

Administration of Justice

Mr. Brewin: Mr. Speaker, if the hon. member for Winnipeg South Centre (Mr. Churchill) thinks I have made any particular reference to him I can assure him I did not. I want to get on with what I hope will be a contribution to the solution of the problems before the house. I want to say that I could not help but regret the statement made by the Prime Minister (Mr. Pearson) at the opening of the House of Commons today when he read a letter from the Minister of Justice, because it seemed to me that if that letter and that statement had been somewhat different we might be moving toward some sort of a solution of this matter. What I regret about the letter and the statement is that they seemed to omit from their recital of the facts what is the basic problem facing this house, that is, not the statements made in the house but the statements made in a press conference by the Minister of Justice in which a blanket allegation was made against certain members of the house.

I for one, Mr. Speaker, think that a judicial inquiry, at least as a preliminary, would be far preferable to a reference to a committee of the house where political passions and political feelings are bound to be aroused, and I approve of the proposal for a judicial inquiry. I concede the point that this house cannot abandon its right and duty to consider in the ultimate analysis the questions of privilege that members of the house may raise, but I can see that a judicial inquiry, with all the protection a judicial inquiry has, would at least be a better thing than a reference to the Committee on Privileges and Elections. But if we are to have a judicial inquiry we must have adequate and proper terms of reference.

Here I am not trying to discuss technicalities of what Mr. Speaker Michener's ruling was at some other time or whether the terms of reference are in order or out of order or are too broad. That would be a technical detail. But what I do say to the house is that these terms of reference must incorporate the specific words, the basic problem that exists here now, the charges made by the Minister of Justice against a group of members of the house.

Mr. McIlraith: Would the hon. member permit a question? This very point was dealt with last night, and it was very clear that the remarks made by the Minister of Justice in the press conference on March 10, 1966, would be included. I thought that was made

clear by the leader of the government when he spoke.

Mr. Brewin: I heard what the Minister of Public Works (Mr. McIlraith) said earlier in this debate. So far as I know, the reference made last night was not incorporated in the statement made by the Prime Minister this morning. I say that if the Prime Minister will undertake and make it clear—

Mr. Nicholson: Will the hon. member permit a question?

Mr. Brewin: I think I will permit it after I have finished making these few remarks. They will be fairly brief and I do not think I will be able to make my point if I try to answer a whole series of questions. What I want to say through you, Mr. Speaker, to the members of the government and to the Prime Minister in particular is that we want it abundantly clear that the terms of reference specifically refer not only to statements made in the house but to the statements made or alleged to have been made in the press conference which reflect on members of the house.

Mr. McIlraith: Yes.

Mr. Brewin: And I want to go a stage farther. In this instance I want to support the words of the hon. member for Yukon, because I want to make it perfectly clear that in my view no judicial inquiry would make sense unless the specific persons charged with offences were named in the terms of the inquiry. I know that no judge would want to hear a blanket charge against 15, 20, 30 or 100 people. Who is to appear? Who is to be called? The minister will have the obligation later, if such an inquiry is granted, of stating clearly and specifically whom he is charging.

I say if he has that information now, why should we be kept in suspense over it? Why should the people of Canada be kept in suspense? I say you cannot have the judicial inquiry proposed by the Prime Minister without specific charges being made.

● (1:10 p.m.)

It is a fundamental principle of justice, so far as I know, that these charges should be made clear and not be blanket allegations. If it were true that the Minister of Justice did not have enough knowledge to say who they were, then of course he never should have made the statement.

Some hon. Members: Hear, hear.