

SPECIAL PUBLIC INQUIRY 1964

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REPORT

OF

THE COMMISSIONER

THE HONOURABLE FREDERIC DORION

**Chief Justice of the Superior Court for the
Province of Quebec**

June 1965

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TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL,

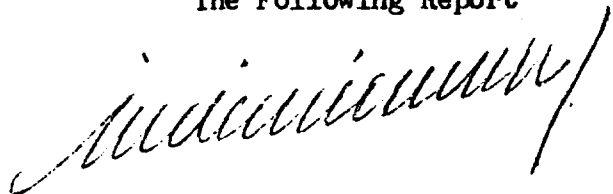
May It Please Your Excellency,

I, the undersigned, FREDERIC DORION, Chief Justice of the Superior Court of the province of Quebec, appointed Commissioner by order in council P.C. 1964-1819, in conformity with the Inquiries Act, to inquire into:

1. the truth of certain allegations concerning (a) the offer of a bribe to a lawyer whom the American government had retained to take action before the Courts for the extradition of a certain Lucien Rivard, (b) pressures brought to bear on him; 2. the behaviour of the Royal Canadian Mounted Police and the Minister of Justice when the said allegations were brought to their attention.

Beg To Submit To Your Excellency

The Following Report



I - ALLEGATIONS VOICED IN THE HOUSE OF COMMONS.-

On November 23, 1964, allegations were voiced in the House of Commons in the following circumstances:

On the orders of the day Mr. T.C. Douglas (Burnaby-Coquitlam) put the following question: (page 10366 of Hansard) -

"Mr. Speaker, I wonder whether I may address a question to the Minister of Justice and ask him if it is correct that two men, Mr. Leo Rivard and Mr. Charles Groleaux, are being held in Bordeaux prison and that the United States is seeking to have them extradited to face a charge of dope smuggling. I want to ask the Minister of Justice whether any complaints have come to him that persons in high positions in Ottawa have sought to bring influence to bear by calling on Mr. Pierre Lamontagne, who is a lawyer acting for the United States government, in order to grant these men bail."

After some comments by the honourable Minister of Justice, Mr. Erik Nielsen stated: (page 10367 of Hansard) -

"A supplementary question, Mr. Speaker. Would the minister, when he is supplied with the information which he tells the house will be available to him, during the discussion of his estimates make a full statement to the committee regarding all the circumstances surrounding the allegations which have been adverted to by the hon. member for Burnaby - Coquitlam?"

Later, during the same sitting of the House, Mr. T.C. Douglas stated as follows: (page 10380 of Hansard) -

"For that reason I should like to ask the minister whether
 "any consideration has been given by the government to
 "referring this matter to a judicial investigation,
 "turning the material over to a judge, in order that it
 "might be looked into, rather than having names tossed
 "out in the house, which might be unfair. At the same time,
 "if nothing is done to press this matter it may be that
 "attempts to subvert justice will be overlooked, and it
 "would be difficult to persuade the public that there were
 "not political considerations involved in not pressing
 "this matter further. I would ask the minister whether
 "any consideration has been given to a judicial investi-
 "gation or inquiry."

On the same occasion Mr. Nielsen stated: (page 10380 of Hansard) -

"The minister knows as well as I do that the offenders
 "in this case, and I do not hesitate to name them,
 "were actually employees, one of the minister's office
 "and one of the office of the Minister of Citizenship
 "and Immigration. Both of these employees have now
 "left."

A minute or so later Mr. Nielsen stated: (page 10382 of Hansard) -

"However, certain facts have come to my attention which
 "indicate quite strongly that there have been offences

"committed, under the Criminal Code of Canada, offences
 "which the minister and the commissioner of the R.C.M.P.
 "apparently have concluded are not founded upon sufficient
 "evidence to warrant prosecution. Here I differ with the
 "minister because on the basis of my information offences
 "do exist which warrant prosecution under the Criminal Code
 "of Canada."

A while later he added: (page 10383 of Hansard) -

"The executive assistant to the minister at that time,
 "Mr. Raymond Denis, offered a bribe in the amount of
 "\$20,000 to counsel who was acting for the United States
 "government on the bail application with the request that
 "he not oppose the bail proceedings which would in effect
 "have allowed Mr. Rivard out on bail and presumably to
 "go the way of Banks

".....It was then that the executive assistant to the
 "Minister of Justice himself, Mr. Lord, entered the
 "picture

".....He called Mr. Lord, and he called to the same
 "counsel and suggested to that counsel that he go easy
 "on the bail application and made representations for
 "the purpose of having counsel acting in this case for
 "the United States government, not oppose the bail
 "application. Now, these are the facts, and the
 "minister knows these are the facts

".....The fact remains - I can find no other
 "way of putting it - that these tentacles of this
 "international cartel dealing in narcotics extended
 "into the very offices of two ministers of the federal
 "government. This is what surprises me, that it could
 "get this close

"I do not say it was unintentional because what he did,
 "in my view - and here the minister may differ with me -
 "was an offence under the Criminal Code, section 119
 "which makes it an offence to in any way pervert the
 "course of justice."

Following discussion and an intervention by the honourable
 Minister of Justice, Mr. Nielsen stated: (page 10384 of Hansard) -

"However, again to the best of my information, he did
 "say that, you know, government work could all of a
 "sudden stop coming your way unless something were done
 "to see that you did not oppose the bail application

"The offence of obstructing under the Criminal Code of
 "Canada is set forth in section 119(1) and I am reading
 "from Tremear's code, sixth edition, which was put on
 "the market within the last 12 months or so: 'Everyone
 "who wilfully attempts in any manner to obstruct, pervert
 "or defeat the course of justice is guilty of an
 "indictable offence and is liable to imprisonment for
 "two years.' This is a rather broad section, and the
 "minister is aware of the application of it. I suggest
 "to him that section is applicable certainly to Mr. Denis
 "who made the cash offer to counsel and, in all likelihood,
 "to Mr. Lord, who made representations with respect to the
 "cutting off of government work unless the bail application
 "was not opposed."

Following interventions by some other members of the House
 and explanations by the honourable Minister of Justice, Mr. Douglas
 added this: (page 10389 of Hansard) -

"It is now quite apparent that the basic situation, as I understood it when I asked the minister a question earlier, has been completely substantiated, namely that an individual in Montreal, acting for the government of the United States in seeking to extradite an individual to the United States in connection with narcotics infringements, has claimed to have been approached by persons very close to cabinet ministers with (a) some attempt at bribery and (b) some attempt at intimidation. It seems to be clear that these allegations have been made and that the minister has asked the R.C.M.P. to investigate them."

The allegations made in the House of Commons were submitted in evidence to the Commission by producing No. 195 of the "House of Commons Debates" for November 23, 1964. The issues for November 24, 25, 26 and 27, 1964, were also produced. Such production is authorized under the "Senate and House of Commons Act", c. 249 R.S.C. which contains the following section:

"Upon any inquiry touching the privileges, immunities and powers of the Senate and of the House of Commons or of any member thereof respectively, any copy of the journals of the Senate or House of Commons, printed or purported to be printed by the order of the Senate or House of Commons, shall be admitted as evidence of such journals by all courts, justices and others, without any proof being given that such copies were so printed. R.S.; c. 147, s. 6."

