crassness, vulgarity and humiliating tweets upended traditional standards of presidential comportment (to say nothing of governance), he has also revived a language of malign violence that echoes “the early warning signs of potential genocide and other atrocity crimes.”²³

Fascism, History and Memory Work

Neoliberal fascism converges with an earlier form of fascism in its commitment to a language of erasure and a politics of disposability. In the fascist script, historical memory becomes a liability, even dangerous, when it functions pedagogically to inform our political and social imagination. This is especially true when memory acts to identify forms of social injustice and enables critical reflection on the histories of repressed others. This was certainly true given the embarrassing backlash that occurred when Ben Carson, the US secretary of Housing and Urban Development, claimed slaves were immigrants, and when Secretary of Education Betsy DeVos stated black colleges and universities were “pioneers of school choice.”²⁴

Unsurprisingly, historical memory as a form of enlightenment and demystification is surely at odds with Trump’s abuse of history as a form of social amnesia and political camouflage. For instance, Trump’s

use of the 1930s-era slogan “America First” marks a regressive return to a time when nativism, misogyny and xenophobia defined the American experience. This inchoate nostalgia rewrites history in the warm glow and “belief in an essential American innocence, in the utter exceptionality, the ethical singularity and manifest destiny of the United States.”²⁵ Philip Roth aptly characterizes this gratuitous form of nostalgia in his “American Pastoral” as the “undetoned past.” Innocence in this script is the stuff of mythologies that distort history and erase the political significance of moral witnessing and historical memory as a way of reading, translating and interrogating the past as it impacts, and sometimes explodes, the present.

Under Trump, language and memory are disabled as words are emptied of substantive content and the space of a shared reality crucial to any democracy is eviscerated. History and language in this contemporary fascist script are paralyzed in the immediacy of tweeted experience, the thrill of the moment and the comfort of a cathartic emotional discharge. The danger, as history has taught us, is when words are systemically used to cover up lies, falsehoods and the capacity to think critically.

In such instances, the public spheres essential to a democracy wither and die, opening the door to fascist ideas, values and social relations: Trump has sanctioned torture, ripped babies from their parents’ arms, imprisoned thousands of young immigrant children, and declared the media along with entire races and religions to be the enemy of the American people. In doing so, he speaks to and legitimates a history in which state violence becomes an organizing principle of governance and perversely a potentially cathartic experience for his followers.

At the same time, the corruption of language is often followed by the corruption of memory, morality and the eventual disappearance of books, ideas and human beings. Prominent German historians such as Richard J. Evans and Victor Klemperer have made clear that for fascist dictators, the dynamics of state censorship and repression had an endpoint in a politics of disappearance, extermination and the death camps.

Trump’s language of disappearance, dehumanization and censorship is an echo and erasure of the horrors and barbarism of another time. His regressive use of language and denial of history must be challenged so the emancipatory energies and compelling narratives of resistance can be recalled to

find new ways of challenging the ideologies and power relations that put them into play. Trump’s distortion of language and public memory are part of a larger authoritarian politics of ethnic and racial cleansing that eliminates the genocidal violence waged on Native Americans, black slaves and African-Americans.

Indifferent to the historical footprints that mark expressions of state violence, the Trump administration uses historical amnesia as a weapon of (mis)education, power and politics, allowing public memory to wither and the architecture of fascism to go unchallenged. What is under siege in the present moment is the critical need to keep watch over the repressed narratives of memory work. The fight against a fascist erasure of history must begin with an acute understanding that memory always makes a demand upon the present, refusing to accept ignorance as innocence.

As reality collapses into fake news, moral witnessing disappears into the hollow spectacles of right-wing media machine, which is state-sanctioned weaponry aimed to distort the truth, suppress dissent and attack the critical media. Trump uses Twitter as a public relations blitzkrieg to attack everyone from his political enemies to celebrities who have criticized him.²⁶ The merging of journalism as entertainment with a culture addicted to speed, brevity and the pornographic exposure that digitization affords has emptied speech of any substance and further legitimates the unspeakable. Language no longer expands the reach of history, ethics and justice. On the contrary, it now operates in the service of slogans, bigotry and violence. Words are now turned into an undifferentiated mass of ashes, critical discourse reduced to rubble, and informed judgments a distant radioactive horizon.

