



True North in
Canadian public policy

Straight Talk

April 2019

Straight Talk with Ken White

Following the submission of the long-awaited Mueller report, there have been growing questions about the special counsel's investigation and the criminal justice process in the United States. In this edition of the Macdonald-Laurier Institute's *Straight Talk*, we spoke with litigator and legal expert Ken White. White provides a detailed overview on the Mueller investigation and the subsequent report and also looks at criminal justice reform and the debate on free speech in the United States and Canada. This publication is based on a transcript of a recent episode of MLI's Pod Bless Canada Podcast.



Ken White is a First Amendment litigator and criminal defence attorney at Brown White & Osborn LLP in Los Angeles, California. He began his career as a federal prosecutor. Since joining private practice in 2001, he's maintained a white-collar criminal defence practice and built a First Amendment practice defending defamation cases and advising clients about free speech issues. He writes Popehat.com, a blog devoted to law, politics, and culture, and has written on free speech and criminal justice issues for the *Los Angeles Times*, the *Daily Journal*, *Salon*, *Reason Magazine*, *National Review Online*, and other publications.

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MLI: We're honoured to have with us **Ken White: a litigator, legal expert, and policy commentator from the United States. He will help us think about questions of criminal justice in the United States, free speech in the United States (and in Canada), and of course, the elephant in the room, President Trump and the Mueller investigation, specifically what it all means for presidential power and American democracy.**

As someone who has had such a rich career involved in so many aspects of the American legal system, could you give us a sense of the nature of your work and your background

Ken White: I started out my career in law as a federal prosecutor in Los Angeles. And, in the American system, you have federal prosecutors representing the United States and then local prosecutors like district attorneys representing the states. The federal ones are the ones you're hearing more about these days in the investigations of President Trump. So I spent six years there.

I eventually went into private practice and about 14 years ago, started my own firm with a friend. Since then, I've been focusing on criminal defence, mostly white-collar litigation with as much free speech litigation as possible.

In the last few years, I started writing more about what was happening in the special counsel's investigation and that led to things like writing for *The Atlantic* and a podcast on local public radio about the president's legal troubles. So I've kind of fallen in the last couple of years into the public commentator role.

“Federal criminal investigations routinely take two, three, four years of sophisticated activities.”

MLI: You've done a huge service in helping the American public separate fact from fiction and trying to understand the complexity of the president's legal woes and special counsel Mueller's investigation. I called it the elephant in the room. I suppose we ought to start there.

As we're speaking, we still don't have the final report. It's presently with Attorney General Barr. But maybe you could help us understand how we got to this point and now that the report has been submitted, how should we think about next steps and what this means both for President Trump and American democracy more generally?

Ken White: It's useful to look at it critically because, for the most part, media coverage of it and certainly political spin about it have been extremely misleading. You cannot really get the real deal on what's happening most of the time. There are a lot of former federal prosecutors like me and too many of them are willing to go on cable news and come up with ridiculous scenarios because it attracts viewers.

We should start back about two years ago, when under the US Department of Justice's regulations, Robert Mueller was appointed as a special counsel. And his brief was to investigate Russian interference in the 2016 election and whether the Trump campaign conspired or coordinated with that and anything else spinning off from that. That was his brief. That eventually expanded a little bit to add some past crimes by Trump's former campaign manager, Paul Manafort. And then we had two years of a somewhat accelerated federal criminal investigation.

Throughout this, because I was a federal prosecutor, I've been asked by many people, why is it taking so long? Why is this investigation going on two years? This is ridiculous. And what I tell them is that federal criminal investigations routinely take two, three, four years of sophisticated activities like this. And in fact, the competitive advantage of American federal prosecutors is that they are able to be like a spider spinning a web, slowly building a case.

First, you get all the documents by sending out subpoenas. Then you start to talk to witnesses and sooner or later, you flip one of them. You turn someone who used to be a wrongdoer into someone on your side and you use their information to get a search warrant someplace else, and you use that information to flip that person whose house you searched, and you use his testimony in the grand jury to charge someone else. And that's how you go in stages, over the course of two years, from having no direct evidence to getting guilty pleas from the president of the United States' personal lawyer and campaign manager. Federal prosecutors are used to building a case slowly like that.

