

The minister is reported to have said the move is “a gamble—but that is democracy.” He went on to say:

The British parliament is not “a rubber stamp,” the text quickly added, but Westminster “understands that its role is to give legal effect . . . to the wishes of Canadians as expressed by a sovereign sister Parliament.”

I could read into the record various other quotes which I think would show very definitively that the Attorney General, certainly when he was in England, spoke not like a neutral attorney general and not like a person who was, in effect, going to England saying that there are arguments on this side and there are arguments on that side. In short, unlike the attorney general of England—who, incidentally, is not even a member of their cabinet, because the office is put in that type of relationship to the government of the day—our own attorney general of Canada when in England was advocating the government’s case.

● (2030)

My dilemma now—

An hon. Member: Shocking!

Mr. Stevens: My dilemma is: how can we members of this House turn now to that same Attorney General of Canada and say, “Do you feel that the resolution that the government has put before us is of such a nature that those judges in Winnipeg are perhaps right, and there are illegal aspects to what we are being asked to do?”

Some hon. Members: Hear, hear!

Mr. Stevens: In the March 25 edition of the Ottawa *Citizen*, the Attorney General is quoted more definitively. He states:

Chrétien is in London today for a four-day visit in which he will put the federal government’s case for patriation to British authorities.

As I have indicated, the act empowering our Minister of Justice as an ex-officio attorney general of Canada makes it clear that he must observe the precedents and the traditions, in other words, the rule of law which exists in England concerning the role of the attorney general.

An hon. Member: We are not in England.

Mr. Stevens: As I have often indicated, one of those very clear roles, is to operate as an officer of the House of Commons to give us impartial and free legal advice. I have referred to one article concerning the role of the attorney general in England. I would like to refer briefly to another article. This is the Cambridge Law Journal of 1969. It is from the office of the attorney general, written by the Right Hon. Sir Elwyn Jones, attorney general, in England. In that article, at page 50, Mr. Jones states:

—but the basic requirement of our constitution is that however much of a political animal he may be when he is dealing with political matters—

He is referring to the attorney general.

—must not allow political considerations to affect his actions in those matters in which he is to act in an impartial and even quasi-judicial way.

Privilege—Mr. Stevens

I notice that the hon. members on the government side are becoming a little more aroused as we go along. But perhaps—

An hon. Member: Sounds like Gilbert and Sullivan!

Mr. Stevens: Perhaps they will note what one of their former colleagues said in 1978 concerning the role of the Attorney General of Canada. I am referring to the then minister of justice, now the Hon. Ron Basford—

Mr. Crosbie: Gone to his reward.

Mr. Stevens: —who, speaking in this House on March 17, 1978, at page 3881 stated:

The first principle, in my view, is that there must be excluded any consideration based upon narrow, partisan views, or based upon the political consequences to me or to others.

Some hon. Members: Hear, hear.

Mr. Stevens: Here was a former attorney general of Canada, who happened to be serving under the partisan Prime Minister of Canada (Mr. Trudeau) at that time, who was stating what he felt was the proper role for an attorney general in Canada. He went on to say:

In arriving at a decision on such a sensitive issue as this, the Attorney General is entitled to seek information and advice from others but in no way is he directed by his colleagues in the government or by parliament itself. That is not to say that the Attorney General is not accountable to Parliament for his decisions, which he obviously is.

The then attorney general went on to say, as reported at page 3882 of *Hansard*:

—the Attorney General should ensure . . . as a member of this House, he has responsibilities toward the rights, privileges, traditions and immunities so necessary for the proper functioning of Parliament;

That is the heart of my question of privilege. We have evidence before us, in the press, in what has been tabled in this House, in statements made in this House by the Attorney General of Canada as recently as today, which indicate that the present Attorney General of Canada is no longer an impartial officer of this House who is available to give us the legal advice that I would suggest we will need before we can proceed to consider the constitutional resolution before us.

An hon. Member: Completely compromised.

Mr. Crosbie: Completely partisan.

Mr. Stevens: I touch on those references because I hope it will bring the thrust of what I am saying into focus. Even more to the point, I would suggest that Parliament is being forced to act in a manner which has been declared illegal and unconstitutional by at least two justices in the province of Manitoba. Parliament should be able to ask the advice of the attorney general on the issue; but because he has compromised his position, he is no longer fit to render that advice. As he is unable to fulfil his responsibility to Parliament, the Attorney General should be requested to resign.

Some hon. Members: Hear, hear!