

Quennell under fire for letter

Minister defends comments on article

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The StarPhoenix

Tuesday, April 27, 2004

The Saskatchewan Party has called for Justice Minister Frank Quennell's head for writing a letter to The StarPhoenix commenting on an article published in March dealing with a sexual assault case.

In a letter jointly signed by Quennell and Community Resources and Employment Minister Joanne Crofford, the ministers say they had to take the "extraordinary step of replying to the story" in order to maintain public confidence in how the province deals with child protection and sexual assault issues.

Crofford told the legislature she signed a special order under the Child and Family Services Act authorizing the release of information on child protection proceedings that would normally be protected by law.

The attorney general is the highest justice official in the province and is responsible for seeing that justice is carried out -- both for the accused and society, said Don Morgan, the Sask. Party justice critic.

"And that is why the justice minister never comments publicly on criminal cases that are before the courts," he told the legislative assembly.

In the opinion piece published in Friday's StarPhoenix, the two ministers make references to "two separate, credible reports of child sexual abuse," the representation the family had by private council and that three judges considered the criminal matters and none raised concerns with respect to the actions of the police, prosecutors or social workers.

On Monday, Quennell told the legislature the letter didn't address the case that is still before the courts, but instead commented on the March 27 article.

It is imperative for the ministers to respond because the article may have prevented other victims from coming forward with their complaints or it may have resulted in case workers being too embarrassed or intimidated to do their jobs, he said.

"I have no commentary on the trial or the appeal decision or the appeal that is underway," Quennell told reporters outside the legislature. "That would be inappropriate.

"My comments are about the article."

And there would never have been a letter to the editor written "had due diligence been done in writing (the article)," said Deb McEwen, a spokesperson for the Justice Department.

But Robert Borden, the lawyer who represents the family involved in the case, is hard-pressed to identify where those inaccuracies might be.

"The story is accurate and clearly that is the position of my clients," Borden said in an interview. "There is nothing that I know of in that story that is inaccurate, however -- as it

relates to the ministers' letter -- there is a plethora of misstatements."

Borden is concerned that by bringing the matter into the public realm after justice officials made the decision to take one of the cases to the Court of Appeal, Quennell may have influenced the outcome.

When the original article appeared, the Opposition avoided asking questions about it because some matters were still before the courts and it worried about jeopardizing the case, Morgan said in an interview after question period.

"If you are going to comment at all, you wait until after the facts have been dealt with in court."

When the minister wrote the paper to complain, however, he not only put in doubt the outcome of the trial, he may have given the accused a case before the Charter of Rights and Freedoms that would allow him to get off altogether, Morgan added.

Two of the three cases referred to in the article are no longer before the court, McEwen said. The ministers' letter also made no reference to anyone's names and didn't question witness statements or the actions of officials in the one remaining case.

And before the letter was sent it was scrupulously reviewed to make sure it would not put the other case in jeopardy, she said.

"I can tell you the letter was drafted here in the Department of Justice and it was reviewed by both the director of public prosecutions and the deputy minister to assure it did not threaten any ongoing (court cases)," McEwen said. "The letter was very carefully written to make sure it doesn't do that."

McEwen also pointed out that it's not uncommon for a justice minister using information that is a matter of public record to comment on an issue in the media, but that the decision to use Section 74 of the Child and Family Services Act was unusual.

Tim Quigley, a law professor at the University of Saskatchewan with expertise on criminal law, agrees it isn't unusual for ministers to make public comments on articles that appear in the press.

It is more unusual, however, to have two ministers co-sign a letter, and while it may be unusual for an attorney general to make public pronouncements on matters that could be considered before the courts, it isn't illegal.

John Courtney, a political scientist at the U of S, isn't sure it was a wise political move for the justice minister to make, he said in a separate interview.

"I worry about the precedent this could set," Courtney said.

It is particularly troubling that the ministers took the unusual step of issuing the minister's order under Section 74 to allow them to make statements that would otherwise be protected, he said.

In her statement accompanying the minister's order, Crofford says it is her opinion "the benefit of the disclosure of the facts outweighs any invasion of privacy that could result from the release because of the need to maintain public confidence in appropriate Child Protection proceedings and to avoid harm to any children involved in disclosure of abuse, including children with disabilities."

No minister would take this step unless it was felt something had to be done, and that came about because of the "inaccuracies" in the article, McEwen said.

The Opposition is expected question the minister on details of the story again this week while Borden is recording the letters and debate, perhaps with the view of presenting it to the Appeal

Court in order to have the case thrown out.

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