The problem is we are not a patient people down there and we're not great at waiting for things like that, particularly now with these ludicrous news cycles driven very much by social media but also by cable news.

I remember when I thought that cable news was driving ridiculously fast news cycles because a couple of big things would happen in a week and it was hard to catch up. But now with social media driving it, it's routinely a couple of things happening per morning.

My co-host and I record our podcast early on Wednesday mornings and routinely something happens literally while we are recording that we have to decide whether to incorporate it into the show. So, all this drives a huge amount of speculation.

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MLI: I suspect that political polarization only exacerbates this tendency towards short-termism, spin, speculation, and so on.

Ken White: Exactly. And that's why you saw, on the opposite sides of this investigation, the lunatics on the left saying that secret racketeering indictments have already been brought against all these people and they're under seal, and they're all going to be frog-marched out of the White House. Just you wait, any day now. And on the far right, you have all these people saying George Soros and the banks of Zurich or something are behind all this alongside a deep state, and Robert Mueller's team are all Democrats and he's going to do a coup against the government. All ludicrous stuff.

But a lot of what Robert Mueller did that we've been observing is very standard, very routine workmanlike federal criminal prosecution and that's not surprising because he's somewhat conservative, not in a political sense but sort of a cultural sense. He's a lifelong government man, FBI, US Attorney's Office. He does things by the book. He's kind of like a throwback to a G-man from a 1950s movie. He's got that going on and that's very much the culture of portions of the US Department of Justice and the FBI. There's a certain style and this is the style he uses: a methodical step-by-step approach, and a lot of these things, people think there must be more going on. No, this is the way you do it. You do it patiently, you do it slowly.

Now, two years later, Robert Mueller has submitted his report, as he's required to by the regulation under which he was appointed. He submitted it to the attorney general of the United States and the attorney general is now considering what part of it to turn over to Congress. And the Attorney General Barr has already given some high points from it that were very gratifying to Trump supporters and very devastating to people who hate Trump. It was also revealed that the special counsel doesn't have any other secret indictments out there, that he is not himself recommending anymore charges, and that he did not find that there was coordination with the Russians to interfere with the 2016 election. But even if that disappointed a lot of people who call themselves "the resistance," the people who are big Trump foes, it is not the rosy scenario for Trump that you would hear on Fox News or from the White House spokesperson or anything like that.

There are some signs that the Mueller investigation and that report when it comes out are going to continue to disrupt Trump's ability to govern. There are few things going on. First of all, it's 400 pages not including very voluminous exhibits. There's going to be a lot of explosive stuff in there. People are saying that Robert Mueller found that the Trump campaign did not conspire with the Russians. That's right but that's different than saying that there's no evidence of that. When someone like Robert Mueller says the investigation did not find or conclude this particular conclusion, that signals they didn't find there was enough evidence to come to that conclusion. But I guarantee you that when you see the full report, other people will be saying well wait, I think that's enough evidence to say there was collusion and I think it's hard to argue that Trump's behaviour towards Russia hasn't been sort of wonky and surprising now and then and that feeds into that.

"The Mueller investigation and that report when it comes out are going to continue to disrupt Trump's ability to govern."

So first of all, I think you're going to have the Democrats and Congress look at this report and say Mueller might not think this is good enough but we do – and so putting out the bullet points of the most explosive stuff in there. That stuff may just be kind of bumbling things like the infamous meeting in Trump Tower with a Russian agent, basically, where they're offering intel that they have gotten from the DNC. They're offering, basically, the hacked e-mails.

Now that's not illegal. It's not conspiracy with the Russians to hear them out when they're offering that. It would only reach the level of illegality if the Trump campaign conspired and coordinated with them. If they said, it's a great idea for you to hack, in particular, I suggest you hack Leon Podesta's e-mails. That would cross the line into conspiracy. But simply saying oh, you've got that? Oh, we'd be interested in seeing it. That's not an illegal conspiracy but it looks really terrible, right? And I think there's going to be stuff like that coming out that looks terrible for Trump and the administration.

The other component is the obstruction of justice investigation. The question of whether, once Robert Mueller or even before he was running this investigation and Congress was looking around, the president of the United States or his team did things to obstruct the investigation or any of the criminal cases that resulted from it.

