

Combines Investigation Act

to law. In so far as the failure to give publicity to that report is concerned, it amounted to the connivance and assistance of the attorney general of Canada in preventing or circumventing the operations of the combines act.

That is a serious situation, sir, for it is the same attorney general who now asks power to allow him to institute and conduct any prosecution, and to exercise all the powers and functions conferred by the Criminal Code upon the attorney general of any province. By hiding that report, the attorney general became a party to placing certain individuals in this country above the law. I cannot express, sir, the degree of my alarm that in 1949 the attorney general of this dominion should operate as he did in this case. Will the combines act be enforced with no greater zeal by the attorney general, when he gets the powers requested in this section, than it has been during the last year? I have known the attorney general for a long time, and so far as he personally is concerned I have a high admiration for him. That the attorney general of Canada, the representative of the king's conscience, should have allowed himself to act as a pawn in the hands of powerful ministers in the cabinet, it is difficult to understand.

I asked him, when replying the other day, to tell me where in British history such a course had ever been followed before, that an attorney general had failed to carry out the mandatory provisions of a statute. There has been no answer to that. I asked him whether the result of keeping this report concealed had not been, in fact, to defeat the powers of the Combines Investigation Act? It was held up so long that it denied any person in this country the right to take proceedings. Will this section improve that situation, sir? I do not hold him personally responsible. He explained it. He was new. He came in among the great, sir. Never before in Canadian history did any minister of the crown ever reveal what took place in cabinet council, unless he was about to resign. He raised the blind just a little and gave us a glance.

The minister indicated that, while gallantly accepting the responsibility himself, the reason he did what he did was at the instigation of the Minister of Trade and Commerce (Mr. Howe). That minister held the trumps in that cabinet. Will the attorney general say that, if he gets this power, the Minister of Trade and Commerce will not push him around again? Why did they not publish it? There has been no denial

[Mr. Diefenbaker.]

by the minister, and these facts are underlined by his speech, that the government broke the law. The minister says there are reasons why the law was broken. One of those reasons was that publicity would have been given, that publicity would have done harm and, in any event, certain arrangements were made during the days of the war.

Next, I asked him to answer this: When since 1763 did any minister in Canada or Great Britain ever interfere, in so far as a statute was concerned, in order to place any subject above the law? This strikes at the purpose behind this section.

I am going to deal now, sir, with the excuses that have been offered, and several excuses have been offered for the failure to act.

Mr. Garson: Mr. Chairman, I think this is all very interesting, but I submit that in committee my hon. friend is required by the rules of the house to confine his remarks to the section which is under consideration, which in this case is section 1.

The Chairman: Section 1 refers to the power to institute and conduct any prosecution or other proceedings under the act, but not to the publishing of a report.

Mr. Diefenbaker: I shall bow to your ruling sir. I do say to my hon. friend the Minister of Justice, who has raised this question, that, in my experience in this house, in committee a general discussion of the whole situation is allowed on section 1. What has the minister to fear by discussion? Why the fear? For the first time, too, today one who was interested in the motions raised the points of order, namely, the minister himself. I have never before heard a member of the bar, interested in rulings about to be made before a judge, himself advancing the arguments on his behalf. You can rule me out of order, Mr. Chairman; you can say that I cannot discuss these things. But when you make that ruling you make a ruling that denies the rulings of Deputy Speakers throughout the last ten years and made when we were in committee. I must bow to it.

The man who made discussion impossible, and denied freedom of speech on this matter, is the Minister of Justice. I cannot understand that attitude. To use Mr. Mackenzie King's expression, the antiseptic of publicity is going to be denied in this as it was denied me today by the Speaker on a technicality. I bow to that ruling. I say this. Under that section we place in the hands of