

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Eleventh Legislature
36th Day

Wednesday, April 5, 1950.

The House met at 3 o'clock p.m.

BREACH OF PRIVILEGE MOTION

Hon. J.H. Brockelbank (Minister of Natural Resources): – Mr. Speaker, before the Orders of the Day are proceeded with, I would like to rise on a question of privilege to make a statement.

Now that I have had some time to think over the criticism and suggestions made by the members of the Legislature, last Thursday, I want to say that some suggestions made appeared to have some merit and will receive careful consideration. I would be the last to say that all matters concerning disposal of mineral rights had been handled perfectly, but I can say with the greatest emphasis that not the slightest shred of evidence has been discovered that points to any improper or corrupt practice by any official who has served the Department of Natural Resources in recent years. I am also completely confident that no important improper or corrupt practice has been carried on. The Leader-Post of March 31 – I have pages from the Leader-Post here which I shall lay on the table Mr. Speaker – stated that “an explanation of why so many potentially rich uranium concessions in Northern Saskatchewan are owned by companies in which former Government employees had an active interest, was demanded of Resources Minister J.H. Brockelbank by Opposition Leader Walter Tucker in the Legislature, Thursday night.” By means of supposition this statement is somewhat misleading. The words “potentially rich” could be applied to many areas, but they do not prove wealth of any area. “Many concessions” means only three out of forty, but “many concessions” sounds much worse.

The Leader of the Opposition built up a big straw man. That straw man was fully pictured in the news report that I referred to, but when I took the trouble to pull the stuffing out of that man and show that he was made of straw, the press apparently missed it. The Leader of the Opposition is quoted as saying: “The Minister must explain why the finders of the original deposit were restricted to 25 square miles when options were being given all around this area to other people.” I did explain, but the Press took no notice. I stated that the original discoverers, Messrs. Tobie and Albrecht, did not ask for any more areas. They were not restricted except by their own choice. Concessions were granted, not options.

Later in the report, the Leader of the Opposition is quoted as asking: “Why was Richardson given the right to sell and not Tobie?” This leading question is completely misleading, for Tobie and Albrecht had the same right to sell or assign their concession as anybody else, and they did assign it – to Trans-Continental Resources. The Leader of the Opposition is also quoted as asking: “When Richardson got his options, did he pay these premiums to the Government?”

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That question was also answered quite clearly and the amounts paid by Richardson were quoted. Nevertheless, this question, too, in the Press report is left completely in the air apparently for the purpose of creating a wrong impression. The Leader of the Opposition is also quoted as saying:

“Goldfields Uranium Mines was set up with Richardson as managing director controlling 143 square miles of mineral lands. This was in marked contrast to the 25 square miles concession that Tobie and Albrecht were granted.”

This situation was repeatedly explained in the Committee, but no reference to the explanation is made in the Press reports, and probably the Leader of the Opposition took no notice of that explanation. Commenting on this statement . . .

Mr. W.A. Tucker (Leader of the Opposition): – Mr. Speaker, if the hon. member is going to make a statement on a question of privilege, and on a point of order as well, like this, which does not permit reply, he should explain his own position without making attacks on other people, Mr. Speaker, because the way he has chosen to make this statement, we have no way to reply. I would ask you, Mr. Speaker, to ask the Minister to restrict himself to making a statement on a question of privilege.

Hon. Mr. Brockelbank: – I intend, before I am through, to take action that will give every opportunity for debate. To continue, Mr. Speaker, I would point out that the area held by Goldfields Uranium Mines was much farther from being proven mineral lands than was the 25 square mile concession granted to Tobie and Albrecht. Also, Tobie and Albrecht did not request more than 25 square miles. It is quite clear in all of these questions that the Leader of the Opposition had only one objective, which was to create the belief that members of this Legislature were parties to dishonourable transactions.

Mr. Tucker: – Mr. Speaker, on a question of privilege and point of order. In the first place there is an ‘imputing motive’ there which the hon. Minister has got no right to do particularly when he is sheltering himself under a statement on a question of privilege. He should withdraw that imputation.

