

*Supply—Justice*

"We have concluded", not "I have concluded". This is not the Minister of Justice speaking, this is the Prime Minister usurping the functions of the Minister of Justice.

**Mr. Fulton:** Oh, nonsense; absolute nonsense.

**Mr. Pickersgill:** I will deal with the nonsense.

**Mr. Fulton:** So will I, I am going to deal with your nonsense.

**Mr. Pickersgill:** No doubt the minister is, and if we deal with it each in our turn it will be better.

**Mr. Fulton:** Don't make such silly statements.

**Mr. Pickersgill:** "Under the circumstances we have concluded that it would be provocative". No one knows better than you, sir, a distinguished lawyer in the province of Quebec who is familiar with the constitution, that it is the exclusive responsibility of the provincial authorities to administer justice in the provinces.

**Mr. Pearson:** It used to be.

**Mr. Pickersgill:** Or it used to be, as my leader has pointed out. But here we have, because of an arrangement, an arrangement on which the province up to five days before had every reason to believe it could rely, the Prime Minister, without any knowledge of the facts, as his previous statement shows, arrogating to himself and to his colleagues the functions of an attorney general of a province. That is what happened, because there can be no question that in the province of Quebec where they have provincial police it would not be possible for the minister to do this; but because the provincial authorities in a smaller and poorer province had made an arrangement which the minister last night said he believed to be a good one, for that reason it is deprived of its rights, deprived of the necessary instrument on which it had every right to rely in order to carry out those rights. That is what the Prime Minister's statement means and it is all that it can mean.

Then he went on to reinforce that with another sentence. I do not intend to read the whole statement unless I am asked to do so, but he went on to make this extraordinary observation, no doubt out of his vast knowledge of what was going on in Newfoundland:

I would think that the danger of disorder and violence would be very much reduced if all those concerned would agree to a cooling off period of say two weeks.

Here was a situation where a man had been killed. Here was a situation where the

[Mr. Pickersgill.]

whole population of an area was tense and where, if ever, there should be more than adequate police in order to make sure that the situation did not deteriorate. But what do we have from the Prime Minister? No police but just this appeal for a cooling off.

**Mr. Fraser:** And they did.

**Mr. Pickersgill:** If the hon. gentleman thinks that what happened afterward was the result of anything said by the Prime Minister I am afraid I would find it difficult to agree with him.

**Mr. Fulton:** I am sure you would, knowing you.

**Mr. Pickersgill:** I want to come now to what the Minister of Justice had to say in justification. The Minister of Justice contradicted the Prime Minister. The Minister of Justice, I think, took the proper legal view. I must say, speaking personally, that I would have more respect for the legal opinion of the Minister of Justice than I would for the legal opinion of the Prime Minister, but that is a matter of personal preference and I think here the Minister of Justice was right and the Prime Minister was wrong. I want to refer to what the Minister of Justice said, dealing precisely with this point, as found at page 1960 of *Hansard* for March 16. He gave various reasons but I want to read first this sentence found about a quarter of the way down the second column:

It is also clear that the ultimate responsibility for the decision rests on the Attorney General of Canada.

In my view that is right. As hon. gentlemen know, I have had some experience in government myself. I was charged with the administration of certain acts of parliament that imposed certain duties upon the minister, and those duties were imposed by parliament upon the minister, not upon the government. Where they were imposed upon the minister the view that was always taken by the prime minister under whom I served was that the minister himself must take that responsibility. That did not preclude his seeking advice from his colleagues—

**Mr. Fulton:** Exactly.

**Mr. Pickersgill:** —but I cannot imagine any circumstances in which a duty was imposed upon a minister when Mr. St. Laurent would ever have come into the house and used words such as the Prime Minister used.

**The Deputy Chairman:** Order. I am very sorry to have to advise the hon. member that his time has expired.

**Mr. Fulton:** Oh, well, we are in committee.