This provision has previously been ruled on in our Courts, particularly in the case of REX v. MCGAVIN BAKERIES LIMITED - 12 C.R. 139, on which the Supreme Court of Alberta handed down a decision:

"...A question arose as to the admissibility of 'Hansard'
 "in a court of law and also as to the relevancy of the
 "material tendered as evidence. 2. Apart from s.6 of the
 "Senate and House of Commons Act, R.S.C. 1927, c. 147, the
 "journals of the House of Commons, headed 'Votes and
 "proceedings of the House of Commons' are evidence without
 "further proof, of the facts therein stated and must be
 "received in evidence, if relevant, because they are
 "documents of so public a nature that they come within the
 "Canada Evidence Act R.S.C. 1927, c. 59, especially s. 25."

II - ORDERS IN COUNCIL

Following these allegations the Honourable Paul Martin,
 acting Prime Minister, tabled in the House on November 25, 1964,
 order in council P.C. 1964-1819 which is reproduced "in extenso" on
 page 10495 of Hansard and reads as follows:

"25 November, 1964.

"The committee of the privy council, on the recommendation
 "of the Prime Minister, advise that the Honourable Frédéric
 "Dorion, chief justice of the superior court of the province
 "of Quebec, be appointed a commissioner under part I of the
 "Inquiries Act to inquire fully into allegations about any
 "improper inducements having been offered to or improper
 "pressures having been brought to bear on counsel acting
 "upon an application for the extradition of one Lucien
 "Rivard and all the relevant circumstances connected
 "therewith, and in particular but without limiting the
 "generality of the foregoing to consider fully the reports
 "submitted to the Minister of Justice by the R.C.M.P. and

"the evidence laid before him in connection therewith and
 "any further evidence elicited by or laid before the
 "commissioner, to consider such other matters as may
 "appear to the commissioner to be relevant and to report
 "whether there is sufficient evidence to warrant any
 "prosecution for offences that may be involved.

"The committee further advise:

"1. That the commissioner be authorized to exercise all
 "the powers conferred upon him by section 11 of the
 "Inquiries Act;

"2. That the commissioner adopt such procedures and
 "methods as he may from time to time deem expedient for
 "the proper conduct of the inquiry and sit at such times
 "and at such places as he may decide from time to time;

"3. That the commissioner be authorized to engage the
 "services of such counsel, staff and technical advisers
 "as he may require at rates of remuneration and reimburse-
 "ment approved by the treasury board; and

"4. That the commissioner report to the governor in council
 "with all reasonable despatch, and file with the dominion
 "archivist the papers and records of the commission as soon
 "as reasonably may be after the conclusion of the inquiry.

R.G. Robertson,
 Clerk of the Privy Council."

Two days later, on November 27, 1964, following representations
 by a number of members of the House of Commons, the Honourable Paul
 Martin advised the House that the Order in Council of November 25 had
 been amended as follows: (page 10598 of Hansard) -

"The committee of the privy council on the recommendation
"of the Prime Minister advise that order in council
"F.C. 1964-1819 of 25th November, 1964, be amended by
"deleting, in the first paragraph thereof, all words
"commencing with the words 'to inquire fully', and sub-
"stituting therefor the following: 'to inquire fully into
"allegations about any improper inducements having been
"offered to or improper pressures having been brought to
"bear on counsel acting upon an application for the
"extradition of one Lucien Rivard and all the relevant
"circumstances connected therewith, including the manner in
"which the Royal Canadian Mounted Police and any officer
"thereof and the Department of Justice and the Minister of
"Justice dealt with the allegations when they were brought
"to their attention, and in particular but without limiting
"the generality of the foregoing to consider fully the
"reports submitted to the Minister of Justice by the R.C.M.P.
"and the evidence laid before him in connection therewith
"and any further evidence elicited by or laid before the
"commissioner, and, if he considers that there is prima facie
"evidence of an offence in relation to the activities as
"an employee of the government or an officer of a department
"of any person involved in the allegations, to consider such
"other matters as may appear to the commissioner to be
"relevant, and to report fully thereon'.

R.G. Robertson,
Clerk of the Privy Council."

III - ALLEGATIONS CONCERNING STATEMENTS
BY MR. PIERRE LAMONTAGNE.-

The allegations referred to in the Order in Council were no doubt those to which reference had previously been made in the House of Commons. However, the investigation provided for under that order was to extend to the allegations contained in two statements made to the RCMP by Mr. Pierre Lamontagne, counsel for the Government of the United States in the extradition case concerning Lucien Rivard.

The first is dated August 12, 1964, and is contained in a report prepared by Inspector Carrière of an interview he had had the previous day with Mr. Pierre Lamontagne. This report, addressed to Superintendent Thivierge in Montreal, had immediately been transmitted by the latter to the Commissioner of the RCMP, attention of Supt. Fraser, in Ottawa.

On receiving this report, the Commissioner directed Insp. Carrière to seek a further interview with Mr. Lamontagne in order to obtain additional details on the facts revealed.

On August 14, Mr. Lamontagne once again met with Insp. Carrière and signed a written statement which was, in turn, sent on to the Commissioner.

In these two documents may be found a recital of the events which had taken place between July 14 and August 11, 1964, in regard to the extradition case concerning Lucien Rivard. These may be summarized as follows:

On July 14, Mr. Lamontagne received a telephone call from Mr. Raymond Denis, Executive Assistant to the Minister of Citizenship and Immigration, asking him to come to Ottawa to discuss a matter of great urgency. This Mr. Lamontagne proceeded to do, that very evening, accompanied by his wife. He there met Mr. Denis who offered him a sum of \$20,000.00 if he would agree to have Rivard released on bail, pointing out that the Liberal Party would receive a substantial amount should such bail be granted. During the conversation, Mr. Denis mentioned the name of Senator Gólinas, the Liberal Party Treasurer, as having an interest in the matter. This offer having met with Mr. Lamontagne's flat refusal, Mr. Denis is alleged to have asked him to reconsider the matter and to defer any final decision on it. He is also alleged to have stated that Rivard was a Liberal Party supporter, that he had been generous in the past and that there was a possibility that an election would be held in the near future.

Lawyer Lamontagne states that he had not communicated Mr. Denis' offer to the RCMP, as Mr. Denis was an intimate friend of his and as he had every reason to believe that there would be no further developments in this respect, Mr. Denis having asked him to keep this conversation confidential.

Insp. Carrière asked Mr. Lamontagne if, in the course of this conversation, any reference had been made to any possible personal interest which Denis may have had in the matter, to which Mr. Denis is supposed to have answered that there was something for him in it. He said that he could not remember the exact words used but that he did gain the impression, from what Mr. Denis had said, that there might be something in it for him.

