

Administration of Justice

say so with respect. They say they want to take out certain words and replace them by a statement the Prime Minister (Mr. Pearson) made. In fact, the words in the proposed Order in Council say exactly the same thing, except I suppose you have the satisfaction of placing them in the mouth of the Prime Minister. You are not really asking for anything more.

It seems to me, therefore, that if we could re-establish some mutual trust—I was going to say if we could re-establish civilized behaviour between civilized people, Mr. Speaker—it ought to be possible for a small committee representing at least the government side and the official opposition, as well as other parties if they desire to take part, to arrive at terms of reference.

What I am pleading for, Mr. Speaker, is that we not take the rest of this evening, with the danger of it going into tomorrow, in arguing about why something was left out and something should be put in or making accusations as to why something was left out and counter-accusations as to why things were put in. As I have said before, if that happens we will be back in the same undignified, unproductive, negative battle in which we found ourselves last week.

Mr. Churchill: That does not follow at all.

Mr. Lewis: The hon. member for Winnipeg South Centre (Mr. Churchill) says that does not follow at all. I have sat here so far this evening and I can say that has been the result. I have heard accusations hurled across the floor, and they will continue. I am in your hands, Mr. Speaker. Of course, the big parties here control the situation. I am asking whether we cannot be civilized enough to appoint a committee or to agree on a committee, if the Prime Minister will agree to have one. If he does not agree, if he rejects the idea, then hon. members on this side will be fully justified in criticizing anything they do not like in the terms of reference.

Some hon. Members: Oh, no.

Mr. Lewis: That is right. If the Prime Minister says these are the terms and I will not meet with anyone to discuss them, then obviously the people who disagree with those terms must have an opportunity to say so. If the right hon. gentleman does agree to a committee, surely that is the sensible thing. Let us reserve any further discussion on the floor of this house for the time when we have either an agreement or something upon which the parties definitely cannot agree.

23033—169

I cannot sit down, Mr. Speaker, without saying something which I am sure all hon. members have felt and which I have felt as I watched these proceedings as a relatively new member. Some of us may have said things that we may regret at some later time, but there is one person, it seems to me, who stands out for the patience and leadership he has shown. I refer to Your Honour and the way you have carried through these very difficult days of debate.

Mr. Erik Nielsen (Yukon): Mr. Speaker, it should be remembered that the suggestion for the establishment of a committee to work out these terms of reference came from the hon. member for Kamloops (Mr. Fulton). I rather hoped the Prime Minister (Mr. Pearson) would rise after the last hon. gentleman spoke. However, I should like to remind the hon. member for York South (Mr. Lewis), in the event he may have forgotten, of the words of his colleague, the hon. member for Greenwood (Mr. Brewin), and of the words of his leader during the debate last Friday in this chamber. The hon. member for Greenwood said, as reported on page 2563 of *Hansard*:

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.

The hon. member's own leader, who was just as disturbed as the rest of us in this house at the trend this debate had taken as a result of the injudicious statements of the Minister of Justice (Mr. Cardin) and the lack of judgment shown by the Prime Minister in dealing with this matter, said, as reported at page 2602 of *Hansard*:

The reason this inquiry is being precipitated is that the Minister of Justice made certain charges outside the house. If there is going to be a proper inquiry, those charges must be contained in the terms of reference and the onus must be on the Minister of Justice to prove those charges—

For the benefit of the hon. member for Medicine Hat (Mr. Olson), who seems to have a warped sense of what is proper in connection with judicial procedure and matters affecting the fundamental rights of individuals called before judicial hearings, I emphasize these words:

—the onus must be on the Minister of Justice to prove those charges, not on the other parties involved to prove their innocence.