

Privilege

is a limit to the *sub judice* rule and I think we ought to frankly, on an occasion like this, discuss that limit.

• (1510)

If you were to determine, in spite of the submissions that I have just made and the summary which you have just given, that the issue of the process by which these charges were laid is somehow material to the criminal case now proceeding, I submit, Sir, that the *sub judice* rule has its own limits. And while I do not think it applies if Your Honour were to find that it does apply I want to argue that it should be suspended, and I will do that very briefly.

I would argue, in that event, that the rule should be suspended for the simple reason that there are higher values than a particular criminal case and in the event that we were to enter into the discussion which I am urging upon you and it affected the criminal case unfolding now, a judge might well have to find that an acquittal has to be entered.

I can recall in my own experience as a Solicitor General that there were statements made in the legislature of the province of Quebec during a court process, a criminal trial, in which an RCMP officer was the accused. Because of those statements, which the defence council for the RCMP officer raised, the trial judge decided, in the circumstances of what had happened in the legislature, to direct an acquittal.

I submit even if that were to happen as a result of the discussions which I am inviting you to permit—the questions and the answers—that it would be worth it because we are dealing in this case with the most fundamental questions for which a government is accountable. We are dealing here with a tradition of the RCMP. We are dealing here with a contradiction, a statement by the minister which could not have been clearer. I asked the question myself and the minister was categorical in the answer that he gave, and that answer is now contradicted under oath.

Think of what we do in this place. We are asking questions about whether a senator, Senator Cogger, should or should not be charged. That question is affected by the possibility of manipulation of the RCMP. If it were merely because a criminal case were ongoing or a number of criminal cases were ongoing that a government was prevented or protected month after month from having to answer a very fundamental questions, our

democracy would be abused. That is the reason the *sub judice* rule is stated as it is, why it is a voluntary restraint, why there are times when it should be suspended and, Your Honour, I submit that, were you to find that it applied to the question I wanted to ask, this is such a case.

Hon. Edward Broadbent (Oshawa): Mr. Speaker, I rise to support the argument that has just been made and, like the member who has just spoken, I understand and appreciate why Your Honour intervened during the Question Period today before making a judgment about the acceptability of a certain line of questioning. Because when it comes to a question of fundamental justice as it affects the rights of Canadians outside of this House all of us in this Chamber, although it is the law-making Chamber of the land, have to be careful to a very extreme degree in terms of what we do here. I just say that by way of preamble to my comments on the issue before us and any comments that I now make should also be seen in that light. My own concern is with those outside of this House who are involved in criminal proceedings particularly.

It seems to me that the *sub judice* convention to which you have referred does not apply in the particular case for the following reasons: the Canadian in question, who has now been charged with a criminal offence, Mr. Doug Small, is, without being precise about the wording of the law in question, being charged with the violation of the Criminal Code as it pertains to certain documents related to the budget leak.

The questions that I intended to raise, speaking for myself, and I presume which the member who has just spoken had planned to raise, had nothing to do strictly with that issue, nothing to do with whether or not Mr. Small was guilty of what he has been charged. What I was interested in raising today was another matter, namely, whether the testimony of Staff Sergeant Richard Jordan was accurate with reference to the responsibilities of the Solicitor General in the House of Commons, whether he was or was not doing his job in the proper fashion. Staff Sergeant Jordan, according to the Canadian Press reports coming out of the court proceedings, said that he had been pressured into delaying charges “to please elected officials”.

As you will know, Mr. Speaker, if that turns out to be true, that is an extremely serious matter going to the root of the administration of justice in Canada. With that