

stipulating that there should be no attempt by a member of the government to influence a judge in one direction on a case behind the back of the other party to that case. It seems clear from facts that have just been made known to me by questions from across the aisle that the Solicitor General did not attempt to do that.

POSSIBLE CONFLICT OF INTEREST IN PAROLE ISSUE

Hon. Erik Nielsen (Yukon): Madam Speaker, this is a supplementary question for the Prime Minister. Does the Prime Minister not agree that the Solicitor General, in his capacity as the responsible minister in this House reporting with respect to the operations of the parole board, the decisions of the parole board, has totally compromised himself, in the sense that, when the application for parole of Claude English comes before the board, as it eventually will, together with the Solicitor General's letter, no doubt, whatever decision that board makes, whether it is to grant parole or not to grant parole, the accusation will be made that the board's decision has been influenced by the Solicitor General's action? Whether or not that be the fact, does he not agree that that perceived compromise, that perceived conflict is there?

Some hon. Members: Hear, hear!

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, the hon. member is talking about a hypothetical case some time in the future when the parole board looks at the dossier of this person. It seems to me that the parole board will be looking at the conduct of the prisoner during the time when he was in prison. I do not see that the parole board will be looking at some previous document, produced or not produced at the trial. When the hon. member asked me if it is not more important, I think, to save the appearances, was the effect of his question—

An hon. Member: Perceived.

Mr. Trudeau: To be perceived—my answer, and I have given it many times before, is that I think it is more important that justice be done than that it appear to be done.

Some hon. Members: Hear, hear!

SCOPE OF GUIDELINES GOVERNING MINISTERIAL CONDUCT

Hon. Erik Nielsen (Yukon): I have one further supplementary, Madam Speaker. Are we to take it from the Prime Minister's answer that the Solicitor General in his ministry, as the minister responsible for the penitentiary system and as the minister responsible for the parole board, is at perfect liberty to provide written material, knowing full well that it is going to be used as evidence in the fixing of sentences before our courts of law and the criminal justice system—that he is perfectly at liberty to do so? If he believes that, does he not believe that that is a radical departure from the rather rigid guidelines governing the conduct of ministers of the Crown, which were originally laid down by his predecessor, Mr. Pearson, and re-

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endorsed by himself as Prime Minister at a time when he was having difficulties with other members of his ministry?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, the hon. member makes the point that the minister is responsible for the parole board. But he is not responsible for the courts of justice. The document which is being referred to is apparently a letter sent by the lawyer to the courts of justice, not to the parole board but to the courts of justice.

Once again I am referring to the information I have received from the members across the way. I have not had any notice of this case until the first question was asked this afternoon. I repeat, the minister is responsible for the parole board, not for the courts of justice. My recollection of the guidelines—I will be happy to refresh my mind and refresh the mind of the hon. member for Yukon on the contents of those guidelines—is that no minister should attempt to influence, in a one-sided way, a court of justice. But a minister remains a member, a citizen of this country, a person who is interested in the fair application of justice. I can see no part of a guideline which would be contradicted by the act of the hon. minister. Once again, let us look at the guidelines and let the hon. member refresh his own memory and indicate to me what part of the guidelines is covered by the question we are discussing now.

REQUEST THAT PRIME MINISTER INVESTIGATE CIRCUMSTANCES SURROUNDING MINISTER'S ACTION

Hon. Walter Baker (Nepean-Carleton): Madam Speaker, this is a supplementary to the Prime Minister. The case we are discussing is not a case which is the responsibility of the opposition. It is the responsibility of the Prime Minister as head of the government to see whether or not in this case there has been a contradiction of the guidelines. I am sure if the Prime Minister looks at the guidelines he will see that, aside from the specifics of the guidelines, there is a general disapprobation of behaviour that might be inconsistent with the holding of public office.

What the House would like to ask the Prime Minister, who has responsibility in this matter, and who said that he has not seen it until just today, is whether or not, now that he has had it raised in the House, he himself will undertake an investigation, and chat with the Solicitor General, to see whether or not the circumstances are such that the Solicitor General ought to remain as a law officer of the Crown or ought to be moved to some other responsibility.

Mr. Nielsen: Or out entirely.

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, I can assure you that from the time the first question was asked this afternoon it was my intention to refer to the guidelines and then to ask information about exactly what was done. I can assure the hon. member that in any discussion I have with the hon. minister, with the hon. member or anyone else, I would still hold it is not a bad thing in our society for justice to be tempered with mercy.

Some hon. Members: Hear, hear!