

Combines Investigation Act

Some hon. Members: The cabinet.

Mr. Garson: No, not the cabinet; not by any means. This would have been a very simple matter as far as the cabinet was concerned if they could have laid before them a set of facts upon which the executive officers would agree; but one group said, "Here are the facts," and another group said, "Those are not the facts at all."

Mr. Diefenbaker: Did Mr. Howe threaten to resign if you published the report?

Some hon. Members: Oh, no.

Mr. Diefenbaker: It is true; the papers said so.

Mr. McCann: Do you believe all you see in the papers? It is not true, and you know it.

Mr. Garson: By that last question the hon. member for Lake Centre is trying to trap me into a disclosure of the very type he was accusing me a few moments ago of making, in relation to cabinet secrecy. Well, on that point let me say that I have disclosed no cabinet secrets at all in this matter; that I am well aware of the very strong oath I took concerning cabinet secrecy, and that I have endeavoured to the best of my ability to observe it.

The facts are these. When the various amendments we are now considering came from the combines investigation officials they had to be considered by cabinet before they could be put into a bill as representing government policy, so I took the amendments to cabinet for that purpose. There would be no other way of getting their agreement. While those amendments were before cabinet, as so very often happens in a matter of this kind, various members of the cabinet had ideas of their own about how the act might be amended. These were suggested to me, but I preferred not to discuss them until I had been briefed by my officials. So I went back to what was really my combines deputy, since at all times there has been direct contact between the combines investigation commissioner and myself. My chief deputy is of course the deputy minister of justice. The penitentiaries commissioner in a sense is another deputy; the mounted police commissioner is another; and the combines investigation is another. I have direct contacts with all of these officials.

Following the practice which I think has been universally regarded through the years as not constituting any breach of cabinet secrecy, since otherwise government business could not be carried on, I disclosed to my deputy the points that had been raised in cabinet. There was no other way by which

[Mr. Garson.]

I could get from him the memoranda I had to have in order to intelligently deal with the matter in cabinet.

Mr. Diefenbaker: When was that?

Mr. Garson: I would not even attempt to answer that question.

Mr. Diefenbaker: Before the month of June?

Mr. Garson: It would be some time after the first draft of these amendments, which came to us on April 7, 1949. We considered ten different drafts, and I certainly could not make any pretence of saying in reference to which of those drafts, some of which were before June and some after, these other suggestions were made. I am rather inclined to think they were made after June, but I would not be sure. At any rate, when I got them I took them back to Mr. McGregor. He considered them and gave me a memorandum which I took back to cabinet; and that memorandum was so convincing that we did not go further with those suggestions.

In his letter of resignation to me Mr. McGregor felt that the only way he could clear up the position between himself and myself, as a justification for the resignation, was by referring to some of those suggestions which had been made in cabinet and communicated by me to him in confidence. He made that reference, and when I received the letter I said, "Look here, this puts me in a very bad position. If these things are published it will look like a breach of my oath of cabinet secrecy". As I have already indicated in previous statements, he replied, "My letter of resignation to you is privileged. You do not have to produce it anyway, so it is quite all right for me to make this disclosure in that letter". I said, "That may be all right; you may think it is privileged, but this government could never dream of claiming privilege in respect of a document of this kind". As a result this is a case where, through no fault of any person concerned, there will have been some leakage of cabinet secrets. My hon. friend, who is so glibly accusing me of breaking cabinet secrecy—

Mr. Diefenbaker: I never accused you; I just said you lifted the curtain.

Mr. Garson: You did it very skilfully, but that is the impression that would be given. The point is that no reference to any cabinet secrets has passed my lips in any of these debates, except that which arose out of Mr. McGregor's letter of resignation on the one hand, or from the statement by the Minister of Trade and Commerce in regard to his position, which he had a right to make, on the other.