

*Private Members' Business*

Milgaard a free pardon which would make him clear of all guilt.

I know I have to conclude. I want to say one other thing before I conclude and I hope the House will give me time to just wind up. It is very important that in the Boyd report Professor Boyd mentions what was recommended by the Marshall commission.

Let me just quote: "In 1989, a royal commission on the Donald Marshall prosecution concluded that section 6(9)(e)," that is a review power by the minister should be replaced by an independent review mechanism. "We recommend that this review body have investigative power so it may complete and have full access to any and all documents, material required in any particular case and to have powers so witnesses can be compelled to provide information."

We cannot have the same people who prosecuted do an investigation to determine the possibility of a miscarriage of justice because it goes against their own interests. That is what the royal commission was saying in the Marshall inquiry. The Milgaard case is a perfect example.

This apparent miscarriage of justice has taken the best years of life away from David Milgaard. I believe it is time for the minister to rise above the bureaucratic inertia and show some real courage and show what can be great about our system. In Britain, the accused Irish group was subsequently given a new trial and the charge was dismissed. People said that was a great mistake, that the IRA people were railroaded into guilt when they were in fact innocent and it was a great tragedy of the British system. To me, it was the great genius of the system. The system had enough guts and enough courage and enough justice to go back and say: "We made a mistake".

• (1520)

I say to this House there is the evidence that I can see. I invite the minister to put the McIntyre report before the public and any other evidence she has. But the evidence looks to me, and I think to the the members of this House, that a miscarriage of justice has been done here. This man is still serving time. Surely the minister

should refer it for a new trial or take a new look at this case. I urge her and plead with her to do that.

**Mr. Felix Holtmann (Portage—Interlake):** Mr. Speaker, I listened with interest to my colleague from Port Moody—Coquitlam and his motion before the House this Friday afternoon. I can tell this House it is very much colder in in Stony Mountain, Manitoba, at this very moment. While we are basking in some 18 degrees of warmth here in the nation's capital, it is quite cold at home with quite a bit of snow on the ground.

I would like to also tell this House that for many days, weeks, months and years David Milgaard has been incarcerated at the Stony Mountain Penitentiary in my constituency, not 15 miles from where I live. I suspect he would be watching with interest this particular debate in the House of Commons presented by the member for Port Moody—Coquitlam.

This is indeed a very serious motion. It deals with a person, a human being, his life, his past, his 21 years, I believe, in prison as a result of a conviction of murder. I can also say that I had the opportunity to meet with Mr. Milgaard personally almost a year and a half ago when his case was being brought into some prominence and being discussed by not only lawyers, but being reviewed by his family members. I know members of this House know and have talked to Mr. Milgaard's mother. She personally called me yesterday. Among the members of Mr. Milgaard's family is a great deal of hope that our Department of Justice, our Minister of Justice and, as a result of even a visit with our Prime Minister, this case would be reviewed.

Unlike my colleague from Port Moody—Coquitlam, I do not have a lawyer's legal background. I am not going to state the case as my colleague just has, as if he were instructing the jury, this House being the jury and all those listening to the House of Commons. I cannot say how they should view this case as a final summation. I cannot, like my colleague, say everything I have heard is absolutely 100 per cent correct. I certainly was not there. I can only go by the different things I have heard from individuals.

After 21 years, he still proclaims his innocence after being in a penitentiary and different jails in this country, notwithstanding what that must do to the human spirit, mind and soul. In fact, one does have to wonder, and I