Now again, the Trump people are trying to portray it as he's been exonerated on that but that's misleading. What Robert Mueller said is, I'm going to lay out all the pros and cons but I think this is for Congress to decide. Robert Mueller ultimately was operating in a field where he could not himself indict the president under Department of Justice guidelines because there's a 1970s-era memo inspired by President Richard Nixon that says that you can't indict a sitting president. And for now, that's the policy and Mueller is a rule

follower. He thought the best thing to do would be throw this to Congress, under their power to impeach for high crimes and misdemeanors. And once he did that and laid out the evidence we haven't seen yet: pro and con obstruction of justice, it was the Attorney General Barr and one of the people who previously supervised Mueller, Rob Rosenstein, who made the call that in their opinion this was not enough evidence for there to be obstruction of justice.

Now Trump's thrilled with that determination, but it is not a determination that we can really grasp or judge until we see the underlying evidence, so there's going to be a vast amount of information. I think a lot of it is going to be bad for the president and his administration about what he did and the appearances that he was trying to interfere or his staff was trying to interfere with these investigations and part of it may come down to a legal question.

You have to remember that the attorney general, before he got the job, gratuitously wrote a 19-page memo on the special counsel to the president's lawyers. Now this is a guy clearly with a lot of free time on his hands, right? Some people saw it as sort of audition for the job of attorney general. But he wrote this memo, just out of the blue from where he was in private practice. This memo argued that special counsel's investigation was not legitimate to the extent it was trying to prove that the president of the United States committed obstruction of justice by firing the former FBI director.

MLI: Yes, Mr. Comey.

Ken White: Yes, exactly, James Comey, who is a hero to some people, particularly to James Comey, and a villain to other people.

So the idea is that there are some powers inherent to the presidency. They are specified in the United States Constitution and the question is – if you exercise those powers, can that be obstruction of justice? Can you break the law by doing that which the Constitution gives you the sole power to do? And there is a credible argument, and I won't say it's absolutely right, but there is a credible argument that you can't. That for instance, by firing a member of the executive branch, which is something the president has the constitutional power to do, that he couldn't be obstructing justice. There's even an argument that because the president is in charge of the executive branch, including federal criminal investigations, he can't obstruct justice by ordering an investigation shut down.

So when Attorney General Barr said the other week that there was not enough evidence to show that the president obstructed justice, we don't know yet what that means. We don't know whether he means there's not enough evidence to prove the president tried to obstruct justice or if he means the evidence shows that what the president did is by the Constitution, not illegal. And that makes a huge political difference. So there may be explosive evidence in that investigation that the president absolutely tried to derail a special counsel investigation. And that could be, even if it's not something you could charge him for, that could be something that Congress could determine to be a high crime or misdemeanor, which is the constitutional language for impeachment.

So, I guess the bottom line, and it's a very longwinded answer to your initial question. The bottom line is this: most people have been acting like we really know a lot now based on Barr's two letters. And I'm here to tell you we really don't. We know some of the landscape, but we do not know crucial parts of the landscape, and I think that it's going to play out in a way that's going to surprise people on both sides.

MLI: Well, that's a huge public service, Ken. Your first point on a question of collusion, that there's a difference between a threshold of criminality and a body of evidence of collusion, I think is important. And then your second point, the nuance question of the evidence in and around obstruction of justice and then a more fundamental question of whether the president could even involve him or herself in obstruction of justice, I think, are two points that we should apply to the ongoing public discussion.

Can I just ask you one point about something you said initially about the competitive advantage of the federal prosecution process? I can't help but think that someone like Conrad Black would say that that's not a competitive advantage. It reflects a kind of predatorial type of prosecution that starts with one question and then as you say, spins a web until it ultimately finds someone to prosecute, even if it's detached from the initial subject of investigation or the initial question. How should we think about something like that and is there a risk that these types of prosecutions can take on a life of their own and become divorced from the initial question at the expense of people's rights or expense of maintaining a legal system that is fair?

