

Administration of Justice

The right hon. gentleman made these statements and I cannot permit these statements and misrepresentation to stand. I wish there had been a debate but since there is not one and I am not prepared to wait for tomorrow or the day after—this has gone across the country. I am entitled, I submit to you, Sir, to put the record straight now.

The right hon. gentleman may be prepared to let the matter stand now. He has had the publicity which of course he did his best to shun. No doubt his natural reticence was overcome by public demand.

Mr. Diefenbaker: Mr. Speaker—

Mr. Lewis: But I do not appreciate what he has done.

Mr. Diefenbaker: Mr. Speaker—

Mr. Speaker: Order, please. The right hon. gentleman rises on a point of order.

Mr. Diefenbaker: Mr. Speaker, I do not mind the hon. gentleman exculpating himself by misrepresentation or otherwise but to go into detail he did indicate he is prepared for a debate that is not going to take place.

Mr. Howard (Skeena): All because you do not want it.

Mr. Diefenbaker: I say that no point of privilege is involved in the way the hon. member is putting the matter before us.

Some hon. Members: Hear, hear!

Mr. Speaker: Order, please. I think the hon. member for York South ought to be given an opportunity to state the question of privilege. He has given the required notice under the Standing Order that he wished to raise the matter by way of question of privilege and the Chair is allowing him to do so at the present time. I might indicate that if the hon. member's question of privilege relates directly to statements made by another member, that other member will have the opportunity, under the practice of the House, to respond. I feel we should not have a debate at this time, but the hon. member for York South obviously has the right to indicate what the question of privilege is on which he seeks a ruling from the Chair.

Mr. Lewis: Mr. Speaker, I am sure that you will give me, in your usual fairness, the right to put my case, and the right hon. gentleman, who prides himself correctly on a sense of fairness, ought to have the courtesy to let me do it before he interrupts. I am sure he did not intend to be unfair but he was.

Some hon. Members: Oh, oh!

Mr. Lewis: I say, Mr. Speaker, that if the right hon. gentleman had any charge to make against me he should have made it in the proper way, prepared to take the consequences if his charge failed, just as I would be prepared to take the consequences if his charge succeeded.

I said nothing in my statement last Friday to question the integrity or independence of the judiciary.

Some hon. Members: Oh, oh!

[Mr. Lewis.]

Mr. Lewis: Not a single word in my statement dealt with that.

Some hon. Members: Oh, oh!

Mr. Lewis: If hon. gentlemen had read what I said, and I will be glad to send them a transcript of the tape, they would not scream so. Nor did I say anything about political bias—not a word.

What I said, Mr. Speaker, no doubt in an imperfect way, is the same as was said in this House by a very prominent member of this House and lawyer in this country. This gentleman said some years ago:

Too often appointments to the judiciary in the past have been based on political services, and too often the qualification for appointment to the bench has been the fact that the applicant has been defeated for public office.

That statement, Mr. Speaker, is found on page 5254 of *Hansard* for 1944 and was made by the right hon. member for Prince Albert.

Some hon. Members: Hear, hear!

Mr. Speaker: Order, please. The hon. member might agree that at this point he is not proposing substantively the question of privilege which he would like the Chair to consider. This is debate and argument rather than setting forth the question of privilege itself.

• (1420)

Mr. Lewis: With respect, Mr. Speaker, when a member of this House is attacked in the House he has the right to set the record straight, and I intend to do that.

Some hon. Members: Hear, hear!

Mr. Speaker: Order, please. The hon. member, of course, has the right to do that but he has to do it within the rules and procedures of the House.

Mr. Lewis: Mr. Speaker, I respectfully suggest to you that I am not going beyond the rules of the House—

Some hon. Members: Oh, oh!

Mr. Lewis: —because that is precisely what the right hon. gentleman said in 1944 and many times since, as I could show if I had the time to look up his statements. That is precisely what I said last Friday. I said that many people who reach the bench are defeated Liberal or Conservative candidates and that the moment they reach the bench they think they are gods. As far as I am concerned, they are ersatz gods who do not have all wisdom.

Some hon. Members: Shame! Shame!

Mr. Speaker: May we have order, please. The hon. member for York South has the floor.

Mr. Lewis: Mr. Speaker, my remarks were directed entirely to judges in the field of labour relations, not to their performance as judges in other fields.

An hon. Member: That is not what you said.