

Summer Recess

In September of 1976, the U.S. Department of Justice sought testimony and evidence from Canadian mining officials and companies. The Eldorado Nuclear president at the time, Mr. Gilchrist, gave a deposition to U.S. authorities. In September again, Mr. Speaker, the Government of Canada, the government of all the Canadian people, denied the existence of a cartel. On September 22, 1976, the energy minister of the day, Alastair Gillespie, released a statement outlining the history of what he called a uranium marketing arrangement. Again, no admission of a cartel. On September 23, 1976, the cabinet, of which not a few of those sitting opposite us tonight were members then, passed an order in council entitled "Uranium Information Security Regulations", ostensibly for reasons of national sovereignty. They rejected the cover-up argument. That was the gag rule.

One month later, Westinghouse filed a \$6 billion law suit against 29 uranium producers worldwide alleging an illegal cartel. In the summer of 1977, the U.S. congressional subcommittee released formerly confidential documents involving communications between Messrs. Runnalls, Austin, and Canadian uranium producers, documents marked "specially confidential", despite objections by the U.S. State Department at the request of the Canadian government. The subcommittee rejected the Canadian government's request that the documents be kept secret. Freedom of information really does exist south of the border, Mr. Speaker.

In August of 1977 our party began to mount pressure in Parliament. We felt so strongly about it that we launched a suit in the Supreme Court of Ontario challenging the validity of these gagging orders in council. The judge reserved decision. In the meantime, the government simply revised its regulations to apply only to civil servants and employees of the private sector companies. Again in September, 1977, the Supreme Court of Ontario upheld the validity of the regulations on the gag. In October of 1977, the hon. member for Notre-Dame-de-Grace-Lachine East (Mr. Allmand), one of the few people wearing a white hat, so to speak, in the whole process announced a combines act investigation. Perhaps that is why he is no longer a cabinet minister. That was widely interpreted as putting the issue out of the public spotlight, at least for the period of the investigation.

Going ahead now to late 1977 and the first six months of 1978, Westinghouse sought evidence in the United Kingdom, but the Canadian government and some cartel companies applied strong diplomatic pressure to the House of Lords, I understand, to prevent the release of cartel documents. The House of Lords rejected Westinghouse's request for information. Shortly thereafter, the United Kingdom amended a statute to prevent the extra-territorial application of U.S. anti-trust law. In May of 1978, Gulf pleaded *nolo contendere* and was fined \$40,000 by the U.S. courts in a criminal action. From 1975 to 1978, there have been numerous legal actions in the United States with respect to the cartel, but the U.S. Justice Department had decided not to proceed with civil actions arising from its investigations due to the controversy surrounding some of its early decisions.

In early 1979, the U.S. Senate judiciary committee sought access to the information held by the U.S. Department of Justice. The Canadian government—true to form—once again opposed the release of documents, and the court ruled that confidential intergovernmental information need not be released.

Those are only some of the facts, but the more important matters of course are the public issues involved. One of these issues is respect for this country's institutions, including the administration of justice at the highest level, and more important, the issue that justice not only be done, but that justice shall be seen to be done.

We have, we are told, Mr. John Brown of Blake, Cassells in Toronto as our special prosecutor. In contrast, even president Nixon had the courage at the time to appoint an outstanding American lawyer, Archibald Cox, and give him a free mandate. He was subsequently fired, but another outstanding trial lawyer one of America's best, was then appointed, namely, Leon Jaworski. The reason the Minister of Justice (Mr. Chrétien) tells us that he appointed Mr. Brown is that Mr. Brown worked with Mr. Bertrand for four years. Why do we not go to a fresh counsel, an eminent counsel, an experienced trial counsel? There are 30,000 lawyers in this country. Why does he not go to a number of the best lawyers and say, "In order that justice be seen to be done in Canada, here is the file, here is the Bertrand report. Go out and charge whomever you like. If it is our colleague, if it is this person or that person, do it. This issue is just too important to do otherwise."

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My colleagues who have sat on the Standing Committee on Justice and Legal Affairs know that the Minister of Justice does not have the faintest appreciation of matters such as specializing in law, the finer points of law, what sub judice means, or anything about the more substantive points of law. The Minister of Justice tells us that he wants Mr. Brown because Mr. Brown worked with Mr. Bertrand.

As a matter of fact, I appeared on a constitutional case against Mr. Brown a number of years ago in the Supreme Court of Canada. We were both junior counsel and neither of us said much. Mr. Brown may be a perfectly competent lawyer, but is he a competent special prosecutor for this case? I did not know, so I telephoned a senior trial lawyer in the city of Toronto yesterday to verify that Mr. Brown was at least a competent prosecuting counsel. The lawyer in Toronto did not even know that John Brown was a lawyer in Toronto. He has been in practice for approximately 25 years, and he has never encountered John Brown in any court, in any trial at any level, in the city of Toronto. Mr. Brown may be a good civil litigation-constitutional lawyer but if he, like the Minister of Justice, knows nothing about the finer points of criminal law, is he the best person for a case fraught with half the problems of this one? We should have a special prosecutor at whom every Canadian can look and say, "That man will do justice for all Canadians, no matter what the cost to whomever". I suggest that this is not the case here.