Ken White: Well, 20 years ago, as a federal prosecutor, I would have said that's all hair-on-fire Liberal nonsense. And now, though, as a 20-year defence attorney and true believer on that side, I would say those are absolutely correct criticisms of the system. So sometimes the competitive advantage I described, the spinning a web, does allow federal prosecutors to get to complex crimes by powerful people who might otherwise escape any consequences for their actions. I think we can agree that's generally a good thing. However, it does have the downsides you talk about.

First of all, it is ruinously expensive to defend yourself against a federal criminal investigation. No normal American can afford it. And if you were a part of one of these types of investigations, where there are multiple stages and it's protracted, it is particularly expensive. So there is a huge gap between the representation that someone like a Paul Manafort or a Michael Cohen can get and something that an average person can get, that's a big issue.

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Another is you are right – a serious criticism that many people, including me, have been making for a while is that the process creates its own crimes. You might have heard the Trump supporters refer to these as process crimes. This is something by the way that Barr got completely wrong, I think, in his letter to Congress. Barr said in his letter that one of the reasons he thought there was not enough evidence to show obstruction of justice by the president was that the investigation hadn't found an underlying crime and not found illegal coordination with the Russians. The implication is why would the president have to obstruct justice if there was no underlying crime? That is not a serious argument and he knows it, I respectfully submit.

In fact, catching people for lying about things even when there's not enough evidence to prosecute them for those things is routinely how the federal criminal justice system works and we've seen it for years. Whether it's Martha Stewart being successfully prosecuted for lying and obstruction, even though they could not get her for securities fraud, which is what they were asking about. Whether it is former White House official Scooter Libby during George W. Bush's years, not prosecuted for being part of a scheme to out a critic as a CIA agent but being prosecuted for lying to a grand jury about it. And now plenty of times, recently in the special counsel's investigation, you have General Michael Flynn, who is successfully prosecuted for lying to the FBI in the White House itself. You have Michael Cohen, Paul Manafort, all these people who, at least in part, are nailed because they told lies during the investigation.

I can tell you, as a federal criminal defence attorney, this is a huge problem and challenge because it is not unusual to have the government get leverage on the substantive charges by catching your client in a lie. And then, since you're going to be convicted of a federal felony, you might as well go all in.

Let me just tell you a short story. I had a client who was on a minor, very local political body. He himself was a man of modest means, a working man and he was under investigation as part of a scheme by a local politician, a mayor.

The FBI rolled up to his house, seven in the morning, raid jackets and guns. They knock on his door. They bring him out in his pyjamas and put him in the back of a G-ride, that's a classic FBI car. They all look the same. And they get in the back seat with him and they start interrogating him and they say, "Were you at this meeting on June 1st of this year with the mayor?" And my client, and this is part of public record, did a human thing. He said, "No."

At that point, they had already three witnesses putting him at the meeting. They had a recording of him at the meeting. There was no doubt in their minds that he had been at the meeting and it would have been easy for them to prove it. So, that lie he told there in his pyjamas surrounded by FBI agents, discombobulated, terrified, all of that. It was a stupid thing to do, but there's no rational argument that it actually interfered with the administration of justice or with the investigation. But they charged him with lying to the FBI and that was leverage over the other crimes he was charged with that were much more defensible.

That is a routine thing to happen, where the federal investigators say we have a tough case here. It's going to be hard to prove what we're really investigating, whether it's coordination with the Russians or campaign finance in the case of Michael Cohen or whatever it is. And the attitude is, let's go talk to this person and see if they'll lie.

"That is an absolutely a criticism of the system, in which too much of the process of investigating people generates its own crimes."

And so I always tell clients before they talk to the government, which I prefer they not do most of the time, you have to assume that two-thirds of the questions they're going to ask you, they can absolutely easily prove the answer to already. And what they're looking for is they're fishing for you to lie. They're fishing for you to lie so they have an easy felony on you and they can flip you.

So that is an absolutely a criticism of the system, in which too much of the process of investigating people generates its own crimes. And sure, I think there's a social interest in not allowing lying to investigators or certainly lying to the grand jury under oath or things like that, but I think that the actual harms or dangers of lying to the government, have been far outstripped by this power that federal investigators have to turn things into crimes, to turn the investigation into a new set of crimes.

MLI: Thank you for that answer, it's comprehensive and fascinating. I'm sensitive that we've already drawn on your intellectual ammunition and your time, so I won't keep you much longer. But I did want to get your thoughts on some free speech issues, given you work on that area.