Lawyer Lamontagne also stated that on the evening of July 20, while he was holidaying at his parents' home in Chicoutimi, he received a telephone call from Mr. Daoust, counsel for Mr. Rivard, asking him when he should put in an application for bail on behalf of his client. He understood, he said, that everything had been fixed in Ottawa. That same evening he received another call from one Gingras who voiced threats against him in the event that he resisted this application. That same evening he received two other telephone calls, one from an individual calling himself Bob, who was presumably the same person who had already called, and a second call from Mr. Daoust.

Towards the end of July and the beginning of August, he had heard rumours in the Courthouse to the effect that he had accepted money in return for not opposing an application for bail made on Rivard's behalf.

Mr. Lamontagne had also stated that on July 22, following the telephone calls he had received in Chicoutimi, he called Mr. Raymond Denis to tell him to ask the latter's friends to cease bothering him about that business. The same day, while he was still in Chicoutimi, he called his office to ask his partner to telephone Sergeant Crevier of the R.C.M.P. A little later he did receive a call from Sergeant Crevier who, at that time, was on leave. He told the Sergeant about the pressure exerted on him but asked him, for the moment, not to mention the matter to anyone.

On his return to his office on July 27, Mr. Lamontagne took cognizance of the contents of a petition made by Mr. Daoust, asking the Court permission to examine documents produced in the Rivard case. He discussed that matter with Mr. Daoust and the latter told him that, following the conversations he

had had, over the telephone, on the evening of July 20, he had decided not to proceed with the application for bail. On July 28 he met with Mr. Daoust in a restaurant and had an interview with him which lasted from 12.45 p.m. to approximately 5 p.m. In the course of that conversation, the subject under discussion was largely the Bonnano case, though a good part of it also dealt with the Rivard affair. Mr. Daoust is alleged to have stated at that time that according to information received from two people, he (Lamontagne) had agreed not to oppose the application for bail in the case of Rivard in return for a sum of \$20,000, \$10,000 of which had already been paid and, further, that the offer had been made by Mr. Denis.

On July 29, Mr. Lamontagne had another meeting with Mr. Daoust at which there was a further discussion of the Bonnano as well as the Rivard case. Mr. Daoust is alleged to have repeated that no application for bail would be made. On July 31, Mr. Daoust told him that he was leaving on his holidays the next day. Since it had been agreed to hear some witnesses in the Rivard case on August 6, it was agreed that nothing would be done on that particular day and that there would be an adjournment to August 20.

On August 4, an application for bail made by Mr. Daoust on behalf of Rivard is served to him, and the same day he receives a telephone call from Mr. Guy Lord, Assistant to the Minister of Justice. The latter pressed him not to oppose this application and would have stated that the Minister could not understand why he was so opposed to it.

On August 11, Mr. André Letendre, from Ottawa, Executive Assistant to the Minister of Justice, telephoned him and pressed him to agree to bail. Mr. Letendre is alleged to

have told him that should he co-operate he would receive more federal cases and that this would be of considerable benefit to him. On the same day he received a call from Mr. Guy Rouleau who attempted to convince him not to oppose the application for bail.

IV - STEPS TAKEN BY THE COMMISSION FOR THE HOLDING OF THE INVESTIGATION.-

Following the adoption of the Order in Council amended on November 27 and its publication in the newspapers, I proceeded to appoint those officers whose services were necessary for the purpose of the investigation. These were Messrs. André Desjardins from Quebec City, Commission counsel, Nicol Henry, also a lawyer, secretary and Oscar Boisjoly, shorthand reporter.

Through the press, any and all persons who could be involved in the inquiry were requested to have themselves represented by counsel at the hearings. They were asked to acquaint the undersigned, without delay, with their decision to appear as well as with the name of their counsel.

The undersigned then communicated personally with the leaders of the various parties represented in the House of Commons. They were asked to appoint a lawyer of their choice to attend the hearings of the Commission on their behalf.

When the names of those lawyers who had been appointed were known, they were invited to a preliminary meeting held on December 9, 1964. The procedure to be followed was discussed and a table prepared in which the extent of the investigation was indicated according to the terms of reference contained in the Order in Council. This table, often used during the subsequent proceedings, is as follows:

SCOPE OF THE ORDER IN COUNCIL.-

1o- TO INVESTIGATE

I - the allegations in respect of:

- a) improper inducements;
- b) improper pressures;

brought to bear on counsel acting upon an application for the extradition of Rivard;

II - all circumstances relevant to the matter;

III - the manner in which:

- a) the Royal Canadian Mounted Police;
- b) its officers;
- c) the Department of Justice;
- d) the Minister of Justice;

dealt with these allegations when these were brought to their attention;

2o- TO EXAMINE IN DETAIL

I - the reports presented to the Minister of Justice by the Royal Canadian Mounted Police;

II - the evidence laid before him in connection therewith;

III - any further evidence elicited by or laid before the Commission;

3o- TO DETERMINE WHETHER THERE IS ANY PRIMA FACIE EVIDENCE OF ANY OFFENCE COMMITTED BY A GOVERNMENT OR DEPARTMENTAL EMPLOYEE;

4o- TO STUDY ALL OTHER RELEVANT MATTERS.

I am pleased to say that all counsel, from the outset of the investigation until its conclusion, have given me their full co-operation. All, by the degree of competence which they brought to the discharge of their duties, have made the performance of my sometimes arduous duties easier and have contributed to investing the investigation with due solemnity and dignity.

V - REQUEST FOR AN INVESTIGATION ON THE LEAKAGE
OF AN RCMP FILE.-

For the purpose of a complete investigation I invited, at the very outset, all counsels to provide me with a list of those people whom they would like called as witnesses, and to indicate also what the facts were on which they wished these people to be questioned.

Following that suggestion, I received a number of requests, inter alia one for the calling of witnesses in order to determine in what way the facts revealed by Mr. Lamontagne, in his two statements of August 12 and 14, had come to the knowledge of persons other than those members of the R.C.M.P. or of the departments concerned.

When this investigation was requested, I wondered whether the terms of reference contained in the Order in Council were such as to allow me to conduct such an enquiry. I decided to ask for the advice of counsels on that point. In consequence, I called all lawyers to a conference held in camera on February 19.

Having heard and fully considered all the arguments which were then presented to me, I rendered the following decision:

"Having considered argument submitted by counsel at the

"meeting held by us last Wednesday during which I had

"put a question which may be summed up as follows:-

"Within the terms of the Order in Council by which we

"should be guided, should I, in presenting my report,

"comment on the circumstances in which the information

"in the hands of the R.C.M.P. and constituting the subject

"of its file on this matter was brought to the attention

"of other people?"

"To find the solution to this problem we must, of course,
"take into account the entire Order in Council, as well
"as the whole spirit which animates it and not only the
"words used therein.

"Under the Order in Council, I am charged with the task
"of "faire enquête d'une façon complète sur certaines
"allégations" as well as on "toutes les circonstances
"pertinentes à cette affaire". I must also investigate
"la manière selon laquelle la Gendarmerie royale et ses
"officiers ont traité ces allégations lorsqu'elles ont été
"portées à leur attention" and also on "la manière selon
"laquelle le ministère de la Justice et le ministre de la
"Justice lui-même ont traité ces allégations". Finally,
"I must examine "telles autres questions qui peuvent me
"paraître pertinentes."

