

Privilege—Mr. Baldwin

upon to make a decision, whether in your view there has been a prima facie case of privilege. It is not for Your Honour to make a decision that there has or has not been but to say whether, in your opinion, enough facts have been put before this House to justify the House being given the motion for the purpose of coming to a decision, if it becomes essential to go that far.

I will not go any further with this. Other members may want to participate. I would like to think that I have put sufficient facts before the House which would warrant some concern, not only on the part of members on this side of the House but members on the other side as well, who surely must be alarmed at the extent of the threat posed within the four corners of the statement made by Chief Judge Mayrand.

Maybe the Minister of Justice can deal with this next point because I think this is relevant to the whole issue. It deals with what has been established to be a very serious threat to the freedoms and liberties of people in this country. Has the minister given any consideration to instructing counsel to appear before the appeal tribunal to have them seek to have the bail order rectified so as to permit Dr. Treu to be able to speak to myself and other people in regard to this issue? Is the Minister of Justice prepared to instruct counsel to appear before the appellate tribunal and ask that the appeal be held publicly? There is always the saving right of any court when issues come up which may be pertinent to national defence, or in cases of espionage, to urge that documents not be disclosed.

I would also like to ask if the minister is prepared to walk the full mile and instruct counsel to appear in appellate court and agree that because this trial was held in secret, the conviction and sentence be quashed and that an order be sought to include a provision that a new trial be held publicly, also saving the right of the Crown to insist or to ask at any time that certain evidence or documents which may be inimical to the security and the defence of the country be kept in camera. I suggest that would be a fair and reasonable thing to do under the circumstances.

I am prepared to move a motion and my motion would be: That the matters consisting of the statement made by the Chief Judge, Mayrand, dealing with the statements I made in this House, a statement made by the chief judge on May 29, and all related issues be referred to the Standing Committee on Right and Immunities.

I suggest that committee because that committee has already had experience and has dealt in considerable detail with these particular issues. I am prepared to relinquish the rights I have, in observance of the belief that we might secure a measure of justice for a man who, while he may have breached technically an act in the remarks of the judge who sentenced him, seems at the moment, according to the limited facts we have, to have been the subject of a grave miscarriage of justice. That is the issue which should concern us all primarily. I am reserving the right to move that motion. I would first like to hear what the Minister of Justice and others may have to say.

• (1522)

Mr. Speaker: Order, please. I am sure there are others who wish to participate. I am anxious to hear the comments of other members. I see the Minister of Justice (Mr. Basford) anxious to participate. But there is one thought I want to put forward before inviting the participation of other members.

There are two or three matters that are tied together in the subject raised by the hon. member for Peace River (Mr. Baldwin). The first is that aspect he was touching on at the conclusion of his remarks, that is, some suggestion in respect to the merit of the case before the courts and some positions to be taken with regard to the actual legal matter that is before the courts. That is one which will be ongoing and one that I am sure he, and other members, will pursue with great interest. I am certain all hon. members will want to do that.

The matter which is of a more particular nature from the procedural point of view is that of the question of privilege, because the hon. member for Peace River has based his action in the House on privilege. Of course my obligation may be to find whether the matter does in fact come within the strict and classic definition of privilege that we have followed in the past, whether there has been an affront or contempt of parliament, or whether there has been a molestation or interference in some way with the hon. member in carrying out his duty.

It occurs to me that if I make that fundamental decision, then I give the matter priority and put the question to the House as to whether it should be sent to the committee on rights and immunities, which the hon. member has suggested. While other members are participating, I would want them to bear this in mind. In the end, it seems to me that with the mandate that that committee has already, it would be most unlikely that that committee would complete the work of its present mandate without in some way turning its attention to this entire matter, whether it gets a specific reference or not.

That is something which is quite important to remember, because the subject which is before that committee, the rights and immunities of members, can hardly be looked at in full without a reference to that particular matter. That leads me to the area I would want hon. members to think about during their participation in this discussion, that is, that it may be possible to accommodate the position the House seeks to achieve without making a basic decision on the question of privilege, if the House, instead of insisting on a decision on privilege first, agrees that the matter ought to be referred to the committee on rights and immunities. If the House is in unanimous agreement that the matter ought to be referred to the Standing Committee on Rights and Immunities of Members for examination there, then it is not necessary that it be confined within the strict definition of privilege.

Since the matter relates to language and, therefore, somewhat to the potential rather than the actual interference by the courts in the actions of this member or any other hon. member, and since language has often been set aside as an actual molestation and interference, and since obviously the hon. member and other hon. members are not in the slightest intimidated in their desire to pursue this matter, by whatever