

Summer Recess

The lawyer in Toronto asked a junior colleague if he knew Mr. Brown. This lawyer, with five years' call, had never heard of Mr. Brown or encountered him in any courtroom in Toronto. Then I consulted with Martindale-Hubble, which the lawyers here will know lists the specialties of lawyers, and I could find no specialty with respect to Mr. Brown's practice.

In my respectful submission, this is the most difficult case which has ever arisen in Canada because it very closely involves the government of Canada. If there ever was a case to appoint someone with supreme integrity, skill and a sense of justice and fair play to represent the people of Canada, this is it. As of now, no one has any indication that John Brown is the best man to conduct the case.

But the Minister of Justice tells us that Mr. Brown worked with Mr. Bertrand for four years and therefore he will continue with Mr. Brown, whether or not Mr. Brown has ever been involved in a criminal case in his life before. One thing which makes all of us who have been full-time Crown attorneys angry is the fact that the government appoints its friends—this is generally speaking; there are exceptions—to conduct its prosecutions badly, unprofessionally, and too frequently like legal patsies.

Mr. Dion: Oh!

Mr. Kilgour: It is true. I concede that there are cases where there are first-class lawyers doing patronage legal work, but let me tell my friend opposite that there are many who do not know anything about the cases they are prosecuting. The police are embarrassed, the witnesses are embarrassed, and those who have to stand in court are embarrassed to watch them chopping up their cases. This is not a case in which to appoint anyone other than the most competent lawyer who is respected across the land. If the hon. member knows of any other more important case, I wish he would tell me.

The really vital issue here is whether anyone's head is above the law including that of a senator and possibly other politicians. About 400 years ago, Sir Edward Coke established in another country that no one is above the law; not the king, no one. At the very least, I suggest that we will hear more about this matter in the weeks to come. There will be many Canadians wondering whether one individual, at the very least, is not above the law as far as this particular prosecution at this stage is concerned, namely the former deputy minister of energy with whom I will deal in a moment.

The hon. member for St. John's East (Mr. McGrath) read from some minutes of a Moss commission meeting which took place in the office of the then deputy minister, now Senator Austin. At the time even the youngest child in the gallery tonight would have asked himself, "Why are Mr. Runnalls and Mr. McNabb named as unindicted co-conspirators, and why is not Senator Austin at least named with them as an unindicted co-conspirator?" There has been no answer to that. We are told that it is sub judice. Mr. Chrétien does not have the foggiest notion of the concept of sub judice.

Mr. Deputy Speaker: Order, please. May I suggest to the hon. member that it is the practice of the House to refer to hon. members of the House by their constituencies or by their functions as members of cabinet.

Mr. Kilgour: In my experience with the Minister of Justice in many meetings of the Standing Committee on Justice and Legal Affairs and in the House, he does not have the foggiest idea about the concept of sub judice, what it includes and does not include. I think hon. members opposite know perfectly well that I am telling the truth.

Incidentally, "unindicted co-conspirator" is a legal euphemism. Let me advise the Minister of Justice that two people did not have to be named as unindicted co-conspirators. They could just be called as Crown witnesses. Someone with a little experience in criminal law should sit down with Mr. Chrétien and explain that to him. Perhaps he could look at some of the cases on conspiracy.

Some hon. Members: Order, order!

Mr. Kilgour: I am sorry, the Minister of Justice—

[*Translation*]

Mr. Cousineau: Mr. Speaker, the hon. member persists in transgressing our rules, even after having been warned. Enough is enough.

[*English*]

Mr. Kilgour: I have a couple of comments to make on what is conspiracy, which I think the hon. member might like to hear. Criminal conspiracy occurs when two or more people plan together for an illegal purpose. If the hon. member for Red Deer (Mr. Towers) hears the hon. member for Oxford (Mr. Halliday) and myself forming a common purpose to perform an illegal act, the Crown does not have to name the hon. member for Red Deer as an unindicted co-conspirator; he can be called as a witness. The law of conspiracy is fairly clear on this, and I say this for the benefit of hon. members opposite.

Another issue is the question of freedom of information. Some of the members who are present tonight are on the Standing Committee on Justice and Legal Affairs. They know we have spent a lot of time discussing a freedom of information bill, but everything the government has done since 1972 has been obviously aimed at preventing freedom of speech with respect to the matter of its involvement in a cartel which it now suggests by charges was illegal within Canada.

What is the definition of hypocrisy if it is not to say one thing and do something different? For ten years until today the government has tried to conceal information about these allegedly illegal activities. At the same time, it is pretending to believe in freedom of information in the Standing Committee on Justice and Legal Affairs.

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Section 429 of the Criminal Code talks about conspiracy and conspiring to do an act contrary to any statute of Canada. I remind members opposite that the provincial attorneys gen-