"In the English text of the Order in Council it is stated
"that I must "inquire fully on all the relevant circumstances
"connected with the allegations and the manner in which the
"R.C.M.P., the Department of Justice and the Minister of
"Justice dealt with the allegations when they were brought
"to their attention". Finally, it is my duty to consider
"such other matters as may appear to me to be relevant."
"There is no doubt that the spirit of this Order in Council
"is such that all those facts which have any reference,
"directly or indirectly to the allegations, the conduct of
"the R.C.M.P. or that of the Department of Justice must be
"examined by me so that my report may be as complete as
"possible. On the other hand, there is no doubt that the
"terms of the Order in Council may be interpreted in two
"different ways. It is possible to assume, from the

"words "dealt with" in English and "traité" in French that
"I should, indeed, inquire into such acts as had been
"performed by the officers of the R.C.M.P. when they were
"made aware of the allegations which constituted the subject
"matter of the reports which had been submitted to them,
"i.e., that I should inquire into the manner in which they
"had acted, the investigation they had carried out, the way
"in which they had proceeded to establish the accuracy or
"truth of the facts reported to them, and that I should
"also inquire whether they had followed up, as they should
"have, the reports made to them, if such an examination on
"their part had been complete and, finally, if they had
"provided the Minister of Justice with all the information
"required by him for a decision in this case. That is
"obviously the most logical interpretation which can be
"given to the words I have just quoted.
"They may also, however, been construed as indicating
"that I should inquire into the physical disposition
"— if I may express myself in this way — made by the
"Mounted Police of the information contained in the reports.
"I have no hesitation, whatever, in stating that, in my
"view, the provisions of the Order in Council may be
"construed in either one of these ways.
"Now, to arrive at a solution of this problem, it is
"quite proper to refer to the debates of the House of
"Commons, more particularly to those which took place
"between the production of the first Order in Council and
"that of the second.
"On Tuesday, November 24, the Minister of Justice stated:
"The government has decided ... that a judicial enquiry

"should be held. The commissioner will be asked to deal
"with the following questions:

"1. Whether, on the basis of the reports submitted to the
"Minister of Justice by the R.C.M.P., and the evidence laid
"before him in connection therewith, it was a reasonable
"decision on the part of the Minister that there was not
"sufficient evidence to support a successful prosecution.

"2. Whether any further evidence that may be laid before
"the commissioner, taken in conjunction with the evidence
"that was before the Minister, would justify prosecution.

"Following this statement, the Leader of the Opposition
"as well as the Leader of the N.D.P. protested that these
"terms of reference were not broad enough.

"On Thursday, November 26, 1964, the honourable the Minister
"of Finance stated the following:

"There is a second point I wish to make. There is one
"serious question which is not referred to specifically
"in the order in council and which obviously must be
"examined fully in one way or another. This is, how a
"confidential report of the Royal Canadian Mounted Police
"which, I am told, is marked "Top Secret" ... came into the
"hands of the honourable member for Yukon or into the hands
"of members of the press?

"On that same day, the Secretary of State for External Affairs
"informed the House that he had received a communication from
"the member for Greenwood (Andrew Brewin), in which suggested
"amendments to the Order in Council were put forward.

"On Friday, November 27, 1964, the Secretary of State for
"External Affairs tabled in the House the amended Order in
"Council.

"On that same day the member for Winnipeg North Centre
"(Mr. Knowles) stated in this connection:

"I note that the revised order in council which the
"Acting Prime Minister has now laid on the table of
"the house meets the three points the hon. member for
"Greenwood indicated in his letter. From a quick
"reading it strikes me that it has met his first point
"by using verbatim the words proposed by the hon.
"member for Greenwood, and it has met the other two
"points in spirit."

"It will be noted, however, that in this revised Order
"in Council no mention whatever is made of the problem
"of which the Minister of Finance had spoken as being
"serious. Having read the debates one may well wonder
"how it is that on a question which appeared to be of
"considerable importance, at least to the Minister of
"Finance, the government did not see fit to indicate
"quite simply, in the Order in Council, that the investi-
"gation should bear on that point".

"I have therefore come to the conclusion that I may not
"accept responsibilities which go beyond my terms of
"reference. If the Government wishes me to examine that
"matter, it would be very easy to make a further amendment
"to the Order in Council so that it would be possible for
"me to carry out this examination, or, alternatively, it
"would be possible to initiate another investigation
"designed to shed light on the circumstances surrounding
"the leakage of information in the hands of the R.C.M.P.

"In either case it was up to the Government to take that decision. I will, today, communicate to the Prime Minister the remarks which I have just made."

VI - FACTS BROUGHT OUT IN EVIDENCE.-

The facts brought out in the evidence heard by the Commission fall within two distinct classes. The central figure is, obviously, in both cases, Mr. Pierre Lamontagne. The first series of facts involve Messrs. Raymond Denis, Guy Masson, Robert Gignac, Eddy Lechasseur, Mrs. Rivard and Mr. Raymond Daoust, whereas the second series involve Messrs. Raymond Rouleau, Guy Rouleau, Guy Lord and Letendre.

The events which relate to the first series of facts took place during the period June 18 to early August 1964. Those relating to the second series took place from early August to September 18, the day on which the Minister of Justice had a last interview with the Commissioner and Deputy Commissioner of the R.C.M.P.

FIRST SERIES

Thursday, June 18, 1964

On this day a complaint was entered into the Extradition Court in Montreal against Lucien Rivard.

On that day, Mr. Jérôme T. Gaspart, Consul General for the United States in Montreal, in the presence of the Honourable Roger Ouimet, a Justice of the Superior Court and Court of Extradition of the district of Montreal, signed the following denunciatory statement:

"That between January 1, 1963, and May 27, 1964, the
"said LUCIEN RIVARD, within the Laredo Division of the
"Southern District of Texas and elsewhere in the United
"States of America, together with Jorge Eduardo Moreno
"Chauver, Paul Mondoloni, Frank James Coppola alias
"James Miller, Roger Beauchemin, Joseph Michel Caron,
"Joseph Raymond Jones, Julien Gagnon alias Jerry Massey,
"Charles-Emile alias François Groleau and with other
"persons as yet unknown, unlawfully, willfully, knowingly
"and illegally conspired to commit an offense against the
"United States of America and the laws thereof, in violation
"of Section 174, Title 21 U.S.C., to wit:

"To illegally, unlawfully, knowingly and fraudulently
"import and smuggle into the United States of America
"a narcotic drug to wit: heroin, and to unlawfully,
"illegally and knowingly conceal and facilitate the
"transportation and concealment of such narcotic drug
"after the same had been brought into the United States
"of America contrary to the laws of the United States
"of America, knowing the same to have been brought into
"the United States of America contrary to the laws of
"the United States of America.

