

*Privilege—Mr. Baldwin*

To attempt to influence members in their conduct by threats is also a breach of privilege.

Another sentence is found on page 151.

It is a breach of privilege to molest any member of either House on account of his conduct in parliament.

Then on page 153 there is another sentence which I think has some relevance.

Wilful misrepresentation of the proceedings of members is an offence of the same character as a libel.

Despite what the Minister of Justice has said about members not being intimidated by the comments of the judge, which of course is demonstrated by the fact that we are discussing the matter in full freedom here on the floor of the House, the fact is that the gentleman who has offered this criticism is not an editorial writer in the employ of some newspaper, and not an ordinary citizen of Canada saying he will not vote for the hon. member for Peace River at the next election. He is a judge who has the power to summon persons to his court, or to charge the hon. member for Peace River with contempt. I suggest that when a judge in that position makes the statements that he has made in the translation which is now before us, he is in effect saying to the hon. member for Peace River: desist or something can happen to you. Indeed, he is saying it to all of us. I put that down as a threat, as noted on page 150 of May's nineteenth edition, or as molestation.

● (1542)

There is also, in my view, some misrepresentation of what the hon. member for Peace River was trying to do. I realize that the hon. member for Peace River has read the offending sentences and that the document is now part of today's record, but I think it should be noted again that the first sentence which was read is as follows:

Some members of parliament, under the protection of parliamentary privilege, have taken the liberty of questioning and criticizing the way in which the trial was conducted by Mr. Justice Luc Trudel of the Sessions Court.

The Minister of Justice says that is a statement of our rights. If that is what he meant, he could have said that we have exercised the right to question and criticize, but when he says that a member of parliament has taken a liberty, it means that in his view the member is trifling with our rights and that that in effect is a warning that, in the view of the judge, he has gone too far.

Then for that same judge to say later in very clear language—at least as far as the English translation goes—

In the name of the respect of judicial independence, we cannot tolerate the remarks of Mr. Gerald Baldwin, M.P. who was wondering whether the law had not been well understood or had been wrongfully applied by the judges.

—as I have already said, if this were an editorial writer saying this in the *Globe and Mail*, in the *Montreal Gazette*, or in the *Winnipeg Free Press*—so what, the hon. member for Peace River would not worry at all.

If this were an ordinary citizen writing letters to an editor, or writing to members of parliament saying “we cannot tolerate that sort of thing, we will not support the member in the

next election”, that would not be cause for concern. But when a judge, with the power to charge a person with contempt, says that sort of thing, in my view he is attempting to influence a member in his conduct in the House, he is molesting a member on account of his conduct in parliament, and I suggest that, whether or not we have the right to call the judge, or decide that we have that right, the hon. member for Peace River has been wronged by that kind of statement.

The judge goes on to say:

We respectfully advise him to content himself with doing his own work . . . The member of parliament, Mr. Baldwin, should not pose as an appeal court to study the conduct of the judge of this trial—

Then the final paragraph is of the same character. It reads:

It seems to us that it would be preferable to leave to the courts the delicate task of drawing the line between the rights of the individual and the rights of a nation—

Editorial writers may tell us that until they are blue in the face and we do not worry about it, but when a judge says that we do not have the right in this high court of parliament to discuss the question of drawing the line between the rights of the individual and the rights of a nation, in my view that is going too far. I say “going too far” because the effect of that is to attempt to influence members in the conduct of their duties in parliament, and it is a case of molesting a member of parliament on account of his conduct in parliament.

I have read again today, as I did before I presented a motion some days ago under Standing Order 43, the words of the hon. member for Peace River on this whole question. They were contained in a motion under Standing Order 43 on Friday, May 12, in questions to the Minister of Justice on Monday, May 15, and in another motion under Standing Order 43 on Tuesday, May 23, and I find in all those statements nothing that is offensive, nothing that goes beyond his concern that we have on our statute books an Official Secrets Act which is thoroughly out of date and should be looked at and revised so that the kind of trial which took place in the case of Dr. Treu could not take place at all. Because, in my view, the hon. member for Peace River has not offended the rights of the courts not to be criticized, because he has exercised restraint, because he has pursued his duty in trying to get this parliament to bring up to date an outdated and antiquated law, I believe that for the judge to molest and interfere with the member's rights is a classic case of privilege.

I must say that I come back to my feeling that Your Honour's suggestion was a good one and, if it can be negotiated, I would go along with it, namely, that this matter be gone into thoroughly by the Standing Committee on Rights and Immunities of Members. But if the Minister of Justice is not prepared to give unanimous consent to pursuing that course, then of course Your Honour will have to decide whether or not there is an actual case of privilege, bearing in mind that the classic definition of privilege is an attempt by anyone, especially outside of the House, to interfere with the right of a member to do his duty in the House. I suggest that that is what the judge has done. Whatever may be our rights of redress, at least we have the right to declare that the privileges