Mr. Speaker: – The hon. Minister has stated that he is taking steps that will give you an opportunity to reply, and he is now stating his position.

Mr. Tucker: – Yes, but he has made a clear imputation in regard to my motives in making the speech that I made and, surely, I do not have to cite to Your Honour the long line of decisions that motives like that cannot be attributed. Now he says that the motive that the Leader of the Opposition had was the dishonourable one of making out that the Government was dishonourable and dishonest. Now there was no imputation like that against the Government itself.

Hon. Mr. Brockelbank: – I withdraw that remark.

Mr. Speaker: – The hon. Leader of the Opposition's statement on the point of order is quite correct.

Mr. Tucker: – I ask that the hon. member withdraw that imputation.

Hon. Mr. Brockelbank: – I did, Mr. Speaker, I am very glad indeed. I want also to state, Mr. Speaker, that I am not objecting to the closest kind of questioning in this House. I shall deal with that a moment later; but the Press sided and abetted in this idea, which I am glad to know is not the idea of the Leader of the Opposition, of attributing dishonourable motives to a member of this House.

Now this question of former civil servants going into natural resources development either for themselves or for other companies, probably should receive some attention, too. Quite a number of former employees of the Department of Natural Resources and the Government are now working for companies interested in Saskatchewan resources. An accountant from the Provincial Audit, who audited Department of Natural Resources' accounts, is now working with Sohio Oil company. Quite possibly that man carried in his head some useful information about the Department of Natural Resources. What action should we take? Tell Sohio Oil Company that they are finished? A geologist who worked in the Department of Natural Resources also works for the Sohio Oil Company. Is there anything wrong with that? Have we reached a time when we are willing to restrict the fundamental rights of men to choose their employment? Another geologist, formerly with the Department of Natural Resources, works for Lloydminster Petroleum Association. Other employees, like Havard and Shumiatcher organized new companies; all are undertaking development of our resources. No objection has been raised to any of this procedure except when the parties concerned are known supporters of the C.C.F. Only Havard and Shumiatcher are mentioned. I can only conclude that the whole thing was inspired by desire for political gain and not for the purpose of safeguarding our resources or getting them developed.

In regard to the concessions which were acquired by Search Corporation and Northern Uraniums Limited, I may repeat that at no time was any special privilege or advantage given beyond normal terms under which all companies operate. Mineral concessions were first issued in the fall of 1948, and all concessions taken up by eastern interests were taken up before these companies applied for or received any. The Dominion had completed a survey of the Goldfields area and produced a map – a geological map and a report which was not made public until about midsummer, 1949. That report showed all known deposits of radioactive material in the area. None was shown on the two concessions acquired by Search Corporation in the Goldfields areas. It should be noted that although the Dominion report was not published until well on in 1949, nevertheless the eastern interests were hot on the trail long before that time.

Mr. Speaker, I do not object to the closest questioning by member of this Assembly in this Assembly in relation to public business, but when questions are asked in this House, which in themselves cast suspicion on the integrity of a member, and those questions are printed in the Press without the answers given to them and repeated by members and others outside this Assembly without the answers, I contend this is an abuse of the privilege which I should enjoy as a member of this Assembly, and because of the reflections they cast, might be construed as a breach of privilege of this House.

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Mr. Speaker, I claim that there has been a breach of privilege of a member of this House, if not of the Whole House.

Mr. Speaker: – I think the hon. member who has just taken his seat, has made a prima facie case that there has been some breach of privilege of this House. I do not know what steps we are supposed to take or that we can take. It is up to them to decide for themselves.

Hon. Mr. Brockelbank: – Mr. Speaker, I move, seconded by the Hon. Mr. Fines:

“That the matter of the claimed breach of privilege be referred to the Select Standing Committee on Privileges and Elections together with the newspaper transcripts containing the remarks complained of, and a transcript of the relevant discussion in Committee of Supply as recorded.”

I lay on the table, these papers.

