

*Supply—Justice*

method of doing things until we find them in error, and then searching as assiduously as we can to correct those errors.

What has really disturbed me is the Truscott case, and I wonder whether members have really thought about the amount of damage that has been done to public confidence in the system of the administration of justice in this country. Being a courtroom lawyer I am familiar with the public's attitude toward the winners and losers of court cases, and I am quite familiar with the expressions of opinions about the presiding judge, the parties and the lawyers when they win or lose. I have been damned for losing a case when I thought I had carried out my duty to the best of my ability and have done a good job, and I have been praised to the skies for winning when I really thought I had not done very well but that the opposing counsel or the prosecutor had made a glaring error. Yet I was considered a great counsel because my client was acquitted. These are human and natural feelings.

● (8:20 p.m.)

Our system of justice is not faultless. In every case where the judge has to make up his mind on the balance of probabilities as to whether there is guilt beyond a reasonable doubt, there certainly is room for questioning his judgment and ability. But after it goes through the court of appeal of a province, and after it goes through the last court of appeal, which in this country is the Supreme Court of Canada, where it has had the attention of some of the most brilliant legal minds of the country, men who take their duties very seriously and who work very hard, surely those of us who have any respect for our system of justice have the very stern duty of trying to uphold their judgment. Of course, there is always room for reservation of opinion concerning their judgment; but surely anyone knows that the market gossip, the sort of story that is repeated from house to house, and the housewives' gossip, can only be an amplification or a minimizing of the true facts.

This is the sort of thing that can demoralize the people. This is the sort of thing that, taken out of its proper context and not handled with that reserve of judgment which members of parliament are supposed to have, can do untold harm to the system of justice in this country. I know for instance, as does any practising lawyer, about the common suspicion among ordinary people, who have little or no occasion to resort to law, that a

case was cooked because the defence counsel and the prosecutor were having lunch together, being such good friends. We insist on the adversary system in our courts. I know that when people are not familiar with the courts they find it very difficult to understand how two lawyers on opposing sides can go into court and wholeheartedly give of their best ability, experience, judgment and hard work for their respective clients. They find it difficult to understand how one counsel can fight very hard against a fellow counsel who in turn does his best for his client, even as we in the house who may be close friends outside the house can sometimes hit very hard at our friends, pulling no punches. We do this because it is our duty to do so. Some people can perhaps understand it better when it happens among politicians because we receive greater attention from the press than do the courts, and because this aspect of our lives is better known. The work of the courts is usually known to the public only for the spectacular, and the courts are talked about only by those who have a rankling sense of injustice.

I was therefore shocked and dismayed by the conduct of the hon. member for Winnipeg North Centre in the Truscott case. A book was written about the case by someone called LeBourdais. Anyone who read the book must have seen immediately with what inflamed passion it was written, and how unfair so many of her criticisms were. In fact many of her arguments were fallacious and one-sided. The hon. member then, on the basis of a five minute conversation with the accused, said: I will stake my seat on his innocence. He said this after the boy had been convicted by a jury of honest citizens doing their best to bring in an honest verdict. The verdict was upheld by the very competent court of appeal of Ontario, and then carefully reviewed by the Supreme Court of Canada. What sickens me even more is that after all this agitation, and because there is a fear that justice has not been done, the government made arrangements so that the Supreme Court of Canada could once again review the case. Arrangements were made to hear the added evidence which those on the side of the boy think should have swayed the jury so as to reach a different decision.

A very exhaustive hearing ensued, and after hearing the added evidence a judgment was delivered stating that the boy had a fair trial, that he was guilty and that in fact, except for the opinion of one dissenting judge, the added evidence only reinforced