

Privilege

Mr. Crosby: Mr. Speaker, first, to relate the facts to Your Honour and to put them on the record of the House of Commons, there was, in the City of Halifax, a court martial proceeding which resulted in a conviction, if that is the appropriate term, of then Petty Officer Timothy Farler. The punishment which was imposed on Petty Officer Farler was a demotion of three ranks with a recommendation of immediate promotion to the next rank.

In commenting to a journalist on this matter I indicated my view, which I do with some sense of pride as well as concern, that the punishment did not fit the crime, that had that kind of offence been prosecuted in a civilian court the punishment would have been much greater. I do not see why I should hesitate to express that view. The cruelty involved in the actions of Petty Officer Farler was evident to all involved.

As a result of making those remarks certain events took place. For the purposes of Your Honour's consideration you merely need consider the events which took place with regard to a subsequent court martial of another member of the Canadian Forces whose name I have just indicated.

In that proceeding counsel for the accused seaman argued before the court martial that as a result of the remarks I made, and the publicity attendant upon the court martial, the charges should be dismissed as a fair trial or a fair court martial, if that is the proper terminology, could not be had.

As I understand the authority one should quote from the article, and I do so as follows:

"—Halifax West MP Howard Crosby jeopardized a court martial in Halifax yesterday by trying to contact a chief witness before the trial, a defence lawyer charged yesterday.

Defence lawyer Lieut. Guy Phillips said Crosby has tried to contact Leading Seaman Paul Jack Mishak, chief witness in the court martial of Master Seaman Ryan Michael Buttar. That, coupled with media reports on a prior court martial of Leading Seaman Timothy Charles Farler, means charges against Buttar should be dropped, said Phillips.

Mishak, 22, testified at Buttar's court martial yesterday that a friend had received a phone call, asking him to contact "a Mr. Crosby".

Rather than return the call, Mishak consulted his superior officer who told him not to talk to Crosby."

There are the facts, Mr. Speaker. However, the relevant consideration is that I made no attempt whatsoever to contact any witness and I certainly made no attempt to contact Leading Seaman Mishak. In fact, quite the opposite, I was contacted by a person and I avoided any further involvement in the inquiry.

• (1530)

For a serving officer of Canada's Armed Forces to rise before a court martial and say a Member of Parliament does not have the right to speak out on a matter of wide public interest involving national defence and the Canadian Forces is totally wrong and without any justification. To accuse a Member of Parliament of contacting a witness for apparently improper reasons is a serious allegation which should not be disregarded. If untrue, it raises questions about the motivation of the officer who made the allegation. What is the purpose? I suggest to you that on the face of it, it is to intimidate the Member of Parliament, to say butt out, this is an affair for

naval authorities, a court martial, and you should not concern yourself with what is regarded as military justice.

I said in Halifax and I repeat in this Chamber, not for one moment will I butt out of what I consider to be a serious matter involving the health and welfare of individuals in the Canadian Forces and one of interest to all citizens. We know, you and I, that civilian law governs in this country, not military law or their version of discipline in the Forces.

I do not want to impute ill motives to everyone involved in the situation, but it is certainly worthy of close investigation. Let me tell you why. While that officer, Lieutenant Guy Phillips, was prepared to make the suggestion in the court martial that I was interfering in the process by making remarks which were published, as well as the media who exercised their rights, the same officer made no comment on an article published in the *Halifax Chronicle-Herald* of August 11, 1988, signed by Rear Admiral H. T. Porter, in which he said the sub affair was an isolated incident, not to worry. That did not affect the outcome of the court martial. That did not bring to the attention of the officers involved that they need not treat this matter too seriously because it was an isolated incident in the mind of Rear Admiral Porter as published in the newspaper under his signature. However, the chance remark of a Member of Parliament, repeated to a journalist, published in the paper, does affect the court martial. Now do you get the picture, Mr. Speaker? Now do you begin to wonder what is going on in this court martial? What are these people up to? Are they trying to intimidate a Member of Parliament? Are they trying to say courts martial are the business of the military and they do not want any civilians interfering?

I think this relates very directly in a very serious way to every Member of Parliament. I will tell you right now the next time around I will do exactly the same thing. If I think the punishment meted out to a member of the Armed Forces by a court martial or by anyone else is not in the public interest, I will say so. I am not going to be told what to do by any lieutenant in the Navy or any other serving officer.

I want your backing on this, Mr. Speaker. I want you to stand up on behalf of all Members of the House and say civilian law governs in this country. The laws enacted by this Parliament are what govern. We are the ones who have to see that they are implemented and enforced to the benefit of all Canadians.

I want to point out that one reason we are talking about courts martial is because of a recent decision of the courts of Canada under the Canadian Charter of Rights and Freedoms which now makes courts martial public hearings. We can expect this in the future. We, Members of the House of Commons as well as members of the public, will know what takes place in courts martial. We will see and judge for ourselves what constitutes military discipline. If I think the cruel treatment of a seaman in the Canadian Navy by a petty officer and a master seaman is not properly punished, I am going to say it.