

PRIVILEGE

MR. BALDWIN—STATEMENT ISSUED BY JUDGE MAYRAND OF MONTREAL

Mr. G. W. Baldwin (Peace River): Mr. Speaker, before I begin I wonder if I might ask if the Minister of Justice (Mr. Basford) is prepared to indicate anything regarding the government's position. He may have had an opportunity to discuss the matter with his colleague, the Minister of Supply and Services (Mr. Goyer), under whose auspices it would appear much of the alleged bungling with respect to this matter took place.

I see no indication of a willingness on the other side to stand and deal with the matter, so I shall proceed.

Hon. Ron Basford (Minister of Justice): Mr. Speaker, I am not sure what the hon. member wishes me to respond to. He raised a question of privilege the other day to which, I take it, he wants to speak again. At that time he did not indicate the precise nature of the motion he wants to move, so I am unable to respond to it at this time.

The question he asked me the other day was about tabling certain documents and I undertook to table that which I could. I am in the process of doing that. I have three documents ready for tabling, and another one is being worked on presently.

Mr. Baldwin: I will take that at face value, Mr. Speaker, and hope that the documents will be tabled because they are very, very important to this particular issue. I really and sincerely hope that the aura of secrecy which appears to be around the trial in this matter does not surround this House.

I have obtained and sent to the Minister of Justice, and to all those other hon. members who were good enough to intervene in this debate the other day, copies of an English translation of the statement issued in Montreal on May 29 by Acting Chief Judge Mayrand. I must say that the copy which came to us is not very legible and I was only able to produce as good an English translation as possible under the circumstances, so if there is any challenge as to its terms I shall, of course, consider that.

I am not going to read all of the statement, which is three pages long and, of course, as a private member I am not permitted to table it. It may be that when the Minister of Justice speaks he will be able to table the document in its entirety if he accepts it.

In part, some of the comments which appear in the statement are as follows:

Some members of parliament, under the protection of parliamentary privilege, have taken the liberty—

I underline the word "liberty".

—of questioning and criticizing the way in which the trial was conducted before Justice Luc Trudel of the Sessions Court.

Then he said:

It is up to the citizens to place pressure on the legislators in order to change the law or on the cabinet in order to change its attitude.

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And later he said:

In the name of the respect of judicial independence, we cannot tolerate—

I repeat those words, Mr. Speaker.

—we cannot tolerate the remarks of Mr. Gerald Baldwin, M.P., who was wondering whether the law had not been well understood or had been wrongfully applied by the judges. We respectfully advise him to content himself with doing his own work, that is, with the drafting of a better Official Secrets Act, if he feels the present one is unjust and abusive. The member of parliament, Mr. Baldwin, should not pose as an appeal court to study the conduct of the judge of this trial, especially since he is totally ignorant of the facts presented as evidence—

Finally he said:

It seems to us that it would be preferable to leave to the courts the delicate task of drawing the line between the rights of the individual and the rights of a nation in the application of the law.

I have underlined vocally some of the statements made by the Acting Chief Judge and I will relate my comments to some of the remarks in the statement, later.

To start with, I want to say that I have never been happy about the use of the word "privilege." I have never maintained that members of this House, of parliament, have rights and privileges higher than those of others, but I think, and I would insist, and I am sure my colleagues on both sides of the House would insist, that members of this House must be guaranteed, must be assured that there are no inhibitions, or any suggestion of intimidation to prevent every one of us from carrying out our duties as we see fit.

Some hon. Members: Hear, hear!

Mr. Baldwin: This is especially so today when so many challenges exist to the strength and the capacity of this House and this parliament to carry out its responsibilities. I suggest we must be ever vigilant to correct what appears to be limitations on our rights as members to do the job we were sent here to do.

I hold no brief for Mr. Treu, Mr. Speaker, but I am concerned about the circumstances under which the legislation in question, the Official Secrets Act, was applied, and which permit the taking of proceedings such as the trial, conviction, and sentence of Dr. Alexander Peter Treu.

Like courts or judges, or even prime ministers, we must be prepared to accept and live with criticism, but not with threats or statements designed or calculated or intended to fence us in and to limit our capacity to discharge our responsibilities. We must be in a position where we have full immunity in this regard, and that is what I complain of in this case. That, Mr. Speaker, is something which concerns this House, and I suggest it is not a matter just of myself as a member of the opposition or of my friends in the New Democratic Party and the Social Credit party. I would hope this would apply to members on both sides of the House who have concern about the capacity of this House and of every member of this House to discharge their duties without being threatened or intimidated, or without any inhibitions.

I say, Mr. Speaker, that in this particular case it would seem to me that the statement and the language of the Acting Chief