"2) That on or about October 10, 1963, in the Laredo
"Division of the Southern District of Texas, LUCIEN RIVARD
"did unlawfully, illegally, fraudulently and knowingly
"cause to be brought into the United States of America,
"a narcotic drug, to wit: thirty-five (35) kilos (76 pounds)
"of heroin hydrochloride, by causing the same to be
"imported and smuggled into the United States of America
"from the Republic of Mexico, thereby committing an offense
"against the United States of America and the laws thereof,
"in violation of said Section 174, Title 21, U.S.C."

In this denunciatory statement it was indicated that a warrant had been issued in the City of Houston for the arrest of Lucien Rivard and that the Government of the United States was asking for his extradition, the offences mentioned above being crimes covered by the Extradition Act according to the provisions of the treaties entered into between Canada and the United States of America.

Friday, June 19, 1964

Lucien Rivard appeared before the Honourable Claude Prévost, of Montreal, on Friday, June 19, 1964. The Record of the hearing, produced at the hearings of the Commission, indicates that after his indictment, on that day, Lucien Rivard informed the judge that he wished to oppose this request for extradition. The hearing of the case was set for June 23, 1964; bail was refused. Mr. Pierre Lamontagne appeared for the plaintiff and Messrs. Daoust and Sallois for the accused.

Saturday, June 20, 1964

The following day Robert Gignac proceeded to the Plage Idéale where he met Gerry Turenne, a partner of Rivard, and told him: (translation) "If you feel like it, I can have Rivard released on bail. I hold the government in my hands; I can fix everything."

As was stated above, the first figures involved in this business were Guy Masson, Robert Gignac, Eddy Lechasseur, Mrs. Rivard and Mr. Raymond Daoust. In order to provide for a clearer understanding of the events in which they took part, a brief description of each should be introduced at this point.

GUY MASSON

Masson represents himself as a salesman. He resides at 435 Fontainebleau, Jacques-Cartier. He is 35 years of age. At the hearings he stated that he was concerned with various commercial ventures, more particularly in the construction field. He was a political organizer for the Liberal Party. He had already organized elections in the constituency of Chambly in 1960. He had also been concerned with elections for municipal councils and school boards. He is a past president of the Liberal Association of the County of Chambly. He was a member of a Commission in the Young Liberals (Federal) Organization. He had been in politics for the past twelve years. He knew Senator Gélinas as well as his two associates, Messrs. Bernard Tailleux and Louis Geoffrion. Mr. Raymond Denis had occasionally worked under his orders in the discharge of their duties as political organizers. A few months previously, he had attended a dinner organized by executive assistants to ministers to which he had been invited by Mr. Denis. These dinners are held occasionally, but they are, as a rule, attended only by executive assistants.

ROBERT GIGNAC

Aged 35, general contractor. In June 1964, he was in the house-moving business and concerned also with the building of a hospital. He had known Lucien Rivard since 1957 and lived in the immediate vicinity of the latter's home. He saw him often and went almost every day to Plage Idéale. This was a resort area in which Lucien Rivard had a substantial interest. At the time he appeared before the Commission he

was held in Bordeaux Jail on a charge of murder. Before the end of the hearings he was arrested on a charge of perjury, an offence allegedly committed by him when giving evidence before the Commission.

EDDY LECHASSEUR

An importer. He gives his address as 1252 Joliette Street in Montreal. He is 33. He is an intimate friend of Lucien Rivard. The latter, following his arrest, asked his wife to consult with him with regard to any decision she would be called upon to make. He became Mrs. Rivard's guide and adviser. He is at present held in Bordeaux Jail on several charges of perjury. He has a somewhat lengthy criminal record.

MRS. LUCIEN RIVARD

Wife of Lucien Rivard.

MR. RAYMOND DENIS

A lawyer. His address is 5530 Beaucage Street, Cartierville. He is 32. According to the evidence given by him at the investigation, he was called to the Bar in 1959. He practised his profession until June 1963 when he was appointed special assistant to the Honourable Lionel Chevrier, then Minister of Justice. In February 1964, he became Executive Assistant to the Honourable René Tremblay. He was involved in political activity in 1959 and 1960 on behalf of the Liberal Party. During the general elections of 1963 he worked as a legal adviser to the Honourable Lionel Chevrier.

He has known Guy Masson since 1959 and had worked with him in various political organizations. After his departure for Ottawa, in June 1963, he was in almost constant touch with Masson whom he introduced to executive assistants or special assistants. Both they and their wives had social relations. Masson visited him in his summer cottage last August.

In order to analyze the events which took place beginning on June 22, it should be stated immediately that the credibility of witnesses is, in this respect, of considerable importance. Their statements of the facts were at such variance that one felt that they were indulging in a competition to see who could tell the biggest lie, if not who could perjure himself most.

There is no doubt that witness Gignac's testimony, given under oath, cannot be believed. Mrs. Rivard's evidence is a tissue of lies. It is obvious too that Eddy Lechasseur was intent on not telling the truth. There is some element of truth, on the other hand, in the evidence of Guy Masson though there is no doubt that he did not tell the whole truth and that he concealed things that he knew in the full knowledge of what he was doing. As for Mr. Denis, he gave the impression of one who, having realized the error of his ways, when he attempted proceedings far beyond his attributions, when he indeed abused his authority, when he underestimated the gravity of his acts, attempts to minimize the seriousness of his deeds by telling only part of the truth, animated in some respects by his own personal interest and, in others, by that of his political party.

Monday, June 22, 1964

On June 22, 1964, around noon, Masson, who had begun his holidays some days previously, was passing through Montreal. There, he met Gignac who told him that one of his friends, who was also an associate and neighbour of his, had been incarcerated over the weekend. He had been involved, he said, in some narcotics business in the United States. Gignac, who was aware of Masson's political activities, knew that he had friends in Ottawa, where he went regularly, every fortnight or so. He asked him if he could inquire of his Ottawa friends what could be done to help Rivard. According to his information, Rivard had been arrested to face a demand for extradition. Gignac told him that if he could look into the matter immediately, he would give him \$1,000 for his trouble. Gignac then called Mrs. Rivard who came to the office accompanied by Eddy Lechasseur. She asked Masson to inquire into the seriousness of the request for extradition, to find out what was the possible outcome and if there were any chance of obtaining bail. Masson felt at that time that this was a matter coming under the Department of Citizenship and Immigration. He called Mr. Raymond Denis in Ottawa and arranged an interview with him for that same evening. He then told Mrs. Rivard that he was going to Ottawa to meet a friend who could give him some information on her husband's case, though it is alleged that he did not, at that time, give Mr. Denis' name. An amount of \$1,000 was given to him. Masson states that it was Gignac who did so, though Gignac states that the money was actually given by Mrs. Rivard. Following this interview Masson prepared to leave for Ottawa. He asked Gignac to accompany him. He was to return after the interview. Should he be delayed Gignac could return by plane. It was agreed that

the trip would be made in Masson's car. Gignac decided to leave his car at the airport in Dorval where it would be easier for him to meet Masson and where, also, he would find it more conveniently at hand should he decide to return by plane.

During the trip from Montreal to Ottawa, Gignac told Masson that if Rivard were not extradited, a sum of \$50,000 or \$60,000 might be made available for the Liberal Party chest. Arriving in Hull, around 10 p.m. Masson called Mr. Denis. They agreed to meet at the Fontaine Bleue Hotel in Hull around 11 p.m. When Mr. Denis arrived, introductions were made and Gignac withdrew to his room.