Under the Trump presidency, neoliberal fascism has restructured civic life that valorizes ignorance, avarice and willful forgetting. In the current Trumpian moment, shouting replaces the pedagogical imperative to listen and reinforces the stories neoliberal fascism tells us about ourselves, our relations to others and the larger world. Under such circumstances, monstrous deeds are committed under the increasing normalization of civic and historical modes of illiteracy. One consequence is that comparisons to the Nazi past can wither in the false belief that historical events are fixed in time and place and can only be repeated in history books. In an age marked by a war on terror, a culture of fear and the normalization of

uncertainty, social amnesia has become a power tool for dismantling democracy. Indeed, in this age of forgetfulness, American society appears to revel in what it should be ashamed of and alarmed over.

Even with the insight of history, comparisons between the older orders of fascism and Trump’s regime of brutality, aggression and cruelty are considered by commentators to be too extreme. There is a cost to such caution. As writer Jonathan Freedland points out in *The Guardian*, “If the Nazi era is placed off limits, seen as so far outside the realm of regular human experience that it might as well have happened on a distant planet – Planet Auschwitz – then we risk failure to learn its lessons.”²⁷ Knowing how others successfully fought against elected demagogues such as Trump is crucial to a political strategy that reverses impending global catastrophe.

The story of a fascist past needs to be retold not to simply make comparisons to the present, though that is not an unworthy project, but to be able to imagine a new politics in which new knowledge will be built, and as Arendt states, “new insights...new knowledge...new memories, [and] new deeds, [will] take their point of departure.”²⁸ This is not to suggest that history is a citadel of truth that can be easily mined. History offers no guarantees and it can be used in the interest of violence as well as for emancipation. For instance, as writer Ariel Dorfman observes, when the white supremacist and neo-Nazis marched in Charlottesville: “[They carried torches] to evoke memories of terror, of past parades of hate and aggression by the Ku Klux Klan in the United States and Adolf Hitler’s Freikorps in Germany. The organizers wanted to issue a warning to those watching: that past violence, perpetrated in defense of the ‘blood and soil’ of the white race, would once again be harnessed and deployed in Donald Trump’s America.”²⁹

Trump’s selective appropriation of history wages war on the past, choosing to celebrate rather than question fascist horrors. The past in this case is a script that must be followed rather than interrogated. Trump’s view of history is at once “ugly and revealing.”³⁰ Such narratives undermine moral witnessing, transform agency into a weapon of violence, and use history as a tool of propaganda. All the more reason why, with the rise of neoliberal fascism, there is a need for modes of historical inquiry and stories that challenge the distortions of the past, transcend private interests and enable the

American public to connect private issues to broader historical and political contexts.

The production of new narratives accompanied by critical inquiries into the past would help explain why people participated in the horrors of fascism and what it might take to prevent such complicity from unfolding again. Comparing Trump's ideology, policies and language to a fascist past offers the possibility to learn what is old and new in the dark times that have descended upon the United States. The pressing relevance of the 1930s is crucial to address how fascist ideas and practices originate and adapt to new conditions, and how people capitulate and resist them as well.

The Disappearing Social

Since the 1970s, the social structure has been under relentless attack by an assemblage of political, economic and educational forces of organized neoliberal agendas. All the commanding institutions of corporate capitalism have enshrined a notion of citizenship that reduces individuals to consumers while promoting regressive notions of freedom and choice defined primarily through the practice of commercial exchange. Freedom, in the neoliberal edition, has been transformed into an obsession with self-interest, part of a war culture that ruthlessly pits individuals against each other while condoning a culture of indifference, violence and cruelty that rejects any sense of political and moral responsibility. This often takes the form of the freedom to be a racist, homophobe and sexist, to experience the liberty to hate and demonize others and to inflict violence and emotional harm under the guise of freedom of speech. Such values also mock any form of dependency, empathy and compassion for others.

Atomization, fear and anxiety are the breeding ground of fascism. Not only do such forces undercut the radical imagination and collective resistance, they situate language and memory in the vise of a politics of depoliticization. Neoliberal fascism insists that everything, including human beings, are to be made over in the image of the market. Everyone is now subject to a paralyzing language of individual responsibility and a disciplinary apparatus that revises downward the American dream of social mobility. Time is now a burden for most people and the lesson to draw from this punishing neoliberal ideology is that everyone is alone in navigating their own fate.

At work here is a neoliberal project to reduce people to human capital and rede-

fine human agency beyond the bonds of sociality, equality, belonging and obligation. All problems and their solutions are now defined exclusively within the purview of the individual. This is a depoliticizing discourse that champions mythic notions of self-reliance and individual character to promote the tearing up of social solidarities and the public spheres that support them.

