

Administration of Justice

privileges of its members. The question arises whether the house, in the exercise of its judicial functions with respect to the conduct of any of its members, should deprive such member of any of the safeguards and privileges which every man enjoys in any court of the land.

And then further on page 584 of the *Journals of the House of Commons* of Friday, June 19, 1959:

In my view, simple justice requires that no hon. member should have to submit to investigation of his conduct by the House or a committee until he has been charged with an offence.

● (11:20 a.m.)

I would repeat what I said yesterday and draw the attention of the house to these words which also appear at page 584:

In my view, simple justice requires that no honourable member should have to submit to investigation of his conduct by the house or a committee until he has been charged with an offence.

In the case before us no hon. member has taken the responsibility of making a specific charge against any hon. member. The hon. member for Winnipeg South Centre (Mr. Churchill) asks for the advice of the Chair as to what kind of motion could be received. This cannot be done; the Chair can only rule on what is actually before it and cannot rule on hypothetical cases or in the abstract.

Right Hon. L. B. Pearson (Prime Minister): Mr. Speaker, you have ruled that the motions that have been made are out of order in that they do not subscribe to the rules governing privilege, and you have quoted Mr. Speaker Michener to support your judgment in this matter. I recall that Mr. Speaker Michener was at that time given a good many days by the opposition to think over his ruling, and not a matter of a few hours. We are all the more grateful to you, Mr. Speaker, for giving your ruling in such a short time on such an important matter.

I think I should point out, however, that while you have ruled these motions out of order, for very good reasons, it is of course within the responsibility of the government to set up a judicial inquiry at once by order in council. The government is perfectly willing to do that at once. The Minister of Justice is most anxious to see it done and to have these allegations gone into at once by a judicial inquiry.

Mr. Pugh: What allegations?

Mr. Pearson: Perhaps my hon. friend would keep quiet until I have finished, just for a change.

[Mr. Speaker.]

An hon. Member: Your Minister of Justice should have kept quiet.

Mr. Pearson: If and when this order in council is passed, and it can be done quickly because we have precedent for this kind of thing now, there will be a supply motion on Monday and the opposition will have a chance to raise the subject as a grievance or as a vote of no confidence in the government for the way it has handled this matter and in connection with any action we have taken over the week end.

Mr. Starr: No, sir, not until the Minister of Justice gets up and names names.

Mr. Lambert: Mr. Speaker, with reference to that which the Prime Minister has now said, it is my contention that before a matter can be referred to a judicial inquiry it must be a matter certain. We have had so far no indication beyond rumour, beyond scuttlebutt, of any foundation for the statements made by a minister implicating a group, without specification. I would ask how it is possible to refer anything of this kind to a judicial inquiry. Those people involved must know what they face; it is the elementary principle of justice.

Some hon. Members: Hear, hear.

Mr. Lambert: Is a body of Privy Counsellors, 15 or 20 in number, to suddenly appear before a judicial inquiry and be faced then by an accuser—

Mr. Woolliams: A witch-hunter.

Mr. Starr: McCarthyism.

Mr. Lambert:—without knowledge of what they are to face?

Mr. Pearson: It will be in the order in council.

Mr. Lambert: The Prime Minister says it will be in the order in council. Has the Prime Minister detailed knowledge which he has failed to disclose to the house?

Mr. MacEwan: Tell parliament, tell the House of Commons.

Mr. Lambert: This is the point. All the opposition has been asking is that the minister stand in his place like a man—

Some hon. Members: Hear, hear.

Mr. Lambert:—and let him name names. On previous occasions names were named.

Some hon. Members: Hear, hear.