

Oral Questions

VIEW OF PRIME MINISTER ON WHETHER PEOPLE SHOULD CALL JUDGES ABOUT CASES—REASON MINISTERS SHOULD CALL JUDGES

Mr. J. P. Nowlan (Annapolis Valley): I must say, Mr. Speaker, that I hope the thump of approval—

Mr. Fairweather: "Thump" has gone!

Mr. Nowlan: —will not deflect from the thrust of my question. I have enjoyed sitting here these past days after a couple of days away, to find out how the government of Canada can carry on. I should like to ask a very simple question of a very simple man, the Prime Minister of this land.

Some hon. Members: Hear, hear!

Mr. Nowlan: In view of the questions and answers given by the Minister of Public Works, for whom I have a great deal of personal regard—

Some hon. Members: Hear, hear!

Mr. Nowlan: —and the Prime Minister on this whole question of phone calls and privilege and all the hocus pocus that might be around the questions, is the Prime Minister suggesting today, in view of his answers and the talk of constituents and the fact that there seems to be a bar of privilege that those involved Canadians who happen to find themselves before the courts of their land should phone one of the judges to talk about their case or have their friends phone one of the judges to talk about the case?

Right Hon. P. E. Trudeau (Prime Minister): No, Mr. Speaker.

An hon. Member: Why not?

Mr. Nowlan: Mr. Speaker, I did not fully hear the Prime Minister's answer.

Mr. Speaker: The answer was no.

Mr. Nowlan: I am glad the Prime Minister at least goes that far, that all Canadians should not phone judges.

An hon. Member: Just ask the question.

Mr. Nowlan: The question, man from Thunder Bay, McRae, is this, to the Prime Minister: If all Canadians involved in the courts should not phone judges can he explain to me, with his knowledge of constitutional law, why any cabinet minister should phone a friend on the bench to discuss a case involving a colleague, or, even to ask him for a gold date let alone anything else. Why did he phone?

Mr. Trudeau: Mr. Speaker, I think by asking the question the hon. member has really supplied me with an answer. I gave it in the House last week.

Mr. Nowlan: I was not here last week; I was taking a break.

Mr. Trudeau: It would be interesting to know if the hon. member was holding a golf date with a judge, Mr. Speaker.

[Mr. Speaker.]

The answer really is the answer I gave last week. It is possible, and happens frequently, that citizens, not only members of parliament but citizens, talk to judges.

An hon. Member: Not about cases.

Mr. Trudeau: I have talked to judges frequently, Mr. Speaker. The essence of the question is "Did you talk to the judge in order to influence the judgment or to influence the course of justice"? That is the relevant—

An hon. Member: Or to try.

Mr. Trudeau: That is the relevant question. I say that to my knowledge, to my information which I acquired after the fact because I did not know from one minister or the other that they were going to do this, having listened to them after this was done I came to the conclusion that they did not attempt to influence the course of justice.

Mr. Lawrence: Tell us upon what you based your conclusions.

Mr. Trudeau: If the courts feel otherwise, I believe we should hear to that effect from the courts. That is the position of the government. Now, that the hon. member has been refreshed perhaps he wants to ask a third question.

Mr. Nowlan: Mr. Speaker, I appreciate the indulgence of the Prime Minister in allowing me another supplementary. It is just with regard to part of his answer that I have found myself in this tangled web because I was away from this scene when the news broke.

Some hon. Members: Oh, oh!

Mr. Nowlan: My question to the Prime Minister is this: again with his knowledge of constitutional law, let alone parliamentary practice—and that I am not so sure about—does not the Prime Minister of this land think that the very fact of a phone call to a judge sitting in decision on a colleague in cabinet is interference, either direct or implied, or could be considered that way by the judge who received the phone call regardless of the intentions of the government friend who might have made it?

Mr. Trudeau: Of course it can be considered that way, Mr. Speaker, and that is why it is a very serious question. But we have an example of one judge, Justice Mackay, who indeed considers it that way then we have the example of another judge, Judge Aronovitch who says he does not agree with Judge Mackay that he consider it that way. Surely this is relevant. We have to know if the judges got that kind of phone call and they are the people who can tell us, not hearsay from members of parliament.

Mr. Baker (Grenville-Carleton): So can Drury tell us. Drury can tell us, too. Why don't you tell us?