All aspects of the social and public are now considered suspect, including social space, social provisions, social protections and social dependency, especially for those who are poor and vulnerable. According to the philosopher Byung-Chul Han, the subjects in a "neoliberal economy do not constitute a we that is capable of collective action. The mounting egoization and atomization of society is shrinking the space for collective action. As such, it blocks the formation of a counter power that might be able to put the capitalist order in question."³¹

At the core of neoliberal fascism is a view of subjectivity that celebrates a narcissistic hyper-individualism that radiates with a near sociopathic lack of interest in others with whom it shares a globe on the brink of catastrophe. This project is wedded to a politics that produces a high threshold of disappearance and serves to disconnect the material moorings and wreckage of neoliberal fascism from its underlying power relations.

Neoliberal fascism thrives on producing subjects that internalize its values, corroding their ability to imagine an alternative world. Under such conditions, not only is agency depoliticized, but the political is emptied of any real substance and unable to challenge neoliberalism's belief in extreme inequality and social abandonment. This fosters fascism's deep-rooted investment ultra-nationalism, racial purity and the politics of terminal exclusion.

We live at a time in which the social is individualized and at odds with a notion of solidarity once described by Frankfurt School theorist Herbert Marcuse as "the refusal to let one's happiness coexist with the suffering of others."³² Marcuse invokes a forgotten notion of the social in which one is willing not only to make sacrifices for others but also "to engage in joint struggle against the cause of suffering or against a common adversary."³³

One step toward fighting and overcoming the criminogenic machinery of terminal exclusion and social death endemic to neoliberal fascism is to make education central to a politics that changes the way

people think, desire, hope and act. How might language and history adopt modes of persuasion that anchor democratic life in a commitment to economic equality, social justice and a broad shared vision? The challenge we face under a fascism buoyed by a savage neoliberalism is to ask and act on what language, memory and education as the practice of freedom might mean in a democracy. What work can they perform, how can hope be nourished by collective action and the ongoing struggle to create a broad-based democratic socialist movement? What work has to be done to "imagine a politics in which empowerment can grow and public freedom thrive without violence?"³⁴ What institutions have to be defended and fought for if the spirit of a radical democracy is to return to view and survive?

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A General Comment about the Inquiry

The composition of the House of Commons justice committee hardly guaranteed impartiality.

For their part, the opposition laid siege, while the government exercised its majority power. When, for example, the opposition put forth a motion to provide the committee with texts and documents that the Prime Minister's friend and advisor, Gerry Butts, said he had gotten through counsel, the recorded vote was defeated by the Liberal majority.

And, though Gerry Butts, and the clerk of the Privy Council, Michael Wernick, were recalled after Jody Wilson-Raybould's testimony, the Liberals denied her an opportunity to reappear before the committee to respond to discrepancies raised by them.

Though she was reluctantly allowed to "speak [some of] her truth," she has been kept from speaking it all. Why?

Wilson-Raybould's testimony was specific, detailed, direct, and well documented. She testified – not just that she 'felt,' or 'thought' it a consistent and sustained effort by many people to interfere in the exercise of prosecutorial discretion in [her] role as the Attorney General of Canada – but that she *experienced* that.

In her introduction, Wilson-Raybould outlined the details of what she recognized as "an inappropriate effort to secure a deferred prosecution agreement (DPA) with SNC-Lavalin" – an effort that went on between September and December of 2018.

She pointed out that throughout the many phone calls and meetings that ensued "there were expressed statements regarding the necessity of interference in the SNC-Lavalin matter, the potential consequences, and veiled threats if a DPA was not made available to SNC."

She went on to explain the rule of the AG, stressing that "it is well established that the attorney general exercises prosecutorial discretion. She or he does so individually and independently," and that, "these are not cabinet decisions." She stated specifically what is appropriate and what is not appropriate.

She asserted that "the remainder of [her] testimony [would be] a detailed and factual delineation of approximately ten phone calls, ten in-person meetings and emails and text messages that were part of an effort to politically interfere regarding SNC, the SNC matter for purposes of securing a DPA." She promised the committee contemporaneous notes which she had made "for most of these conversations," "detailed notes, in addition to her clear memory."

She then presented a stunning account of developments that took place between September 4, 2018 and January 7, 2019.

