

March 10, 2021

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VIA EMAIL

Chris Warkentin MP
Standing Committee on Access to Information, Privacy and Ethics
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. Warkentin:

**RE: WE Charity
Our File No.: 52709**

Thank you very much for your letter of March 10th, and for the careful consideration which you have given to our letter of March 8th.

As you are aware, our clients WE Charity, together with Marc and Craig Kielburger, have made substantial efforts to answer the questions of the Finance Committee (a number of whose Members sit on your Committee). They appeared for an unprecedented length of time and provided several thousand pages of material in answer to undertakings given during their July 28, 2020 appearance.

Contrary to the position asserted in your letter, the decision of Mr. Angus MP to refer various matters concerning our clients to the RCMP and CRA does indeed amount to a “substantial obstacle” to their appearance before the Committee.

There is extraordinary prejudice to all of our clients, including to WE Charity itself, should the Kielburgers appear without the protections outlined in my letter of March 8th. While it may be true, in a limited sense, that “Parliamentary privilege ensures that anything said in Parliament cannot be used in any other proceeding”, you will appreciate that law enforcement agencies and others are free to use the information disclosed in Committee hearings. As well, the House has, on occasion, waived Parliamentary privilege.

I take it from your letter that the Committee has granted my request for standing to appear as counsel, and we are grateful for that. We must, however, have a common understanding as to what counsel will be permitted to do during the hearing. Please confirm that:

- (a) Having regard to the requirements of social distancing, counsel will appear on camera with a live microphone;
- (b) Counsel will be permitted, for the assistance of the Committee, to make a brief opening statement to set out the areas of prospective questioning to which objection will be taken. These areas relate directly to the matters which Mr. Angus has referred to the authorities;

- (c) During the course of questioning by individual Members, counsel will be permitted to intervene to object to questions and to otherwise assist our clients. To be clear, it is not my intention to provide substantive answers to the questions, but rather to intervene as necessary to protect our clients' rights.

We believe that having counsel involved in this way will facilitate, and indeed enhance, the Committee's work.

Provided that you are able to write to us to confirm these requests, our clients will appear as contemplated on Monday, March 15th at 2:30 p.m.

We look forward to hearing from you.

Yours very truly,

A handwritten signature in black ink, appearing to be 'W.C. McDowell', with a stylized, cursive-like flourish.

William C. McDowell

WCM/esc