Mr. Denis' version of these events differs markedly from Masson's. Mr. Denis admits that such an interview was held. He admits also that they discussed the Rivard case and that, in the course of this conversation Masson told him that Rivard was a contributor to party funds, that he was faced with a request for his extradition and that the matter to be resolved was whether or not he could be released on bail. He admits also telling Masson that he would make investigations to determine what the chances were for the obtaining of bail. He states, however — and in this respect his evidence differs from that of Masson — that no reference was made to a sum of \$50,000 or \$60,000 to be made available for the campaign fund.

He admits that Masson told him that Rivard was a contributor to those funds, but he added that he had no wish to discuss the matter and that he had even taken some offence at the fact that Masson had spoken to him about the campaign fund.

It must be borne in mind that Lawyer Denis and Masson were very close friends and had worked in election campaigns together. They very frequently met in Ottawa and the Hon. René Tremblay had even pointed out to Lawyer Denis that he did not want to see Masson in his offices ever again.

Lawyer Denis, in giving evidence, also stated that, at the time of this particular interview he had with Masson, he was unaware that Lawyer Pierre Lamontagne was counsel for the prosecution in the case brought against Rivard. He even explained that he had come to learn of the fact that Lawyer Pierre Lamontagne had been issued instructions to act on behalf of the prosecution from reading a news item in the "Dimanche-Matin", a weekly newspaper published in Montreal which is on sale at newspaper stands from Saturday evening through Sunday mornings. He told the Commission that one Sunday morning, he had bought a copy of this newspaper and read the news item. However, copies of this particular newspaper appearing from June 21 through to July 18 were filed as exhibits before the Commission and it is only in the June 21 issue that mention is made of the arrest of Rivard and of the fact that Lawyer Pierre Lamontagne was acting on behalf of the prosecution. There can be no doubt whatsoever therefore that, notwithstanding statements repeated again and again during the course of his evidence, Lawyer Denis learned on June 21 that Lawyer Lamontagne was indeed acting on behalf of the prosecution in the extradition case brought against Lucien Rivard.

Masson stated that Lawyer Denis took notes and said "tomorrow, I'll see the proper authorities", adding that extradition cases did not come within the jurisdiction of the Department of Citizenship but within the jurisdiction of the

Department of Justice. After Lawyer Denis' departure, Masson informed Gignac that he had told his friend what the purpose of their visit was, that the (translation) "bail matter was going ahead all right" and that a meeting had been arranged for the following day at noon. The evidence shows, - and we here particularly refer to the checking of the telephone calls made on that evening, that Gignac called up Mrs. Rivard while Lawyer Denis was in conference with Masson in the adjoining room. He told the Commission that he placed this call in order to ask Mrs. Rivard to tell Lechasseur to come to Hull to fetch him. This statement is false, because it was only after Lawyer Denis' departure that Masson told him that he would not be returning to Montreal that same night. Moreover when he had left Montreal, he had decided to return to Montreal by plane should Masson be detained in Hull and, indeed, it had been to that end that he had left his automobile parked in the Dorval airport parking lot.

The evidence shows, furthermore, that a little later on, another telephone call was placed to Mrs. Rivard. According to Mrs. Rivard's evidence, it was Masson who then called her in order to let her know that his (translation) "expert in extradition cases" had told him that any person involved in such circumstances as her husband then was, was entitled to bail and to ask her to send Lechasseur to Hull. Furthermore, when Gignac was interviewed by Inspector Drapeau, he told Insp. Drapeau, and the words are his own: (translation) "Masson told me he had to see Lechasseur that very night". Masson had gone to bed and awakened around 3.30 a.m. Lechasseur had already arrived by that time and was chatting with Gignac; they told him they were leaving and asked that Masson tell them whatever

news he might get the next day, in view of the fact that Lawyer Denis had already said he would be enquiring about bail possibilities.

Obviously Eddy Lechasseur did not make the trip up to Hull from Montreal, in the middle of the night, merely to fetch Gignac and bring him back to Montreal. Lechasseur claimed that he didn't remember making any enquiries whatsoever about the previous evening's events during the course of the drive back to Montreal, but this statement is too incredible to be believed particularly in view of the fact that he did admit, at one point, that he was most anxious to know what might have transpired as the result of Masson's trip from Montreal to Hull. While the evidence does not indicate, clearly and precisely, what the true reasons for this trip were, we must inevitably conclude that the trip was made to satisfy the demands made by Masson and Gignac, pursuant to their interview with Lawyer Denis.

Tuesday, June 23, 1964

On the following day, June 23, Masson met Lawyer Denis and invited him to lunch. This is part of Masson's own evidence. Lawyer Denis apparently then said that he was very busy that morning and there were not any new developments in the Rivard case. He then would have suggested to Masson that the latter should himself call Senator G elinas. When he was questioned about this incident, Lawyer Denis did not deny that it had taken place in so many words but stated that, to the best of his knowledge, he did not meet Masson on the following day. On the other hand, Masson's statement, corroborated by circumstantial evidence, leads us to believe that his version

is the accurate one. In any case, Lawyer Denis admits that they did have a telephone conversation and Masson apparently told him that he had attempted to see Senator Gélinas and had failed.

Having learned that the Senator was not in Ottawa, Masson called him up in Montreal and spoke to him. He requested an interview. Senator Gélinas having asked what was the purpose of the interview replied that he didn't see any purpose in his granting it to Masson because he never touched drugs or tax cases. Masson then called back Lawyer Denis and informed him that the Senator refused to see him. It was then that Lawyer Denis replied, (translation) "Never mind. Go back to Montreal. I'll look after it myself."

And that was what Masson did. He went back to Montreal, and from there to Flattsburg where he was holidaying.

It should be noted that on that very same day, - June 23, - Lucien Rivard once again appeared before the Hon. Judge Claude Prévost and the hearing, according to the Record, was postponed until June 30, at the request of the prosecution. The only person whose presence in the Court is mentioned in the Record is the accused.

The attitude of Lawyer Denis, during his interrogation in regard to this meeting with Masson, and more particularly in regard to the discussion that took place between the two men concerning the election fund and Senator Gélinas should be analyzed in the light of certain facts brought out before the Commission in regard to what has been designated as the "Stonehill case". He denied that he had suggested to Masson that the latter should see Senator Gélinas, (translation) "I was annoyed because he was talking about Senator Gélinas to me". He also stated that when Masson mentioned the election fund to him, he refused to listen to him and told him never again to mention

the election fund because, as he had already told him, he had never had anything to do with the election fund.

On February 5, 1965, "Time" magazine published an article describing an interview alleged to have taken place in July 1964, the participants being Lawyer Denis, Messrs. Stonehill, Dornan and Williamson. This occasioned the submission of an application that the Commission recall Lawyer Denis and question him in regard to the facts related in this article, and so test his credibility. After taking this application under advisement, I handed down my decision which I quote "in extenso" hereunder and in which I set forth those reasons which led me to conclude that interrogation of Lawyer Denis should be allowed anew.