Despite their oft-repeated assurances that they understood that the ultimate decision was up to her, the PM and others involved never gave up trying to persuade her, to quote the PM at a meeting September 17, "to help out to find a solution here for SNC, citing consequences like jobs lost and SNC's moving from Montreal." (A threat widely

questioned since.)

In response, Wilson-Raybould "explained to him the law and what [she had] the ability to do and not to do under the *Director of Public Prosecutions Act*, around issuing directives or assuming conduct of prosecutions.

She told him she had done her due diligence and had made up [her] mind on SNC and was not going to interfere in the decision of the Director"

"The Prime Minister reiterated his concern."

Interestingly, he didn't dispute her correctness, he stressed yet again "the potential loss of jobs and SNC moving."

The following quotations are a sampling of the pressure reported by Wilson-Raybould, that continued even after she had told them that "they needed to stop."

December 5, 2018, at a meeting with Gerry Butts:

Wilson-Raybould: I raised how I needed everybody to stop talking to me about SNC, as I had made up my mind and the engagements were inappropriate. Then Gerry took over the conversation and said how "we need a solution on the SNC stuff." He said I needed to find a solution.

December 19, 2018:

She was asked to have a call with the clerk. She took the call from home, where she was alone. She "was determined to end all interference and conversations about the matter once and for all."

"The clerk said he wanted to pass on where the Prime Minister was at."

"The clerk said that 'the PM is quite determined, quite firm, but he wants to know why the DPA route, which parliament provided for, isn't being used'."

"He said: 'I think he is going to find a way to get it done, one way or another. So he is in that kind of a mood and I wanted you to be aware of it'... the clerk said he was worried about a collision 'because the Prime Minister is pretty firm about this'."

"On January 7, I received a call from the PM and was informed I was being shuffled out of my role as Minister of Justice and Attorney General of Canada... I believe the reason was because of the SNC matter."

"On January 11, 2019 the Friday before the shuffle, my former deputy minister is called by the clerk and told that the shuffle is happening... the clerk tells the deputy that one of the first conversations that the new minister will be expected to have with the Prime Minister will be on SNC-Lavalin."

It would seem that Jody Wilson-Ray-

bould knows a “veiled threat” when she hears one!

Wilson-Raybould’s testimony rang true. It was powerful, well documented, clear, authentic and unmistakably sincere.

The inquiry raised more questions than it answered and elicited a call for a *public* inquiry.

Élan

A Comment about Paradigm Shift

Hazel Henderson, in *Building A Win-Win World*, identifies the common definition of sustainable development as “development which meets the needs of the present without compromising the ability of future generations to meet their own needs.”

The model dominating political economies today – world wide – becomes less and less sustainable, as the *need* for sustainability grows – ever more clearly, ever more *urgent!*

We are living through a critical moment. Until our response is informed by a significant paradigm shift, we put our very survival at risk.

In *The Great Transformation, The Political and Economic Origins of Our Time*, Economic Historian, Karl Polanyi, celebrated the passing of the self-adjusting market economy.

In its concluding chapter, *Freedom in a Complex Society*, he argues that, “the true criticism of market society is not that it was based on economics – in a sense, every and any society must be based on it – but that its economy was based on self-interest,” and that, “if industrialism is not to extinguish the race, it must be subordinated to the requirements of man’s nature.”

The chapter essentially identifies and compares two very different paradigms. On the one hand, “planning and control are being attacked as a denial of freedom”; “free enterprise and private ownership are declared to be essential to freedom”; “the freedom that regulation creates is denounced as unfreedom.”

To the contrary, he supports a paradigm that recognizes that, “freedom’s utter frustration in fascism is, indeed, the inevitable result of the liberal philosophy, which claims that power and compulsion are evil, that freedom demands their absence from a human community. No such thing is possible; in a complex society this becomes apparent.”

Alas, the former paradigm has frustrated Polanyi’s expectation and made all *too* ap-

parent the truth of his analysis.

Joyce Nelson’s argument that the Site C Dam Project “epitomizes the Liberals’ *vision* for Canada’s future,” could certainly account for their relentless, desperate efforts to persuade Wilson-Raybould to change her mind.

That the Trudeau government would “award federal permits over the opposition of First Nations in the area” and instead, accelerate Site C’s construction is a clear expression of its priorities, and supports Nelson’s argument.

A paradigm capable of spawning a *vision* that “jettisons ‘reconciliation and the environment, in favour of damming the country and then draining it,’ is – at best – questionable!

