

Oral Questions

● (1415)

Right Hon. P. E. Trudeau (Prime Minister): The hon. member is putting me in an impossible position. He wants me to say whether the judge was right or wrong, and if I said the judge was wrong, then surely the hon. member would take me to task.

Mr. Lawrence: Madam Speaker, I think it is fundamental in our political system that there be a separation of the judiciary and the executive.

Some hon. Members: Hear, hear!

QUERY RESPECTING POSSIBLE RESIGNATION BY SOLICITOR GENERAL

Hon. Allan Lawrence (Durham-Northumberland): Madam Speaker, we have had instances where Prime Ministers have accepted the resignation of cabinet ministers, Mr. Drury for one, and the present Minister of Indian Affairs and Northern Development for another.

Some hon. Members: Question.

Mr. Lawrence: I ask the Prime Minister has the Solicitor General submitted his resignation? If not, has the Prime Minister demanded that resignation?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, the hon. member made a loud speech in his preamble about separation of the judicial, executive, and, presumably, legislative powers. He then asked me did I think the judge is right or wrong. Surely he is asking me to set aside that concept of separation of powers by asking for my judgment on the judgment of the judge.

Mr. Lawrence: I am asking about the Solicitor General.

CHARACTER REFERENCE GIVEN BY SOLICITOR GENERAL

Mr. Chris Speyer (Cambridge): Madam Speaker, my question is to the Solicitor General who, as a lawyer, will know that the purpose of calling character evidence is to lend prestige to the accused through the person or office of the character witness. Will the Solicitor General please confirm that he sent a letter to the lawyer representing Mr. English to be used as character evidence in this particular case, and will he acknowledge the conflict because, as Solicitor General, he and his department are responsible for Mr. English who is now in a penitentiary?

Hon. Bob Kaplan (Solicitor General): The hon. member indicated quite clearly in his question that my representation was not made to the judge. I know the individuals concerned and my letter was sent to their lawyer. I told the lawyer that I would be prepared to give evidence on behalf of these people whom I know, and it was on that basis that the letter was put forward. Certainly there was no telephone call, private representation, or off-the-record representation to any court.

The representation was made frankly, on the record, and on behalf of people whom I know.

Mr. Speyer: There is no doubt that it was on the record, and there is no doubt that the judge said it was in poor taste given the Solicitor General occupies the position he does.

CONDUCT OF SOLICITOR GENERAL

Mr. Chris Speyer (Cambridge): Madam Speaker, my supplementary question to the Prime Minister is: does he approve of conduct where a Solicitor General, who is responsible for a person sentenced to penitentiary on two counts of armed robbery, makes written representations in order to minimize the sentence? Will he not now ask for the Solicitor General's resignation in light of all the miscues he has made?

Mr. Nielsen: He is responsible for the parole board, too.

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, the hon. member is trying to make a clear case of one which is not very clear to me. Surely a minister, like anyone else—

An hon. Member: They are not like anyone else.

Mr. Trudeau:—should be entitled to give character references on behalf of someone he knows in order to ensure that justice is tempered with mercy. That does not seem beyond the limits of any human being.

Surely it is up to the judge to decide whether he wants to receive such representation or not. Apparently the judge did not. I think this is certainly not the case of a minister trying to influence a judge—

Some hon. Members: Oh, oh!

Mr. Trudeau:—in any way that any citizen is asked to give a character reference.

Mr. Nielsen: He is not any citizen.

An hon. Member: He is the Solicitor General.

Mr. Trudeau: He is also a human being.

Mr. Nowlan: Then he should not be in that cabinet.

Mr. Trudeau: If the judge does not want to take into account the testimony of this human being on behalf of one of his fellow Canadians, that is the judge's prerogative.

● (1420)

APPROPRIATENESS OF SOLICITOR GENERAL'S ACTION

Mr. Chris Speyer (Cambridge): Madam Speaker, if the Prime Minister does not acknowledge that there is a distinction between a person acting in his own private capacity and when he holds the position of Solicitor General, my question to him is this: since the Solicitor General is responsible for everyone coming into the penitentiary system, and because the