

*Oral Questions*

in order that our national system may continue to operate well. That is our position and it is a position we shall continue to take before the commission.

I shall not engage in hypothetical, theoretical discussion about whether or not at some point we might get into some kind of confrontation. I do not foresee it. I foresee our making statements to the commission when the commission wants advice on issues of confidentiality. The decision will then be taken by the commission. As I see it, that approach has worked well up to this point. Of course, the opposition, which does not care about responsible investigating but only about partisan attacks, does not appreciate the fact. We continue to expect that approach to work well and I shall not engage in hypothetical alternatives.

**Mr. Jarvis:** It is very hard to imagine what is hypothetical about a vast number of documents already delivered to the McDonald commission. The question is not whether the government will make them available—they are already available—but whether the government will attempt to invoke or bring down a shroud of secrecy through the argument of its lawyers. I ask the minister for an assurance that the documentary material referred to by former Commissioner Higgitt will be made public without objection on the part of the government. Second, I ask for an assurance that the government will not invoke the infamous provisions of the Federal Courts Act, section 41, to prevent these documents being subject to public scrutiny.

**Mr. Lang:** I have made the position very clear and I invite the hon. member to read what I said, if he has not understood it. We shall make such arguments before the commission with regard to confidentiality as the public interest requires. I expect the commission to take its responsibility at that point with regard to the public interest and I do not propose to engage in further hypothetical discussion beyond that as to what might happen. Why not wait to see whether such a case ever arises, and then we can discuss the matter?

**Mr. Stuart Leggatt (New Westminster):** Mr. Speaker, I, too, would like to ask a question about the evidence of ex-Commissioner Higgitt. The ex-commissioner further testified before the inquiry that none of the solicitors-general—referring to Mr. Goyer, Mr. McIlraith and Mr. Allmand—advised him at any time that the law should not be broken. The Minister of Justice is presently engaged in an effort to have the postal workers obey the rule of law and go back to work.

Given the evidence before the McDonald inquiry and the minister's stated objective of seeing that everyone in this country respects the rule of law, will the hon. gentleman now give an undertaking to the House that he will see that charges are laid forthwith against those who have violated the law as indicated by evidence before the McDonald inquiry, meaning both RCMP officers and cabinet ministers? Will that evidence be placed immediately before the attorneys general in the respective provinces so that appropriate charges may be laid?

[Mr. Lang.]

**Mr. Lang:** Of course, if anything arising out of the commission's inquiry deserves the attention of a provincial attorney general by showing any indication of a breach of the law, that information will be placed before him. But if we talk about observing the law and the spirit of the law, I would think it equally important for the hon. member from New Westminster and the Leader of the Opposition not to engage in conviction upon first glimpse of a suggestion of evidence, but to wait for due process of that very law.

**Some hon. Members:** Hear, hear!

**Mr. Leggatt:** I was referring, of course, to specific evidence, known for a long time, of mail openings, break-ins, barn burning, you name it. There is enough evidence for charges to be laid. If we expect the postal workers to go back to work, they want to see that there is not one law for them and another for the cabinet and the RCMP.

My supplementary question is a specific one with regard to the letters which were referred to ex-Commissioner Higgitt. Would the Minister of Justice agree to table those letters before the House so that we could examine the evidence? The minister is talking about prejudging: we will not prejudge them.

**Mr. Lang:** I would remind the hon. members, again, that the very reason the commission was set up, at the strong urging of the loyal and official opposition at least, was that all the material might be made available to the commission for an independent judgment. There was a very important point involved in that process. It was that a complete study might take place before conclusions were reached. We now find the hon. member for New Westminster arriving at conclusions on the basis of his glimpse of what must be at very best a tiny bit of evidence or suggestion. On that basis, the hon. member is not only weighing the evidence and reaching a conclusion, but he has so convicted some of my colleagues that he has used it as an argument for postal workers and CUPW to disobey the law, and that is outrageous.

**Some hon. Members:** Hear, hear!

**Mr. Leggatt:** My position has never been any different, and it is that everyone in this country should obey the law. And that includes postal workers. Can the minister at least make a commitment that he would not use the Federal Courts Act to suppress evidence concerning cabinet ministers, so that we may know publicly what the relationship is between those former cabinet ministers and the RCMP?

**Mr. Lang:** I have explained the situation. The commission has the matter in its hands. If it would help hon. members further, let me say this: I can conceive of no circumstances in which the commission, seeing that there is some suggestion of impropriety or illegality in a document or in testimony and, therefore, a need for it to be made public—I can conceive of no circumstances in which that decision of the commission would not be honoured and the documents made public.