

Administration of Justice

involvement". I think that we as members of this house, before we pass judgment on an Order in Council setting up such an inquiry, must expect answers to these questions.

Who was involved? Was it other women? Was it other men? What persons were involved? What were their names? What members of the house were there? What Privy Councillors? What Privy Councillors here? What Privy Councillors elsewhere? What ministers? Does it refer to ministers here or to ministers there? What Montreal underworld figures are meant, because they have been mentioned? What sports figures are meant, because they have been mentioned? Who else is there? What is the inquiry about? Whose conduct is the inquiry going to investigate? The Order in Council does not say. It contains a statement about failure to seek the advice of the law officers of the Department of Justice. It does not say who failed or why that advice should have been sought in the first place. It does not say why it was wrong not to seek advice because, of course, they cannot say that.

How were those unnamed persons involved? Everyone has the right to know with what he is charged. What about the hon. member for Northumberland (Mr. Hees)? He said he had lunch with Gerda Munsinger.

An hon. Member: Oh, no.

Mr. Nielsen: Yes, yes indeed. Do the minister and the government want to know what was on the menu?

Some hon. Members: Oh, oh.

Mr. Nielsen: Do the minister or the Prime Minister and the government want to call the bell captain to find out how large a tip was paid? What are we inquiring into?

An hon. Member: Gerda.

Mr. Nielsen: Any accused person has the right to know with what he is charged.

Some hon. Members: Hear, hear.

Mr. Nielsen: That is where the government is prostituting the basic concept of justice in its terms of inquiry. The terms of inquiry go on to say that there were circumstances that may have constituted a security risk to Canada and that the case was not properly handled. The minister said, "I think there was a security risk." The minister said that it is a bona fide security case. Why is not that same positiveness expressed in the terms of reference in the Order in Council? Why is

[Mr. Nielsen.]

there the use of the words "may have involved a security risk"?

The minister has made charges that there was a security risk involved. That is what he must answer to. The hon. member for Kamloops has said that there was no breach of security involved. It is upon that narrow issue that the minister must substantiate, as the leader of the New Democratic party and as we have said before, his charges before that inquiry. If the Minister of Justice fails to do so, then in keeping with his Prime Minister's own statement his seat is on the line.

Nothing could have been more categorical than those statements of the minister. Now they have been watered down to something which is hypothetical, to words such as "may"—"may have been a security risk."

How can a judicial inquiry investigate what might have been? How can any judicial body investigate a hypothetical situation? The inquiry has now invited us all to enter the never-never land of conjecture, hypothesis and imagination. How in the name of commonsense, I ask you, let alone in the name of justice, can an inquiry be set up on such a basis? There is not one hard, solid, factual proposition in the whole sorry mess which they like to call terms of reference.

Some hon. Members: Hear, hear.

Mr. Nielsen: Before I go on to discuss one or two terms in the terms of reference with which I take issue, I think it would be useful to read the terms of reference into the record: March 14, 1966.

The Committee of the Privy Council, on the recommendation of the Prime Minister, advise that The Honourable Wishart Flett Spence, Ottawa, Ontario, be appointed a Commissioner under Part I of the Inquiries Act to inquire fully into a statement by the Minister of Justice in a letter dated March 11, 1966, to the Prime Minister, with reference to a case involving one Gerda Munsinger, which was read in the House of Commons on March 11, 1966; into all statements concerning the case in the House of Commons on March 4 and March 7, 1966—

What about the statements that were made on March 10?

An hon. Member: Read the next part.

Mr. Nielsen: It also contained matters—

An hon. Member: Read on.

Mr. Nielsen: I will continue reading:—and into all statements by the Minister of Justice in a press conference on March 10, 1966,—

That does not cover the statements made by the minister on May 10.