

minister should be summoned in any way to open court. I would be happy to put that in the guidelines.

**Some hon. Members:** Hear, hear!

#### APPLICABILITY OF GUIDELINES

**Hon. Ray Hnatyshyn (Saskatoon West):** Madam Speaker, this letter was written on the letterhead of the Solicitor General of Canada, a member of the executive, and the one responsible for penitentiaries. The guidelines are very clear. They say:

—that in future no member of the cabinet may communicate with members of the judiciary concerning any matter which they have before them in their judicial capacities, except through the Minister of Justice—

Do the Prime Minister's answers to date mean that all cabinet ministers are now free to write letters to judges, directly or indirectly, to influence sentencing or disposition of a case by the court? Is that the position the Prime Minister is now putting forward for members of his cabinet?

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, the guidelines were obviously intended to meet the specific case just referred to—and another case—where a telephone call or communication was made directly to the judge. That was found to be improper because it was using, in a sense, the authority of office to try to influence the judge in a surreptitious way, as I said yesterday, unknown to the parties in the case. But I am holding very firmly, Madam Speaker, to the doctrine that a minister is a citizen; if he is subpoenaed and the court wants to hear him, the court can issue that subpoena. This doctrine will not prevent that.

If a minister cannot testify in open court, as any citizen can, on behalf of a fellow citizen, then I say that is a new doctrine, and a dangerous one, because then we will say that any minister standing in a box is communicating improperly with the court and therefore he should not be subpoenaed, and therefore he should never be in a court of justice.

#### MINISTERIAL CONDUCT

**Right Hon. Joe Clark (Leader of the Opposition):** Madam Speaker, just so that we might understand this new standard the Prime Minister has established—

**Some hon. Members:** Oh, oh!

**Mr. Clark:** As soon as there is some quiet on the other side, Madam Speaker, I would like to ask the Prime Minister if his new standard is that cabinet ministers are allowed to influence judges indirectly but not directly.

**Some hon. Members:** Hear, hear!

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, to the extent that any witness, character witness or

otherwise, is influencing the judge by testifying under oath, answering questions from counsel or the court, the answer is yes. Any witness is influencing the judge, and that is the purpose of a witness.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** Therefore the only question is whether he is influencing the judge in an improper way. I can certainly understand, as my guidelines suggest, that it would be improper to try to influence a judge directly or indirectly, but not in open court. That is why the guidelines have been issued; not to prevent ministers testifying in open court, whether by subpoena or voluntarily—

**Mr. Crombie:** There is a difference and you know it.

**Mr. Trudeau:** Yes, Madam Speaker, I know there is a difference, and if the hon. member for Rosedale wants to ask a question—

**Mr. Crombie:** Tell the truth.

**Mr. Trudeau:** If he does not think his leader is capable, Madam Speaker—

**Some hon. Members:** Hear, hear!

**Mr. Crombie:** Tell the truth.

**Mr. Trudeau:** Madam Speaker, the hon. member for Rosedale does not think that his leader is capable of asking questions. I just ask him to be patient.

**An hon. Member:** You are not capable of answering them.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** Madam Speaker, the hon. member for Rosedale says that I should tell the truth. That is the kind of insinuation which I find insulting. It is not the kind of thing he would tell me to my face outside of this room.

**Some hon. Members:** Oh, oh!

**Madam Speaker:** Order, please.

**Mr. Trudeau:** Madam Speaker—

**Madam Speaker:** Order.

**An hon. Member:** The just society.

**Mr. Trudeau:** Madam Speaker, I want to make it clear that I am not challenging the hon. member to anything. I am just establishing that in this Chamber the standard of debate has degenerated to the point where I do not respect the hon. member any more than he appears to respect me. I do not think that is conducive to the civil dialogue which should take place in this Chamber.