Here in Canada, questions around free speech have been the subject of considerable political debate, both through our Human Rights commissions, through the *Human Rights Act*, but increasingly on college and university campuses. In the province of Ontario, for the first time, the provincial government has enacted an expectation that our universities and colleges must create the conditions for free speech and for diversity of ideas, and those who fail to do so can face financial sanctions. This appears to be a policy that other Canadian provinces are considering.

For those Canadians trying to understand the question of free speech, specifically policy and legal implications, and given that Canadian policy debates tend to follow what's occurring in the United States, can you just give us a sense of the landscape there on this question of free speech and maybe some advice to Canadians on how we should think about these issues?

Ken White: Absolutely, and it's something very much in the news a lot in America now. I mean, the United States and Canada have very different approaches to free speech issues, as befits sovereign nations with their own traditions, both legal and cultural.

I've been in the past a critic of some of Canada's approaches. Canadians have told me I'm not always an informed critic and I'm willing to take that criticism. But one thing I see most strikingly right now is how much free speech is politicized and used as a political tool, as opposed to a genuine value sincerely pursued for its own good.

I am very much a big free speech booster. I'm not a first amendment absolutist, but I'm close as rational people get. And I advocate very vigorous, very strong protection to free speech and I always think other countries should as well, even though that's their choice. But I think that a lot of the dialogue around free speech in America, and I get the sense also in Canada, is poisoned by it being politicized. A lot of what is happening is that discussions over free speech are being used to divide us. And Conservatives, at least in the American sense, are trying to stake out free speech as the Conservative issue and being anti-free speech as the Liberal issue.

“The bottom line is that people like to suppress speech that makes them mad and that pretty much cuts across all politics.”

Now even the most passing acquaintance with American history and the history of the first amendment and free speech in America would tell you that Conservatives have never been, or are today, reliable free speech allies any more than Liberals. The bottom line is that people like to suppress speech that makes them mad and that pretty much cuts across all politics. But particularly on college campuses, what I see is sort of the manipulation of sentiment and expectation. And sometimes I think people are being basically rope-a-doped. They're being set up.

You have people do these sort of stunt invitations to inflammatory speakers and, you know, there's no accounting for taste. Some people love some of these speakers. I don't. But I think they are largely often invited specifically to agitate and to try to trick colleges into taking official action to silence them and to try to influence students into trying to shout them down. And I think it works.

You know there's a notorious church in America that goes around basically trolling people. They protest at the funeral of Marines. They do all sorts of absolutely horrible things. They say horrible things about gays and lesbians and they're completely trolling. You know, what they do is they try to get people to shut them down and then they try to sue over that. I think the free speech debate is being dominated by tactics like that, even though it is legitimately true that there are people on college campuses who think that someone they don't agree with should not be heard and who in turn act on that. And I think those people are foolish and should grow up. But there is also a strong element of wanting to weaponize that sort of foolish youthful exuberance and turn it into politics. I also think that there is definitely a political current running through the official response to this.

So in America, we just had the president pass an executive order saying that colleges that get federal funding have to protect the free speech rights of people coming to speak on the campuses because there's been a run of controversial people having various college campuses telling them they can't come or coming and having mobs prevent them from speaking.

MLI: One can distinguish between inviting someone like Charles Murphy and some of the more, as you say provocateurs, who I suspect are less motivated by a principled argument in favour of free speech and more about, as they say in social media, ‘owning the Libs.’

Ken White: Right. So, you know, whether it’s Anne Coulter or Milo Yiannopoulos or figures like that, I think that’s very much the case. But the thing is the president is not really a free speech fan. He has talked repeatedly about how we should change our laws to make it easier to sue people for defamation. He talks about how protestors should be shut up. And there are a lot of laws being passed nominally about protecting the rights of speakers like Anne Coulter or even Charles Murray that are actually seemingly crafted to make it easier to punish people who are protestors.

So a number of states tried to pass laws saying you could be expelled if you protested the wrong way at one of these speeches.

