

Oral Questions

another version after hearing from his judges about something that happened seven years ago and which had not caused any grievance since then. I am prepared to hear the other side of it and then I will judge—we will judge as a government.

Some hon. Members: Oh, oh!

Mr. Baker (Grenville-Carleton): "I will judge."

Mr. Trudeau: Mr. Speaker, obviously I have to judge. I am being asked if I will grant an inquiry. If members opposite do not want me to make a judgment on that, they should not ask me the question.

Some hon. Members: Hear, hear!

PRIME MINISTER'S VIEW ON SEPARATION OF POWERS
BETWEEN JUDICIARY AND LEGISLATURE

Mr. Joe Clark (Leader of the Opposition): Mr. Speaker, what is at issue here is that contact was made, admitted contact by ministers and representatives of the government of Canada, with judges of courts in Quebec concerning cases then before those courts. In light of that fact, does the Prime Minister accept as a matter of very basic principle the traditional doctrine of absolute separation between his ministers and the courts or does he instead take the position that his ministers and their aides have a right to intervene—and that is the word deliberately used yesterday by the Minister of Public Works—with judges and with courts regarding questions that are before the courts? Does he accept that there should be, as a matter of fundamental principle, a separation between the political cabinet and the courts of the land, such as has been broken in this case?

Some hon. Members: Hear, hear!

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, as a discussion of theory—

Some hon. Members: Oh, oh!

Mr. Trudeau: I see that members opposite are not very interested in theory. If they are interested in this particular case, Mr. Speaker, my answer still stands.

Mr. Clark: Mr. Speaker, this unfortunate kind of stonewalling on the question of a public inquiry has marked the life of this government.

Some hon. Members: Oh, oh!

Some hon. Members: Hear, hear!

Mr. Clark: I again make direct reference to the statement yesterday by the Minister of Public Works and his use of the word "intervention". I want to refer the Prime Minister to the language used by the Minister of Public Works who said his intervention was for the purpose of seeing that the judge was in possession of full knowledge of the facts and did his duty. My question to the Prime Minister is this—I am not asking a question of theory but one of direct, immediate fact—

● (1420)

Some hon. Members: Question!

Mr. Clark: Does the Prime Minister intend to continue to tolerate that kind of intervention of ministers in the conduct of the courts of Canada?

Mr. Trudeau: I think it was established during the question and answer period yesterday that there was no attempt by anyone to influence the court. Obviously, Justice Mackay does not share this view. But Justice Aronovitch does not agree with Justice Mackay, because Justice Aronovitch, who was brought into the issue by Justice Mackay, has said clearly there was no attempt to interfere.

An hon. Member: In one case.

Mr. Trudeau: Therefore, when we have one judge, Justice Mackay, on hearsay, contradicting what the judge who was supposed to have been interfered with is saying, there is obviously something wrong there.

Some hon. Members: Hear, hear!

Mr. Trudeau: Here are two judges who are contradicting themselves, one who is talking from hearsay and who was blaming our ministers, and the other who is talking from personal knowledge. In such circumstances I think we are justified in asking the Chief Justice of the Superior Court to look into this matter to see which of the judges is telling the truth.

Mr. Clark: Mr. Speaker, we in this House do not have the opportunity to question the Chief Justice of the Quebec Court. What I am asking the Prime Minister relates to the statement made yesterday in this House by the Minister of Public Works, a statement from which he has just attempted to divert attention. I am asking whether he accepts as a matter of continuing practice the intervention by ministers of his cabinet in cases which are before the courts. The Prime Minister is the man to whom that question should be put. We do not want the matter shunted off to the courts of Quebec. We want to know whether, if he refuses an inquiry, the right hon. gentleman will allow this kind of practice to continue.

Some hon. Members: Hear, hear!

Mr. Woolliams: I am sorry the Prime Minister did not want to answer that question.

Some hon. Members: Oh, oh!

Mr. Hees: Three o'clock!

Mr. Woolliams: I see, Mr. Speaker, that he refuses again to answer.

Mr. Speaker: Order. The last question by the Leader of the Opposition was clearly a repetition of his previous question.