Mr. Tucker: – Mr. Speaker, I have not had any notice of this whatever, and I have not had time to look into it as to whether any notice is required, but I must say that these are needling procedures, to have the Minister get up and make a charge like this on a question of privilege which cannot be answered in any way and then place a motion on it without any notice whatever. Now of course, as far as I am concerned, if the Minister feels that he wants this investigated by a committee I have no objections at all, if he feels that there has been in some way, a breach of privilege of this House. If he feels that way, why, of course, I have no objection at all, but as far as I can see, Mr. Speaker, I do not think there was anything said during the course of these proceedings that in any way were a breach of privilege of the member himself. If it were, he had a good chance to raise that question at the time, that is what he should have done Mr. Speaker. He did not see fit to do so, and he has left this matter rest for several days. His estimates could have been called if he had wished to have the matter discussed, but instead of that, he let the matter rest and raised a question of privilege several days later. I think that is not in accordance with the rules of parliamentary procedure, privilege is supposed to be claimed at once, as soon as it is infringed. My hon. friend has absolutely violated that rule and then of course, he has delayed in stating his question of breach of privilege, he chose to do it not after giving notice of the motion and in stating the question in such a way it would be debated, he raised a question of privilege in such a way, that it cannot be debated and then without giving any notice to anybody, he bases on that unsubstantiated statement, which cannot be answered because it was made on a question of privilege, he bases a motion to have it investigated. I ask you Mr. Speaker, first of all, to rule whether notice is required on this and also to rule whether the Minister has acted properly in raising a question of privilege several days after he should have done so.

Premier Douglas: – Mr. Speaker, may I point out that the Leader of the Opposition, I think, has missed the entire point of both the question of privilege and of the motion which the hon. member has moved. As I take it, the hon. member is not raising a question of privilege with reference to something which was said by the Leader of the Opposition. The Leader of the Opposition is quite correct that, if the Minister of Natural Resources had wanted

to raise a question of privilege about anything which the Leader of the Opposition had said in the House, he should have raised it then. That is not what the Minister of Natural Resources is objecting to. He is objecting to the fact that the Leader of the Opposition has asked certain questions, which if answered, let us say, in the affirmative, would have been a reflection upon the integrity of the Minister and of his Department. They were not answered in the affirmative. The Minister gave a full and, to his mind, satisfactory reply to those questions. What the Minister is objecting to is the newspaper report which prints the questions and overlooks the very slight detail of printing the answers. Now Mr. Speaker, I don't know anybody who could not be condemned in the public eye if they were to go on a witness stand and then have only the questions they were asked printed in the papers and not have the answers printed.

I just want to say this, Mr. Speaker, and I think members in all parts of the House will agree with me, that in public life one of the things that a member has to treasure is his own good name, and that is particularly true when any member is called upon to discharge the responsibilities of a Minister of the Crown. If there are accusations in the House made against a Minister of the Crown there is ample machinery there for him replying to it, and there is ample machinery there for an investigation. But no member and no Minister can reply to the sort of innuendo and insinuation that takes place when a newspaper simply prints the questions and refuses to print the Minister's replies to questions which are asked in the House. That is what took place in this instance. And, of course, they are not confined to this province: these questions and this report is scattered right across the newspapers of Canada, casting a very distinct reflection upon the integrity of the Minister and the Department of the Government.

Now, Mr. Speaker, I am not usually accused of being thin-skinned. This happened before in other things; not in matters as serious as this. The Press in this province, the Sifton Press particularly and the Regina Leader-Post, whose editor likes to make speeches about printing the whole truth and nothing but the truth, have carried on a campaign in this province over a long period of years – a campaign of misrepresentation, a campaign of printing one side of the story and either relegating the other side of the story to the back page, or not printing it at all. Most of us have kept quiet about it, because the Sifton Press is so well known for that type of journalism, that there is not much use of protesting it. I want to say, Mr. Speaker, the time is coming and coming very rapidly when decent people in this province are not going to stand for a few psychopathic personalities in the Regina Leader-Post office sitting down and planning the character assassination which they plan from time to time. And decent people are not going to stand for the good name of some individuals being quietly destroyed by a few individuals who sit down and prepare editorials and hack to pieces the stories which they are given by the men in the Press Gallery. I know perfectly well, and every other member knows perfectly well, that most of the material that is handed in by reporters goes through the hands of these individuals with their Machiavellian pen, who go at the task for no other purpose than to see if they cannot leave wrong impressions, leave out important facts, with the hope that they can confuse the public mind and lead the public astray.