It was Wilson-Raybould who factored law and principle into the equation. She testified that even after the courts and a judge was being asked to look at the Director of Public Prosecution’s discretion, she was subjected to a long meeting with Mathieu Bouchard and Elder Marques from the PMO’s office, who argued that “there were options,” and that [she] “needed to find a solution.” Whereupon, she “took them through the DPP Act, section 15, section 10, and talked about the prosecutorial independence as a constitutional principle and that they were interfering.”

Throughout the struggle over SNC, Wilson-Raybould was arguing from a paradigm rooted in principle.

The Prime Minister and his staff consistently ignored her arguments. Their responses had nothing to do with what was right or wrong in law; they never challenged her arguments – their arguments were pragmatic assertions about unfavourable political and economic consequences.

Judy Kennedy dives to the core of the issue: “sanctioning the criminal behaviour of those who headed the corporation.”

In taking issue with “[permitting] those responsible for criminal acts of bribery and corruption to bypass the consequences of a conviction under the regular process, in favour of a mere ‘hand slap’ and a fine, available only to big corporations,” she focusses attention on the basic problem of a severe lack of accountability in our political and economic systems.

Kennedy explains that SNC didn’t qualify for a DPA, “because of one of several factors that the prosecutor [*must*] consider,” whereby, “clearly, the corporation did *not* qualify for the DPA.” This she points out, “has now been confirmed by the Federal

Court.”

“So why,” she asks, “did the PMO and associates persist in trying to change the AG’s decision, defying the *Conflict of Interest Act*?”

Good question!

The following excerpts from Wilson-Raybould’s testimony both corroborate her contention and raise questions about the broader import of the SNC “scandal.” (Questions like: why would governments go to such length to protect corporations like SNC-Lavalin whose name appears on the world banks list of offenders 101 times – and what are the ramifications of that practice?)

Following a brief summary of events, up to and including her November 22. meeting with Mathieu Bouchard and Elder Marques, Wilson-Raybould affirmed her position and its rationale. Her account traces development up to her “shuffle.”

At that point she paused “to comment on [her] own state of mind” and, in exasperation said:

“We either have a system that is based on the rule of law, the independence of prosecutorial functions and respect for those charged to use their discretion and powers in a particular way, or we do not...”

“The consistent and enduring efforts, even in the face of judicial proceedings on the same matter and in the face of a clear decision of the director of public prosecutions and the attorney general to continue and even intensify such efforts, raises serious red flags in my view.

“Yet this is what continued to happen...”

December 18, 2018:

From a transcript of the report by Raybould’s chief of staff, regarding a meeting with Gerry Butts and Katie Telford: “Basically, they want a solution, nothing new. They want external counsel retained to give you an opinion on whether you can review the DPP’s decision here and whether you should, in this case.

“I told them that would be interference. Gerry said: ‘Jess, there is no solution here that does not involve some interference.’

“At least they are finally being honest about what they’re asking you to do....”

December 19, 2018:

“I was asked to have a call with the clerk....

“He said he wanted to pass on where the prime minister is at....

“The clerk said that the prime minister is quite determined, quite firm, but he wants

to know why the DPA route, which parliament provided for, isn't being used.

"I think he is going to find a way to get it done, one way or another. So he is in that kind of mood and I wanted you to be aware of it...."

"You know, he does not want to do anything outside of the box of what is legal or proper. He said that the prime minister wants to understand more, to give him advice on this or give you advice on this, if you want to feel more comfortable you are not doing anything inappropriate or outside the frame.

"I told the clerk that I was 100 percent confident that I was doing nothing inappropriate. I again reiterated my confidence in where I am, and my views on SNC and the DPA have not changed.

"I reiterate this as a constitutional principle of prosecutorial independence.

"I warned the clerk in this meeting that he was in this call, that we were treading on dangerous ground here. I also issued a stern warning because, as the attorney general, I cannot act in a manner and the prosecution cannot act in a manner that is not objective, that isn't independent.

"I cannot act in a partisan way and I cannot be politically motivated. This all screams of that...

"He said again that the prime minister was in a pretty firm frame of mind about this and that. He was a bit worried. I asked what he's worried about.

"The clerk then made the comment about how it is not good for the prime minister and his attorney general to be at loggerheads.

"I told the clerk that I was giving him my best advice and that if he did not accept that advice, then it is the prime minister's prerogative to do what he wants, but I am trying to protect the prime minister from political interference or perceived political interference or otherwise...

