

Privilege—Mr. Baldwin

way. All of these little things begin to build up, and we may find the traditions and privileges of this House, in the sense the hon. member for Peace River spoke about them, gradually whittled and eroded away. If that should happen, it is not just members of the House of Commons who will suffer. This institution itself will suffer, as will the force of this institution in the scheme of our national affairs. We do have certain privileges—I guess you could call them immunities or rights—to be used responsibly for the protection of people, causes, and institutions.

This is why it is important, if Your Honour has any doubt in respect of the matter, that the doubt ought to be resolved in favour of deciding that a prima facie case has been made. I must suggest, sir, that the facts should lead you far beyond that point. However, if the facts have left Your Honour's feelings in balance, then any doubt should be resolved in favour of this institution and its privileges, and I ask you to rule in that way, sir.

Mr. Roger Young (Parliamentary Secretary to Minister of Justice): I will attempt to be brief, Mr. Speaker. It would seem to me that the real question at issue here is one of conflicting privileges, perhaps, and the necessity that parliament has its rights, freedoms, immunities and privileges. So, equally, does the judiciary. I think some of the words of the hon. member for Peace River (Mr. Baldwin) were very well chosen, but I think, in terms of the way he applied them to the rights of members of parliament, they could equally and equitably be applied to members of the judiciary. There must be rights, freedoms, and immunities which are afforded members in order that they may do their job. Concomitantly, there must be rights and privileges afforded members of the judiciary to do their job.

What the hon. member for Grenville Carleton (Mr. Baker) has said, to the effect that it was the nature or the tenor of the words that is important, is quite true. With respect, sir, I do not see in the words, as I read this translation, any of the same reflections. I do not see the same tenor in those words.

An hon. Member: Oh, oh!

Mr. Young: Perhaps the hon. lady would permit me to complete my remarks. I do not see that same tenor in the words. I see a difference of opinion between a member of parliament and a judicial official; a difference of opinion between a member of parliament and a judicial official; a difference of reflection of one upon the other. One has to be a little bit thin-skinned to find the reflections in those words that have been attached to them thus far.

To begin with, there is a very important issue in respect of the nuance of the language within which the words were spoken. They do not translate quite so directly into the English language as they appear from the translation we apparently have before us. Mr. Speaker has made a point already on one particular passage.

There is a very important issue here in respect of the nuance to be attached to the words spoken in the language in which

[Mr. Baker (Grenville-Carleton).]

they were spoken. A translation, rough or as accurate as one may get, may not contain the same nuances.

I said that I did not see the same flavour, the same tenor, and the same nature of feeling in the words as seen by the hon. member for Grenville-Carleton. I wish to refer to one or two passages. I hope this translation is as accurate as it possibly can be, because I am working from the English in the translation and not from the original.

There are a couple of very important passages in this translation. At one point the judge was saying that the Official Secrets Act places a judge in a real dilemma. He went on to explain how a judge would find himself in a dilemma when conducting a trial under the Official Secrets Act. Some time later in this translation the judge was saying:

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

The sentence goes on to state:

—who was wondering whether the law had not been well understood or had been wrongfully applied by the judges.

I think those two phrases explain the context in which the judge received the remarks and the nature of the state of his mind at the time he made his comments in reply. I do not think one can overlook that.

The hon. member for Winnipeg North Centre (Mr. Knowles) said, and I hope that I am not taking him out of context, that the judge had said something about members of parliament not having the right to draw the line, although I do not see that in here. The passage I see, and again this is from a translation, but the judge is saying "It seems to us that it would be preferable to leave to the courts the delicate task of drawing the line between rights of individuals and rights of a nation in the application of the law." That in no way, Mr. Speaker, could be interpreted to say that the judge was saying what rights parliament has and what rights parliament does not have.

Mr. Knowles (Winnipeg North Centre): That is precisely what he is saying.

Mr. Young: It seems to me that the man is saying, "It would be preferable." You would have to be very thin-skinned to read into the remarks the nature of which is understood by the hon. member for Winnipeg North Centre.

An hon. Member: He is trying not to see it.

Mr. Young: There are, evidently, a lot of members from the other side, Mr. Speaker, who wish to speak from their seats. If they wish to get up and participate in the debate, they are quite welcome to do so.

An hon. Member: Sit down; I will do so.

Mr. Young: All right, if the hon. member would be decent enough first to allow me to conclude my remarks. I will be a few more seconds.