

Privilege—Mr. Baldwin

dealt with when we had before us the Secretary of State in connection with the question of freedom of information. This Act is notorious not only in this country but in Britain where a case tried against Jonathan Aitkens of the *Sunday Telegraph* and Colonel Cairns was thrown out by Mr. Justice Coulfield who said it was about time Section 2, which corresponds to Section 4 of our Act, was pensioned off. I, and other members of my party in this House, have for years been trying to do exactly that in respect of the Official Secrets Act.

Finally, the judge went on to say he deplored the use of parliamentary immunity by members of parliament to question and criticize the manner in which Judge Luc Trudel handled the trial. I never mentioned Judge Luc Trudel's name. I have not taken advantage of parliamentary immunity. I have spoken outside this House, and I intend to keep on speaking outside this House when I see injustices of this kind.

Some hon. Members: Hear, hear!

Mr. Baldwin: Mr. Speaker, I spoke about being a barrister. I am not here as a barrister but as a member of parliament with duties and responsibilities to mark injustices, no matter in what form they come. I can only seek to improve bad laws by calling attention to the application in individual instances of those laws. I, and any member of this House and of the other place, ought not to be frustrated or inhibited by threats or other similar action on the part of anybody, whether he be a justice of the courts, an individual, the Prime Minister—no matter who, barring only yourself, Mr. Speaker.

My problem here, of course, is that I do not have the actual written statement issued by the trial judge who, I understand, is a provincial judge. If I did I might move a motion, and I reserve the right to do so. When I receive that document, if it appears to constitute a direct threat of intimidation as far as I and other members of this House are concerned, to refrain from being critical of or dealing in any way with this particular trial, I will see fit to bring in a motion, if your Honour should hold there is a prima facie case, which might well seek the appearance of the judge before a committee of this House, or even before the Bar of the House, if necessary.

If, on the other hand, there seems to be simply a misapprehension on the part of the judge as to what are our responsibilities, as Your Honour knows, there is a special committee considering this issue, and I would ask in my motion that the matter be referred to that committee.

I would hope that I and other members of this House, of the other place, and of the press, and the people of Canada will not sit quietly by allowing proceedings of this kind to take place without public remonstrance.

Some hon. Members: Hear, hear!

Mr. Speaker: I know there are other hon. members, including the hon. member for Winnipeg North Centre (Mr. Knowles) and the hon. member for Central Nova (Mr. MacKay), who have indicated a willingness to participate in this discussion. The hon. member for Peace River (Mr. Bal-

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dwin) has indicated he is holding open his rights and wants to get a transcript of the exact language to see whether in its actuality or its potential it raises a threat or intimidation against him in the carrying out of his duties as an elected member. That would seem to me to invite comment when that step has been taken, rather than now when the exact text of the pronouncement by the Acting Chief Judge is not known. I would recognize the rights of those hon. members to participate at that time. However, I will not refuse them the right now to speak, but it would seem to me to be preferable to have the text in our hands before carrying the matter further.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, I completely agree with Your Honour that the time for us to speak in greater detail on this matter is after we have, in our hands the text of what the judge has said. Even so, I should like at this moment, if I may do so without losing my right to speak again when the matter arises later on, to indicate my full support of the position taken by the hon. member for Peace River (Mr. Baldwin). Of course I indicated that at two o'clock today by attempting to move a motion under Standing Order 43.

I would also say that I dare to hope, from the preliminary comments you have made from the chair, that you may be persuaded in this instance that we could be very close to a classic case of privilege. It is true that we shall have to wait to see what the judge actually said, but if it turns out to be the fact that he has said something which inhibits or intimidates a member of this House from pursuing what he believes to be his duty, that would be pretty close to, if not dead on, a classic case of privilege.

Before I presented my motion today under Standing Order 43 I went back and read the motions under Standing Order 43 and the questions which the hon. member for Peace River had posed earlier this month. It seemed to me they were all in very careful and restrained language. It seemed to me that what he was seeking was an inquiry as to what is in the Official Secrets Act which makes this secret trial possible, and that in fact he was doing what the judge in one of the quotations attributed to him says he ought to do, namely, try to win improvements to the Official Secrets Act. However, for the judge to go on and say that the hon. member's comments are intolerable, that he does not know what he is talking about and so on, is, I suggest, an intimidation of a respected and distinguished member of this House, which this House ought not to tolerate.

I hope, therefore, you will agree to hear a few comments now, and allow this subject to be reopened when we have the text of what the judge said. At this point I hope I am expressing the views of all members of this House when I say we are on the side of the hon. member for Peace River.

Hon. Ron Basford (Minister of Justice): Mr. Speaker, I hesitate to intervene, because I think one of the issues involved is not only the independence of members of parliament but obviously also the question involving the independence of the members of the judiciary. While they are not accountable to this House or to me, I feel I should make some comment, if