I suggest, Mr. Speaker, that the Minister is quite justified in asking that a committee of this House should see whether the reports of this Legislature are fair reports of the questions and the answers and the discussion which took place in Committee of Supply. Now as far as the Leader

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of the Opposition is concerned, he is quite right when he says that a question of this nature can be discussed in the House and the Minister's estimates will provide absolutely the fullest opportunity for discussion as far as the House is concerned. But this House has no control over how these reports are printed, and whether they are printed fairly, and whether they are printed at all or not, or whether only one side is printed. When this House gives to the newspapers of this province the privilege of sitting here and reporting, they have at least a responsibility to see that the privileges they have are not abused, and that the good name, the integrity and reputation of members of this House are not destroyed by people and by newspapers who enjoy their hospitality and enjoy the privilege of reporting the proceedings of this House. I certainly think, Mr. Speaker, this committee should be allowed to look into this matter and report back to the House.

Mr. Speaker: – I might say to the hon. Leader of the Opposition that this is just as much a surprise to me as it is to him. This is the first notification that I have had of it at all, and as to whether or not there should be a notice of motion, I think that it is probably not required, in this particular, because the question of privilege is mainly based upon the newspaper reports.

Mr. Tucker: – The rule, Mr. Speaker – I don't want to prevent this matter going to committee except that I do suggest that the Minister might very well have put this on the Order Paper so that it could have been properly debated. The idea of rising on a question of privilege and then basing a motion without any notice to Your Honour or anyone else, seems strange to me. Now, the rule I have here is: "All notices of motion, except purely formal ones, require 48 hours." I think the rules are the same here. As I understand it, the motion is not on the question of anything said in the House here, I certainly understood that to begin with when the Minister was speaking. But from what the Premier said, it is to have an investigation into the newspapers of this province. Well, now, if we are going to start an investigation into the charges made by the Premier that some of the people in the Leader-Post are psychopathic cases and all the rest of it, I think that is outrageous language from the Premier of this province to say about these people who are earning their living in that line of work. As far as I could ever see, ever since this Session started, the Sifton papers, as he called them, have certainly given more than a fair deal to the Government. If my hon. friends take such pleasure in a motion moved so unexpectedly like this, I know they need something to cheer them up and I am glad to give them that, because they have not got very much else.

Anyone reading the papers will know that, both in the news columns and the editorial page, there has certainly been every effort made, so far as I can see, to deal fairly with all members of the House, no matter on which side they have sat. Where I have seen grounds for complaint in regards to speeches and remarks of myself, I figured after all they are in a position to report things as they saw them to the people of this province, and I certainly would never think, just because the newspapers did not write stuff just to please me, that I would rise up in my might in this Legislature, as the Premier of this province did, and call the people involved in that work, "psychopathic cases" from his privileged position in the seat in this Legislature. Of course, when the hon. Premier talks about the character and so on of people being protected, and then undertakes to make an attack on people who cannot defend themselves, who are engaged in work earning their living in the Press and so on, and makes a speech like that on the floor of

the House, well, then, I wonder if he does not think that the same rule should be applied to those people as we want to apply to ourselves before this Legislature. I don't think, Mr. Speaker, that anything has been said in regard to the Minister by any of these papers nearly as badly as what the Premier just said in attack. All that I am concerned about, Mr. Speaker, is to say that I do not think that those words of the Premier were justified, and I think they should be withdrawn, because after all, they are made in a privileged position here.