"The sixteenth day of February, in the year one

"thousand nine hundred and sixty-five:

"THE COMMISSIONER:

"Upon application made by Lawyer Ross Drouin that witness

"Lawyer Raymond Denis be again called before the Commission

"so that he might be questioned and evidence brought out

"tending to affect his credibility; this motion had the

"support of Lawyers Yves Fortier and Paul Jolin. Objections

"were raised, however, by Lawyers Mathews, Deschênes,

"Chapados, Godin, Jasmin and Villeneuve. As to Lawyer

"Guérin, Counsel on behalf of Lawyer Raymond Denis upon

"re-reading the transcript of the evidence, pages 4208

"and following, I find at page 4208 the following ex-

"pression of his opinion:

"(translation) "I am partly in agreement with Lawyer Drouin

"and partly in disagreement. I am in disagreement in the

"following regard: I do not believe it to be pertinent to

"cross-question Lawyer Denis on this particular point

"unless all persons involved be called before this
"Commission so the question may be most fully and
"completely examined".

"Further along, at page 4210; (translation)

"But having stated this view, I have not the slightest

"objection to every one being heard, but in all fairness

"to the witness Denis, every one should be heard so that

"we may determine exactly who these persons bringing these

"charges are, and so that we may fully and completely

"examine the question, for these charges are much too

"serious and if we are to embark upon this ground then

"I should like, in all fairness, every one to be heard".

"He did add, however (translation): ... "since this is a

"question of jurisdiction rationae materiae, I do not

"believe that my consent can give the Commission a

"jurisdiction which it has not in fact".

"And he concluded, saying: (translation)

"Once again, I have no objection, on the condition that

"all the witnesses be heard. This is the position I take

"in regard to the request of Lawyer Drouin".

"Counsels Drouin, Fortier and Jolin stated that their

"application was being made pursuant to information

"received recently. They stressed the fact that had they

"had this information when they questioned Lawyer Denis,

"they certainly would have used it to question him about

"the events therein related. This information was more

"particularly to be found in an article in "Time" magazine,

"issue of February 5, 1965, at pages 5, 6 and 7 and

"summarized as follows:

"Stonehill called on Albert Williamson who knew Harold

"Dornan, an associate policy secretary in the Prime

"Minister's office and a Pearson speechwriter.

"Stonehill and Williamson came to Ottawa in April.

"Dornan arranged an interview with Denis in the Chateau

"Laurier who promised to examine the Stonehill file.

"On July 3rd, Williamson came back to Ottawa to request

"information about progress in the Stonehill case. With

"Dornan he met Denis who asked him whether any arrangement

"had been made between Stonehill and Senator Louis G  linas.

"When Williamson spoke about Stonehill's proposed bigtime

"investments Denis said: "it is a pity that he would not

"invest \$25,000 or \$30,000 in us". Dornan confirms much

"of Williamson's version but says that he did not take

"Denis' remark as anything more than a jest in rather poor

"taste.

"Later on, Dornan made a report to the Prime Minister and

"said: "In effect he asked what's in it for us." Though

"underscoring that he thought it just a bad joke, which he

"still does, Williamson insists that he did not and does

"not consider Denis' remark as a jest.

"Asked about the words attributed to him by Williamson and

"Dornan, Denis replied: "I am not saying that I did say

"them or that I did not. I cannot comment on immigration

"cases, which are matters of professional secrecy".

"These so-called statements by Lawyer Denis with regard

"to Senator G  linas and an investment of \$25,000 or \$30,000

"in us" have a relation with certain statements made by him

"in the course of his testimony. Indeed, in re-reading the

"transcript of evidence, I have noted some extracts from the

"evidence given by Lawyer Denis, notably at page 3522:

"(translation) A. He told me this was a case involving a

"contributor to the election fund, - of the election fund,

"and he asked me what a request for extradition was; he was
"also wondering whether it were true that M. Rivard was a
"contributor to the election fund.

"I must say that when Monsieur Masson spoke about the
"election fund to me, I said: "Guy, this isn't my business;
"I can find out what the facts in the case you mention are
"but don't talk to me about the election fund. He stopped
"at once, because in another, earlier case where there had
"been mention of the election fund, I had given him the same
"answer, and I had never handled election fund matters at
"all, whatsoever their nature."

"On page 3524:

"(translation) I heard the statement made before this
"Commission by Monsieur Masson in this regard, and I must
"say that he never told me there were sixty thousand
"dollars or fifty thousand dollars available, or any other
"sum available. All he mentioned was the word "election
"fund" and I then clearly and immediately told him this did
"not concern me at all.

"Q. Then why?

"A. And there was never any question of discussing the
"election fund with me. I haven't the slightest idea what
"Masson might have been thinking at that precise moment.
"For my part, I said to Monsieur Masson and I had told him
"previously, and told him on the strength of my instructions
"from Monsieur Tremblay; Monsieur Tremblay had told me quite
"clearly, in February in fact, that I was not to handle
"election fund matters at all; Masson knew that. He was
"aware of that.

"Q. Did you mention the name of Monsieur Gélinas, in the
"course of that conversation?

"A. No. I never mentioned the word "Gélinas" either in
"that conversation or later to Monsieur Masson."

"Pages 3530 or 3531: (translation)

"Q. Did Monsieur Masson call you up?

"A. Monsieur Masson did call me up, a very brief telephone
"conversation that was, saying he'd tried to see Senator
"Gélinas and hadn't succeeded. I repeated once again, and
"I beg you to believe that I wasn't in too good a humour,
"as I had already made amply clear to him ...

"Q. It didn't surprise you?

"A. It surprised me a lot.

"Q. That he telephoned you to say he'd called up Senator
"Gélinas?

"A. That's right. It amazed me and annoyed me that he should
"mention Senator Gélinas to me again whom I knew to be the
"Secretary Treasurer for the Liberal Party in Quebec.

"Q. That he should speak of this to you again? Had he
"spoken of it to you on the previous day?

"A. Yes, when he'd told me that Rivard was a contributor
"to the Liberal Party election fund, I'd said to him,
"from that very moment onwards, I'd told him not to talk
"to me about these questions, just not to discuss them with
"me at all.

"Q. But you suggested: Monsieur Gélinas?

"A. No, I hadn't suggested: Monsieur Gélinas.

"Q. Why do you say that the next morning he spoke to
"you of Senator Gélinas again?

"A. Spoke of the election fund again.

"Q. All the same, he did mention the name of Senator Gélinas
"the next day?

"A. He mentioned the name "Gélinas".

"Q. He told you he had called him up?

"A. He told me he had called him up.

"Q. Now, at that moment, tell us, how did the conversation develop?

"A. The conversation came to an abrupt end, right there, because I wasn't in too good a humour with Masson at that moment."

"Pages 3770 and following: (translation)

"A. He made representations to me that Rivard was a business man who contributed a lot to the election fund: that was his approach, and he also said he wanted to check and see whether this particular fact was true. So I said to him: "Guy, you know I don't have anything to do with the election fund. Please don't discuss it with me." And that's what happened.

