

circumstances attending the absence of an hon. member from his accustomed place in the house.

Perhaps I might be permitted to proceed by first of all tabling the second interim report of the royal commission that has been appointed to investigate the unauthorized disclosure of secret confidential information. I have now copies of that report in printed form, in both English and French, and I should like to table them immediately so that they will be before the house at this time.

In the statement which I made on February 15 in reference to the investigation by the royal commission, I said it was the intention of the government that prosecutions should be instituted in cases in which the evidence warranted it. I have been advised by the Attorney General of Canada that charges have been laid against the four men named in the second interim report of the commission, namely, Doctor Raymond Boyer, Harold Samuel Gerson, Squadron Leader Matt Simons Nightingale, and Doctor David Shugar.

The charge against Doctor Boyer alleges conspiracy with an intermediary, who was not named in the commission's report because he had not been examined by the commission. The intermediary referred to in the report by the cover name Debouz is believed to be the hon. member for Cartier, Montreal. I am further advised by the Attorney General of Canada, who has taken the advice of counsel whose opinions I wish to lay on the table of the house, that effective prosecution of the charge against Doctor Boyer requires similar action in respect of the hon. member for Cartier, against whom an appropriate information has been laid and a warrant for his arrest executed.

In accordance with parliamentary practice, I have taken this first opportunity of communicating to the House of Commons the reason why the hon. member for Cartier is prevented from taking his seat in the house. I may say that I had intended to make this statement before being asked any question. I intimated yesterday that I would table today the second interim report and the proceedings that have arisen therefrom.

Perhaps I should now read the letter to which I have just referred, namely, that from counsel consulted by the Attorney General of Canada with reference to the question of the possible arrest of an hon. member of this house.

I have in my hand a letter signed by the counsel for the commission, E. K. Williams, Gerald Fauteux, and D. W. Mundell, ad-

ressed to the Right Hon. L. S. St. Laurent, K.C., Minister of Justice, Ottawa. It is dated March 14, which was yesterday. This letter must help to answer in part at least the question that has just been addressed to me:

Ottawa, 14th March, 1946.

The Honourable L. S. St. Laurent, K.C.,
Minister of Justice,
Ottawa.

Dear Mr. Minister,—

When we reported to you the gist of the evidence developed against Doctor Raymond Boyer and the fact that it seemed to implicate a member of parliament you asked us to consider the two following questions:

- (a) Whether a federal member of parliament who would have committed a crime under the Official Secrets Act can be arrested either during the coming session of parliament or within the few days which remain before its opening on the 14th instant?
- (b) Whether taking into account the whole of the circumstances surrounding this investigation it would be advisable or inadvisable to obtain the issue of a warrant of arrest against this member at the same time as that to be issued against the individual who divulged to this member certain important war secrets for the benefit of a foreign power?

Our answers to these questions are:

- (a) Yes.
- (b) It would not only be advisable but the interest of justice would not be served and the other trial would be prejudiced if a warrant were not issued against the member at the same time as that issued against the individual.

Our duties before the royal commission made it impossible to consider this question as thoroughly as we should have liked to do and we requested Hon. F. P. Brais, K.C., counsel appointed by you to prosecute the other individual, to assist us with his opinion.

We have now received it and it confirms the views we held in this matter and sets out the authorities upon which the opinion is based. We are enclosing it with this letter as we entirely concur in it.

Each of us will be available for further discussion if deemed necessary.

Yours very truly,

E. K. Williams,
Gerald Fauteux,
D. W. Mundell,

Counsel for the Commission.

I have attached to this letter the legal opinion given by Mr. Philippe Brais, K.C. Perhaps I need not read it at the moment. I should like however to table it, and have it printed and appear with the other documents, with the interim report and the communication from the commission's counsel.

Mr. COLDWELL: Even if the Prime Minister does not read that important opinion, I think it should appear in *Hansard* with the general discussion.