"The clerk said that he was worried about a collision because the prime minister is pretty firm about this...

January 7, 2019:

"I received a call from the prime minister and was informed I was being shuffled out of my role as minister of justice and attorney general of Canada...."

"I believe the reason was because of the SNC matter.

"They denied this to be the case.

January 11, 2019:

"The Friday before the shuffle, my former deputy minister is called by the clerk

About Our Commenter

Élan is a pseudonym representing two of the original members of COMER, one of whom is now deceased. The surviving member could never do the work she is now engaged in were it not for their work together over many years. This signature is a way of acknowledging that indebtedness.

and told that the shuffle is happening and that she will be getting a new minister.

"As part of this conversation, the clerk tells the deputy that one of the first conversations that the new minister will be expected to have with the prime minister will be on SNC-Lavalin...."

In her concluding remarks, Raybould makes it clear to the committee that she is *concerned* that she is still not allowed to speak freely.

She ends her testimony with a moving explanation of the paradigm that has informed her response to the SNC-Lavalin matter.

"I must reiterate to the committee my concern outlined in the letter to the chair yesterday, that is, Order-in-Council #2019-0105 addresses only my time as the attorney general of Canada and therefore does nothing to release me from my restrictions that apply to communications while I proudly served as the minister of veterans affairs and in relation to my resignation from the post or my presentation to cabinet after I resigned.

"This time period includes communications on topics that some members of the committee have explored with other witnesses and about which there have been public statements by others...."

"I hope that through my narrative today, the committee and everyone across the country who's listening has a clear idea of what I experienced and what I know of who did what and what was communicated.

"I hope and expect the facts speak for themselves...."

"It has always been my view that the attorney general of Canada must be non-partisan, more transparent in the principles that are the basis of decisions and, in this respect, always willing to speak truth to power...."

"Indeed, one of the main reasons for the urgent need for justice and reconciliation today is that, in the history of our country, we have not always upheld foundational values such as the rule of law in relations to Indigenous Peoples.

"And I have seen the negative impacts for

freedom, equality and a just society this can have first-hand.

"So when I pledged to serve Canadians as your minister of justice and attorney general, I came to it with a deeply ingrained commitment to the rule of law and the importance of acting independently of partisan, political and narrow interests in all matters.

"When we do not do that, I firmly believe and know we do worse as a society...."

"I was taught to always hold true to your core values and principles and to act with integrity. These are the teachings of my parents, my grandparents and my community.

"I come from a long line of matriarchs and I'm a truth teller, in accordance with the laws and traditions of our big house.

"This is who I am and this is who I always will be."



So much for *transparency, environmentally conscious policies, "reconciliation"*!

Today's dominant paradigm – *neoliberalism* – is one whose priorities dictate a *very* different agenda. Joyce Nelson, in *Bypassing Dystopia: Hope-filled challenges to corporate rule*, outlines that agenda, in a list she advises readers to think of as, "the dirty dozen":

- Deregulation
- Open borders for Capital
- Small government/Big State
- Tax cuts for multinational corporations
- Austerity budgets
- Union-busting
- Privatization of public assets
- Corporate rights (or "free trade") deals
- Tax havens
- No limits to growth
- Central bank "independence"
- Privatization of the money-creation function

This is an agenda almost guaranteed to effect the level of ignorance and desperation that renders a populace susceptible to fascism's false promise of security.

Neoliberalism didn't just happen; it was carefully planned and activated over several years. In *Democracy in Chains*, Nancy MacLean discusses its history.

It began as a reaction to the dismantling of segregation in public schools. Colgate Whitehead Darden Jr., president of the University of Virginia, and a brilliant economist, James McGill Buchanan, embarked on a mission to resist desegregation.

MacLean's history of its extraordinary success reveals the astonishing paradigm behind it. She defines "what this cause really seeks" as "a return to oligarchy, to a world in

which both economic and effective political power are to be concentrated in the hands of a few.” She recognizes that “the first step towards understanding what this cause actually wants, is to identify the deep lineage of its core ideas.” What follows is an authoritative and stunning narrative that explains the remarkable success of the neoliberals in

implementing these ideas.

In consequence, she points out, we face an ineluctable choice between neoliberalism and, democracy, and warns that “if we delay much longer, those who are imposing their stark utopia will choose for us.”