Now, is it legitimate that at some point you are shouting someone down you were preventing them from speaking, preventing their audience from hearing that should have consequences? Yes. I think that’s governed by the First Amendment. The line is not crystal clear but there is a line. But these laws are pretty clearly not really about increasing the general amount of speech in society. They are part of a cultural war. They are a way to go after who they see as these people who are the ones protesting against the Milos and the Anne Coulters and the Charles Murrays.

I don’t feel equipped to speak to the Canadian experience the same way but I know that you all share a lot of the same political issues and sort of psychopathic cultural flaws that we do. We’re all in this together, right? And I think it’s important to resist this call to politicize free speech into an us versus them and remember that in general in both countries, free speech fights have been fought by both Conservatives and Liberals and against both Conservatives and Liberals. Falling into this thing, where it is a political fight, I think reduces everyone’s commitment to genuine free speech issues and turns it into just another culture war or punchline.

“The president is not really a free speech fan. He has talked repeatedly about how we should change our laws to make it easier to sue people for defamation.”

MLI: I think that’s a terribly important point that the people have good will on both sides, need to be in favour of an environment of free speech and that really creates the conditions for us to then engage in the types of rigorous debate that ought to animate our politics and our democracy.

I do have one final question on the issue of criminal justice reform. For all of the talk, of American political dysfunction and polarization, one area where there does seem to be growing political divergence, at least from an outsider’s point of view, seems to be in and around criminal justice reform – the idea that the American criminal justice system has steered the car too far in the direction of punitive sentencing and so on. We saw this in the last Congress’s bipartisan progress on criminal justice reform. We even heard liberals and progressives recognize the work of more centre-right politicians and groups advancing criminal justice reform. Can you give us your perspective on this trend and also what do you think both about the kind of underlying impulse and if you think this may be a foundation for more bipartisan efforts, not just on this issue but more broadly?

Ken White: I think we've seen baby steps. And I'm not going to get mad at that – any progress is good progress. And criminal defence lawyers and people interested in criminal defendant rights generally don't see progress at all, or at least we haven't for the last half century. And I think we are, though, only nibbling around the edges.

Some of the things we've seen are questioning of very long draconian sentences, an idea that federal sentences should be reduced somewhat. Those are good things, but the structural problems with the system are gigantic and very hard to separate from the society as a whole. We kind of see this played out and it gets attention through things like the special counsel's investigation. A lot of traditional, very hard line Conservatives are suddenly shocked at the way people were treated in the system and how unfair this is, shocked that someone would be in solitary confinement, shocked that just because they tried to support a perjury from witnesses, they might have their bail revoked. You know, shocked that you can charge them for lying during the investigation.

So, I mean, if to the extent that this has gotten people sincerely interested in questioning some of these practices, good. But I'm skeptical if they're sincere about it. I think generally this type of thing comes up whenever someone on somebody's side is prosecuted and then it goes away again as soon as the guy being prosecuted is on the other side. But America's problems with criminal justice are intertwined with race. They're intertwined with poverty. They are intertwined with culture. We have an enormous appetite to jail people as a way of dealing with social dysfunction and very little appetite to pay for adequate defence, for adequate conditions of jailing, for medical care, for follow-up after they're out, for anything like that. And that's been the truth for decades.

So, I think it would take a sustained effort on the order of a half-century or a century to really make changes that would fundamentally alter the American criminal justice system. But to the extent that we could weaponize this resentment of the special counsel from the right to start undermining the reflexive obedience to law enforcement and the incarceration state —

MLI: The whole tough on crime ethos.

Ken White: Exactly, the war on crime. Ever since Nixon, that's been the mantra: believe police officers. Police officers and prosecutors are the good guys. What they want is the right thing and putting someone in jail is the right way to do it. Now some prosecutors or police officers are perfectly good and noble and they're doing a good job, but there's a fundamental social flaw and an attitude of deference towards them. And that's what we have through our political culture, through our popular culture – with a 20th or a 30th Dick Wolf show on TV, showing the heroes of law enforcement. And I think to the extent we can use Trump's populist movement being critical of the investigations of Trump, to undermine the Americans who have too much faith in the criminal justice system, well I'm willing to do that. I'm willing to weaponize that and hope that it works. I'm somewhat cynical that it will but I'm willing to try.

