

Supply—Justice

The Deputy Chairman: Does the committee give unanimous consent to the hon. member to continue?

Some hon. Members: Agreed.

Mr. Pickersgill: I appreciate the committee giving me the opportunity to complete my remarks in a single sequence. I was just saying that I cannot imagine any circumstances in which, when a clear duty was imposed by parliament upon a minister, Mr. St. Laurent would have come into the house and made the statement which the Prime Minister made, "Under the circumstances we have concluded." I say that the forms of our institutions are just as important to preserve as the substance, and even if it were the fact, and I am not sure it was, that the Prime Minister did impose upon the Minister of Justice the statement should not have been put in that form.

Let us see what reasons the Minister of Justice gave for taking the position he took on March 16 in relation to what he said as to the situation on March 11, the day on which the request was made. Here is what the minister said, as found at page 1960 of *Hansard*:

Following the clash that took place on the highway outside the town of Badger on Tuesday evening, March 10, the situation apparently deteriorated further and Superintendent Parsons advised the commissioner that in view of the movement of 100 further strikers into the area, he felt that the call for reinforcements should be renewed.

On receipt of this information from the commissioner on Wednesday morning, I approved—

I find I have to amend something about which I spoke from recollection earlier. When the minister made the statement on Wednesday afternoon, March 11, he had already approved—

—his taking the steps necessary to gather the men in the maritimes who had been alerted, and to have air transportation arranged. I told him, however, that while these steps were to be taken as a precaution I was not giving authority for the plane to take off from Moncton, and that this was not to take place until I had an opportunity to consider the situation further and to consult with my colleagues with regard to it.

That is the situation, and that consultation, as I have said several times before, took five days.

Mr. Fulton: My hon. friend should read the next sentence which disposes entirely of the inaccurate statement he has just made and proves that what he said was incorrect.

Mr. Pickersgill: I will be very glad to do so. I told the minister at the beginning that I would be very glad to read any additional part and I will be very glad to do so. The

minister does not need to be provocative about it. I will be glad to do it any time he asks.

The commissioner thereupon informed me—

Mr. Fulton: No, the next sentence, which shows that it did not take five days but that a decision was taken that afternoon.

Mr. Pickersgill: I beg the minister's pardon. I certainly was not deliberately trying to omit it.

Some hon. Members: Oh, oh.

Mr. Pickersgill: If any hon. gentleman wishes to make the suggestion that I was he can make it.

These consultations were held on Wednesday afternoon, and it was decided that a state of readiness should be maintained but that reinforcements should not be dispatched at that time.

That was no decision. That was postponement of a decision, a postponement that endured, as I have already said, for five days. I want to come now to the minister's reasons for refusing ultimately, five days later, to send these reinforcements. Here is what he said as found on page 1961:

I do not accept, and the government of Canada cannot accept, that an issue of this importance—whether reinforcements should be sent under the circumstances such as existed here—can be decided on the basis of a mere mathematical calculation as to whether men are physically available.

Mr. Fulton: Mr. Chairman, so far I have refrained from interrupting the hon. member on a point of order, the point of order having to do with the sub judice rule, because the hon. gentleman has been reciting the facts and giving his opinion about them which he is entitled to do and to which I am entitled to reply, and to which I shall, but I think the hon. gentleman is now coming inescapably to the issue that is before the courts, the issue of whether it was right or wrong to refuse to send these reinforcements.

Mr. Pickersgill: Whether there was a contractual right.

Mr. Fulton: Discussion of that issue inescapably involves discussion of the issue that is before the courts. If the hon. gentleman is going to discuss the reasons which I gave at the time I shall have to defend them and we will inevitably drift into an improper debate.

Mr. Pickersgill: When I reached the reference to "mere mathematical calculation" I realized at that point that what the minister is saying is quite right, but I think we must be very clear about what is before the court and that is whether or not the contract was broken. I am not going to attempt to argue that at all. The minister is perfectly right