In *Debt or Democracy, Public Money for Sustainable and Social Justice*, Mary Mellor

argues that without economic democracy, political democracy is impossible.

In *Talking to My Daughter about the Economy*, Yanis Varyoufakis, former minister of finance in Greece, argues the need for *authentic democracy*, asserting that “it’s impossible to talk about the economy without talking about politics.”

BC Leads the Way to a Better Future for People and Planet

By Rick Smith, *The Broadbent Blog*, December 6, 2018

Maybe it was the months of smoke-filled skies or the flash floods following hard on the heels of long droughts. Or maybe it was mountainsides covered in beetle-killed trees or glaciers melting to slivers of ice. Whatever the reason, British Columbia has got the message when it comes to climate change.

The province’s new CleanBC climate action plan combines precision with ambition in a way that makes the token effort released by Ontario just the previous week almost laughable. First, there are the ambitious – but completely rational – targets: 40 percent by 2030, 60 percent by 2040 and 80 percent by 2050. These targets demonstrate that the government has listened to the growing warnings by scientists that we have little time left to get our act together. Compared to Ontario’s decision to actually roll back its targets by close to 30%, this is refreshing recognition that we need to act now – before it is too late.

The precision lies in the way the government has laid out a multi-sectoral strategy for achieving these reductions, from introducing a mandate that all vehicles sold in the province be zero emissions by 2040 to requiring that every new building is “net-zero energy ready” by 2032. The 68-page plan (compare that to the 16 pages of vague commitments in Ontario’s effort) outlines a slew of initiatives, from ramping up production of biofuels and electrifying industrial operations (including oil and gas operations) to improving the energy efficiency of social housing stock and expanding use of energy-saving heat pump technology.

But the most refreshing thing about BC’s plan is that rather than positioning climate action as a social burden or an economic cost, it recognizes the huge opportunities that can be realized by taking a proactive approach to a devastating problem. The BC government understands that action to ad-

dress climate change can be a way to drive growth in the province’s already thriving clean-tech industry (270 plus companies generating \$1.8 billion in annual revenues and employing 8,500 people). It contains numerous examples of companies hard at work developing and commercializing innovative low carbon solutions – from air-source carbon capture to batteries for electric ships – and sees in that a promising new direction for a province that has long been a hewer of wood and drawer of water.

The province is, of course, advantaged with abundant clean energy, but it will need more, and the plan commits to continuing development of solar and wind resources, which can be combined with the existing water power system to create a steady renewable power supply for a wide range of uses, from remote communities now dependent on dirty diesel to energy hungry resource industries.

Equally, it recognizes the often synergistic benefits of moving to low-carbon solutions, whether it is eliminating the harmful byproducts of burning diesel or making the commute to work a little bit easier with better transit and better-planned communities.

Interestingly, while putting the positives of climate action front and centre, the plan does not shy away from acknowledging that change can be difficult. It recognizes the need to help average people “shift” to new approaches, noting “making these changes cannot leave anyone behind.” And it seeks to ensure that heavy industries are also able to adjust to a steadily rising carbon price, which will increase to \$50 per tonne by 2021. Its industrial incentive program is designed to reward companies that meet “world leading” emissions benchmarks, which clearly differentiates it from Ontario’s largely unexplained plan to require companies to hew to unspecified emission levels while simultaneously exempting entire industrial sectors, such as the auto industry.

This approach, of course, is a strong counter narrative to the ritualistic doom-saying of Conservative leaders across Canada, who find pricing pollution somehow abhorrent. The BC government understands that pricing pollution is fundamental to achieving its ambitious plan to move the province to a modern, low-carbon economy, but smart enough to realize that people will need help with the impacts – whether it is through assistance with money-saving home retrofits, a break on a zero emissions vehicle or skills training to be part of a new green workforce.

One of BC’s biggest challenges will be squaring the circle on achieving its climate targets while promoting LNG development. The government says it has factored in the additional emissions that will be created by LNG into its plan and that they will not throw the province off track. But clearly, LNG adds some heavy lifting to the necessary carbon reduction in the years ahead.

Perhaps the best omen for success in the BC plan is its commitment to equity and reconciliation. Reconciliation with the First Nation peoples who are often seeing viscerally the damage being done by climate change to beautiful BC, and reconciliation with the planet itself.

BC has essentially mapped out a bridge to a low-carbon future that includes everyone in the journey. Other provinces would be wise to follow its lead.