MLI: Well I hope you're right. Perhaps the most frustrating part about Mr. Trump is, in various instances, he's almost unknowingly challenged some of the basic precepts of American politics in a way that could actually be quite productive. You remember during the primary, for instance, he challenged the club for growth, dogmatism about entitlement reform and deficit reduction and so on. He even challenged the National Rifle Association at times on its dogmatism around the Second Amendment. And then, as you say, his break with convention often times doesn't last very long and we'll see if this is an issue that has some momentum.

It's also one where progress in the United States could help to inform a discussion here in Canada. We don't have quite the same problems as you do but we still have a disproportionate number of our Indigenous people represented in our criminal justice system, relatively high levels of recidivism, a lack of thinking on rehabilitation, the role of education, and an ongoing debate about things like mandatory minimums and so on.

I'm grateful for your perspective on that issue as well as your insights and helping us think about not just the big questions of criminal justice but the one that's on so many of our minds, the Mueller investigation and Mr. Trump's political legal future. It's been an honour and a pleasure speaking with you.



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Canadian public policy



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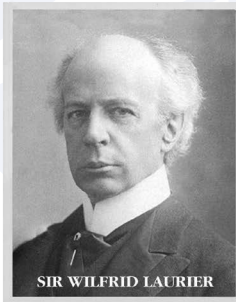
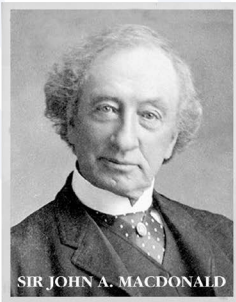
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The Macdonald-Laurier Institute exists not merely to burnish the splendid legacy of two towering figures in Canadian history – Sir John A. Macdonald and Sir Wilfrid Laurier – but to renew that legacy. A Tory and a Grit, an English speaker and a French speaker – these two men represent the very best of Canada's fine political tradition. As prime minister, each championed the values that led to Canada assuming her place as one of the world's leading democracies. We will continue to vigorously uphold these values, the cornerstones of our nation.



Working for a Better Canada

Good policy doesn't just happen; it requires good ideas, hard work, and being in the right place at the right time. In other words, it requires MLI. We pride ourselves on independence, and accept no funding from the government for our research. If you value our work and if you believe in the possibility of a better Canada, consider making a tax-deductible donation. The Macdonald-Laurier Institute is a registered charity.

Our Issues

The Institute undertakes an impressive program of thought leadership on public policy. Some of the issues we have tackled recently include:

- Aboriginal people and the management of our natural resources;
- Making Canada's justice system more fair and efficient;
- Defending Canada's innovators and creators;
- Controlling government debt at all levels;
- Advancing Canada's interests abroad;
- Ottawa's regulation of foreign investment; and
- How to fix Canadian health care.



True North in
Canadian public policy

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What people are saying about the Macdonald-Laurier Institute

In five short years, the institute has established itself as a steady source of high-quality research and thoughtful policy analysis here in our nation's capital. Inspired by Canada's deep-rooted intellectual tradition of ordered liberty – as exemplified by Macdonald and Laurier – the institute is making unique contributions to federal public policy and discourse. Please accept my best wishes for a memorable anniversary celebration and continued success.

THE RIGHT HONOURABLE STEPHEN HARPER

The Macdonald-Laurier Institute is an important source of fact and opinion for so many, including me. Everything they tackle is accomplished in great depth and furthers the public policy debate in Canada. Happy Anniversary, this is but the beginning.

THE RIGHT HONOURABLE PAUL MARTIN

In its mere five years of existence, the Macdonald-Laurier Institute, under the erudite Brian Lee Crowley's vibrant leadership, has, through its various publications and public events, forged a reputation for brilliance and originality in areas of vital concern to Canadians: from all aspects of the economy to health care reform, aboriginal affairs, justice, and national security.

BARBARA KAY, NATIONAL POST COLUMNIST

Intelligent and informed debate contributes to a stronger, healthier and more competitive Canadian society. In five short years the Macdonald-Laurier Institute has emerged as a significant and respected voice in the shaping of public policy. On a wide range of issues important to our country's future, Brian Lee Crowley and his team are making a difference.

JOHN MANLEY, CEO COUNCIL