I would like to say further in regard to the way the minister put this matter, certainly I understood, Mr. Speaker, that it was raised in a question of privilege. If my ears are not deceiving me it is a question of privilege in regard to remarks made when he was passing his estimates. The only ground on which he has a right to raise that question of privilege was either, of course, what was said on the estimates, or what was said in the newspaper articles. Now, if he made that very plain that it was what was said in the newspaper articles, then I do submit that it require 48-hours' notice, or whatever notice is required in this Legislature. Of course, if we are going to make a proper investigation of this matter, it must be a proper one, and one of the bases of a proper investigation, Mr. Speaker, is to have the matter stated properly and a proper foundation laid as to what we are going to investigate in the committee, when the motion is put to this House and carried. But the way it is being done now, there is the speech of the hon. member made without notice, the corroborating speech of the Premier (I suppose he had notice of what his colleague, the Minister, was going to do), the vicious attack the Premier has made upon the Press of this province and then, of course, we who have had no notice of it are supposed to support those proceedings. Well, Mr. Speaker, as far as I am concerned, it does not seem to me to carry out the decencies of public life and proper treatment – I know some things that are not very decent that have been carried out in regard to myself. I know that, Mr. Speaker. But if the hon. member again would try to take a little more reasonable and sober attitude towards these things instead of indicating so much at all times his venomous attitude, for some reason which is unknown to me, I think it would be better for him. However, as I was saying, Mr. Speaker, if we are going to have the proper co-operation between this public body and the Press and the people who are trying to work for the Press, in which they perform a great function in democracy in carrying the proceedings of such an assembly as ours to the people, so that they may know what is going on and in performing their function they are entitled to block the attack as has been just done by the Premier. As far as I am concerned I can't endorse, and I feel it would be wrong for me to endorse the proceedings that have been taken on behalf of the government this afternoon: these attacks, these unbridled attacks upon the Press, unsubstantiated and without notice. Mr. Speaker, I do not think that you should give your sanction to such things happening under your jurisdiction.

Mr. Speaker: – Might I say to the hon. Leader of the Opposition that in my estimation, my judgment, the hon. member did make a prima facie case of the reflection upon his integrity as a member of this Government in dealing with the natural resources of this province. As far as a notice of motion on the question of privilege being given I am not in a position at this time to rule. Maybe the Clerk could give us some assistance.

Premier Douglas: – Mr. Speaker, while your honour is taking it under consideration, may I simply point out, on the question on point of order which the hon. Leader of the Opposition has raised, that under the rules of the House any member at any time can miss a question of privilege and, if

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he can establish a case in the eyes of the Speaker, I understand he is then in order to move the matter be referred to the Committee on a Privilege. Now if he has not established a case, of course he cannot move that motion. But there is no need for a notice. It is the same as moving an adjournment of the House to discuss a matter of urgent public importance, or any other matter, that he must establish a case before his motion is in order. It may be that Your Honour wishes to discuss it with the Clerk and to check the rules of the House but I would submit that, if Your Honour is convinced that it is a *prima facie* case has been established there is no need for a notice. The motion can be put sometime today.

Mr. Speaker: – May I say that in my opinion I think the motion is in order, but offhand I could not give you any authority at the present time.

Hon. C.M. Fines: – Well, Mr. Speaker, as the seconder, I would be willing to have it stand for an hour or two and then you will have an opportunity to look into it.

Premier Douglas: – Mr. Speaker, on a question of privilege may I just say this, so there will be no misunderstanding on what I have said. The Leader of the Opposition a moment ago referred to my having attacked people who are earning their living. I think the statement I made was perfectly clear. I am not attacking any of the people who are making their living, but as I have said, every member of this House who has had any experience with the newspapers of this province, knows that what the average reporter writes in the Press Gallery and what he writes in stories out through the country, have gone through the hands of a small group of individuals at headquarters who have seen that those stories were treated and cut and altered so as to serve political purposes. And it is against those people that I have directed my attack, and shall continue to do so.

Mr. J. Egnatoff (Melfort): – In what words did you refer to those people?

Premier Douglas: – If my hon. friend cannot hear, I think I will repeat it to him privately.

Mr. Egnatoff: – No, no, here!

Mr. Speaker: – I defer my ruling on this question whether the motion is in order. Later this day, the motion can be put.

The Assembly adjourned at 11 o'clock p.m. without question put.