Our Comment

What will it take for Ontario – for Canada – to get the message? To recognize the need *to act now!*

An honest cost/benefit assessment of climate action has to recognize the “*huge* opportunities that can be realized by taking a proactive approach to a devastating problem,” and to acknowledge the unthinkable catastrophe that we can otherwise expect.

Élan

He contends that: “A decent, rational society must democratize not only the management of money and technology but the management of the planet’s resources and ecosystems as well. Why so much emphasis on democracy? Because, to paraphrase Winston Churchill’s tongue-in-cheek remark, democracy may be a terrible, terrible form of government – as flawed, fallible, inefficient, and corrupt as the people who participate in it – but it’s better than any of the alternatives” (p. 180).

“For him, the choice comes down to the momentous clash between two opposing proposals: ‘democratize everything!’ versus ‘commodify everything!’” (p. 180.)

One thing is indisputable. Humanity is at a crucial crossroads. We can continue on our present, free-market course, or we can acknowledge the threat that has become

to our very existence, and switch to a 21st-century model that will serve the critical needs of our time.

Perhaps the greatest significance of the SNC “scandal” will turn out to be the wake-up call that it could be to the need for such a paradigm shift.

The move to “authentic democracy” must begin with electoral reform.

As Fair Vote Canada stresses, our First-past-the-post voting system originated in the 12th century...“when people believed the earth was flat.” The United States and parts of the United Kingdom are the only other major Western Democracies using this winner-take all system.

In a real democracy, every vote would count. In Canada, “in a typical federal election, just over half of voters cast ineffective votes”! “Our 21st century democracy is

hobbled by a dysfunctional voting system that was scrapped long ago by most major democracies.”

“We need a fair and proportional voting system.” If a party receives 25% of the votes it should have 25% of the seats. “The core principle [of proportional representation] is to treat all voters equally – to make every vote count.”

To learn more about democratizing our electoral system, check out www.fairvote.ca.

Under the present system we have been reduced to voting for the lesser evil between two strings of the same team. How democratic is that?!

There is absolutely no one unable to contribute in some way to this historic development!

LEARN! JOIN! ACT!

Élan

NEWS RELEASE

Statement on the Passing of William Krehm

By Larry Farquharson, COMER Information Officer

April 21, 2019, Toronto, ON – It is with deep sadness we report that William Krehm passed away on April 19, peacefully, in his sleep, at his home. He was in his 106th year.

Bill, as he was known, was a noted activist, journalist, businessman, thinker and philanthropist.

Among his many endeavours, Bill was a founding member of the Committee on Monetary and Economic Reform (COMER) in the 80s, an academic think tank established in response to the growing threat of unsustainable monetary and economic systems both in Canada and internationally, and the alarming intrusion into sovereign financial and political matters by the non-

governmental, self-proclaimed ‘bank to the central bankers,’ the Bank for International Settlements (BIS) in Basel, Switzerland.

Bill, his COMER co-founders and COMER supporters have worked tirelessly to educate Canadians on the desperate need to restore our central bank to its intended purpose, to ensure equitable and sustainable monetary and economic policies that work for people, instead of against people.

Indeed, COMER’s journal, *ER*, contains years of Bill’s eloquent and comprehensive writings, dealing with a broad spectrum of monetary and economic issues, including problems rooted in an accounting system that fails so spectacularly to properly value all natural resources, including human potential, and government assets. More im-

portantly, Bill proposed practical solutions, found within the subject of his primary focus, the Bank of Canada. The BoC is Canadians’ publicly owned central bank that is governed solely by the *Bank of Canada Act*, where such solutions are clearly spelled out in legislative language and have been since the Bank’s founding in 1935, and its nationalization in 1938. These are the ideals and intentions entrenched in the crown agency envisioned by its founders to promote and support a vibrant and effective economic fabric for the benefit of all Canadians.

In 2011 Bill launched a federal court case to compel the Government of Canada to return the Bank of Canada to its legislated role and purpose. After numerous court proceedings, the Supreme Court of Canada dismissed COMER’s application for leave to appeal ending this case’s 6-year journey through the courts.

Bill, and COMER, resolved to continue the fight to hold the Bank of Canada, and both its political and private banking masters, to full account.

While Bill will be dearly missed, the substantive and powerful legacy of his life-long passion and dedication remains, and the mission and work he and his visionary colleagues put into motion so earnestly and with such foresight over 30 years ago, will continue through COMER and our commitment to carry forward the work Bill started.■