

Question of Privilege

someone else altogether; and the minister of mines for Ontario is designated as "Jim Maloney". I will not mention the name of the other person referred to in these notes in the hope that I will help put an end to the character assassination that was commenced when this evidence was given in court. Some of the newspapers, however, for reasons best known to themselves, saw fit to take the liberty of inserting the name "Arthur Maloney" when in fact it had not appeared at all, and this was the news report that went across the country.

As someone who has tried to build up an honourable reputation in this place it seems to me that those responsible took an inexcusable licence with my name.

To their credit, there were certain newspapers and radio stations who, doubtless shocked that such gossip should be admitted in evidence at all in a court of law, refrained from mentioning any names in their press reports. The *Ottawa Journal* and the *Globe and Mail* of Toronto so far as I am aware are cases in point. This is true also of radio station CFRB in Toronto. And the *Globe and Mail*, so far as I am aware, is the only newspaper that took the precaution to refer to the fact that the name "Arthur Maloney" was not used in court at all.

Because, however, of the wide publicity given to the matter and to the suggestion contained in this publicity that my brother and I had seen the brief, I asked and received permission from Magistrate Addison to appear before him on Friday morning last, March 24, to make a statement both on my own behalf and on behalf of my brother, who is indisposed. I stated to His Worship then and I repeat now that neither he nor I at any time heard of such a brief or saw such a brief. It was never at any time delivered to me, nor did I at any time deliver it to him. It has in fact never been in the possession of either of us. To this day I do not even know what the document looks like.

I think I am bound to say that crown counsel in cases such as this has to assume the responsibility of not leading evidence in a public courtroom that is not only inadmissible and irrelevant but contrary to what he knows to be the facts, especially when it involves the use of names that are bound to receive wide publicity.

Why this piece of false and unfounded gossip was admitted at all as evidence is something that I will never be able to understand. Crown counsel last Friday attempted to undo the wrong that had been done by saying this in court:

Although the stories that had been passed to me as to how this brief came to Inspector Stringer were conflicting; that that did not support an

[Mr. Maloney.]

allegation by Wright to Scott that it had gone through the hands of Arthur Maloney or his brother, but were inconsistent with them.

In other words, Mr. Speaker, crown counsel has admitted that the facts in his possession contradict the suggestion that the brief was ever in my possession or in that of my brother. Among other things Mr. Ford said on this occasion were these:

Your Worship, first, I am very happy to say Mr. Maloney's reputation is, as we all know, completely untarnished, and I think this is an unusual opportunity extended to him. I feel it should be and I for one am happy to accept, as I would always be happy to accept, his personal say.

During the course of my presentation to His Worship the magistrate I complained about the failure of crown counsel to have informed the court that there was no evidence whatever to establish the unfounded statement that the brief had ever come to me or to my brother. Thus, on Friday, Mr. Ford stated as follows:

Now, my learned friend, Mr. Maloney, suggests that in addition to the statement made by the crown yesterday, that a statement ought to be made that there was no evidence to support any innuendo—first of all, there is no innuendo, and it's not part of the crown's case that my learned friend, Mr. Maloney or his brother are in any way implicated in this case.

In the concluding part of his statement to the magistrate Mr. Ford said:

On behalf of the crown, and with respect to the court, I was happy to accept Mr. Maloney's statement that he, personally, and through him, his brother, had no part in this. I say again that I accept his statement, that there was never, at any time, any intended innuendo that they had any part in any way in the matter involved.

In conclusion, Mr. Speaker, in view of what I think was a grave injustice done both to me as a member of this house and to my brother, I had no alternative but to rise today on this question of privilege to set the record straight, in the hope that those who caused the injustice will see to it that what wrong they have done is now set right.

HOUSE OF COMMONS

CONGRATULATIONS TO PRIME MINISTER ON 21 YEARS AS MEMBER

Mr. L. E. Cardiff (Parliamentary Secretary to the Minister of Agriculture): Mr. Speaker, I should like to inform the house that our Prime Minister is now fully grown, in that he has now served 21 years in the House of Commons.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, when I entered the house this afternoon and noticed all these artificially coloured carnations—perhaps the hon. member for Halton will tell us why blue carnations cannot be grown—I knew that something important had happened. I