"Q. So did you understand from that, at that particular time, that Monsieur Masson was talking of a possible contribution, a future contribution to the election fund?

"A. I didn't understand. It was because the conversation stopped almost immediately.

"Q. If you didn't understand that, if you'd merely understood that this Monsieur Rivard had already contributed to the election fund, why were you annoyed?

"A. Because I'd already told him I didn't have anything to do with election fund matters.

"Q. But was he asking you to look after election fund matters?

"A. No, but these are not the type of observations I like Monsieur Masson to make in my presence. That's all.

"Q. Was he asking you to have anything to do in any way whatsoever with election fund matters?

"A. No, but Monsieur Tremblay, my boss, at that time, had told me: "I don't want you to have anything to do with election fund matters."

"Finally, at page 3773: (translation)

"A. Yes. That's to say on June twenty-two (22), he didn't know it, but I told him.

"Q. What did you tell him. That you didn't want to hear mention made of the election fund?

"A. That's true.

"Q. The 22nd June, Monsieur Masson spoke to you of the election fund, and that angered you?

"A. It didn't anger me, I just told I didn't want him to discuss it with me in any manner whatsoever.

"Q. On the telephone, as Masson is speaking to you, he tells you he had tried to get in touch with Senator Gélinas about the election fund and you're so angered, you cut the conversation short?

"A. That's it."

"In arguments, the question of the proof of similar acts has been brought forward and as every one knows, this type of evidence is allowable under some circumstances, in a trial. I must then immediately state that in an enquiry of this kind, there can be no question of allowing the proof of similar acts. The fact is that, on looking into doctrine and jurisprudence, we find that where this type of evidence is allowed, it is only allowed to prove the guilt of a person charged and appearing in a court of justice. Now, we are all aware, and this has been repeated several times throughout the course of this enquiry, we are not here to conduct the trial of whomsoever it might be. There is no plaintiff before us, there is no one requesting

"justice, no accused party. However, we have also stated
"quite frequently that for the purposes of this enquiry,
"we should follow, in so far as possible, the rules of
"evidence in Canada. But there is no doubt that the possi-
"bility of proving similar acts must be completely set
"aside.

"Nonetheless, in following the rules of evidence, it is
"quite possible to test the credibility of a witness.

"Now, it has been clear from the very outset of this enquiry,
"and I make no attempt to conceal the fact, one of my most
"difficult tasks will be to decide what is the degree of
"credibility to be attached to the evidence of certain
"witnesses heard before this Commission. In regard to
"several very important points, there are flagrant contra-
"dictions and I shall have to decide whether to give
"greater weight to the versions of certain witnesses
"rather than to the versions of other witnesses.

"It is therefore my duty to take every possible and legal
"means of verifying the credibility of the witnesses. In
"a recent work, published in 1964, and entitled "An Out-
"line of the Law of Evidence" by Rupert Cross and Nancy
"Wilkins, - Rupert Cross is a lecturer in the law of
"evidence in the University of Oxford; and Nancy Wilkins
"is a barrister-at-law - I noted that this question of
"the credibility of witnesses was dealt with in a clear,
"precise manner and in accordance with the well-known
"rules governing the law of evidence. On page 70, under
"the heading "Finality of answers in cross-examination
"to credit", the authors write the following:

"The great difference between cross-examination to the issue and cross-examination to credit is that, whereas the witness' answers to the former may always be contradicted by other evidence adduced in due course by the cross-examiner, answers in cross-examination to credit are usually final".

"After this enunciation of principles, we find, under the heading "Three exceptions", the following:

"There are three exceptions to the rule that a witness' answers to cross-examination to credit are final. First, if he denies that he has previously made a statement inconsistent with his testimony, another witness may be called to prove the statement under section 4 and section 5 of the Criminal Procedure Act, 1865."

"Furthermore, Popple, in Canadian Criminal Evidence, second edition, page 363, states:

"The exercise of this right to cross-examine a witness as to his credibility often leads to difficult situations and before considering the recent cases on the subject, it might be well to note the general "purpose" and "principle" underlying the right. The "purpose" is to show that the witness is not to be believed on oath. the "principle" is laid down in Browne v. Dunn (1893), 6Hof L. 67, as follows: "A witness may be cross-examined as to his "credibility" but he should have his attention drawn to any facts with respect to which it is intended to impeach his credit by other witnesses so as to give him an opportunity of explanation. In this case Lord Herschell, L.C., puts it very clearly when he says: "I have always understood that if you intend to impeach a witness you are bound whilst he is in the witness box to give him an opportunity of making any explanation

"which is open to him; and as it seems to me, that it is
"not only a rule of professional practice in the conduct
"of a case, but it is essential to fair play and dealing
"with witnesses."

"I may add that I have consulted other works where I
"have found an identical statement of the rule to be
"followed in cases such as this one.

"I therefore conclude that the application made by
"Lawyers Drouin, Fortier and Jolin should be granted
"and I order the following:

- "1. The Secretary of this Commission shall call Lawyer
"Raymond Denis back to the witness box, so that he may
"be questioned in regard to statements attributed to
"him in the circumstances as revealed in the information
"that was mentioned at the outset of my remarks;
- "2. It shall only be after Lawyer Denis has been
"questioned that a decision may be reached as to whether
"other witnesses should be called to give evidence in
"regard to the incident at issue, and in regard to
"this last point, I must reserve my decision."

In his evidence in regard to this incident, Lawyer Denis related the following facts. In the course of the spring of 1964, in April, he said, or a little later, he had an interview with Messrs. Dornan, Williamson and Stonehill, an interview which had been requested by Mr. Dornan. There was a Stonehill file in the Department of Citizenship and Immigration. There was also a second special file. It must be remembered that Stonehill was applying for admittance to Canada as a landed immigrant. A second interview took place around July 3, again at the request of Mr. Dornan who, this time, was accompanied by Mr. Williamson. There had been a preliminary report which had

been prepared by Mr. Denis himself on Stonehill's application and which had been forwarded by him to Mr. Dornan and to Senator Gélinas. The records showed that Senator Gélinas wished to be kept informed of the outcome of Stonehill's application. (translation) : "I had reached the conclusion", said Denis, in a preliminary report, "that Stonehill would not be allowed in Canada, but I had said to Mr. Dornan not to take my report as a final decision, and the only other person to whom I had spoken about the matter was Senator Gélinas because, I repeat, his name appeared on the file." During the second interview, Mr. Denis asked Williamson if he had seen Senator Gélinas, and the reply was "no". Mr. Denis had been told that Stonehill, who was in British Columbia, had already made commitments which involved large expenditures, that he had already invested substantial sums and that he was ready to make further investments. It is during that conversation that Mr. Denis is alleged to have said: "Did he think of investing in us? (translation) "Would there be \$25,000 for me, or \$25,000 for us or \$30,000? "These remarks were made in a jocular sort of way, and without any "malice". He added that he felt that Senator Gélinas had the right to be kept informed of Stonehill's application and of confidential reports, because he himself had asked to be kept informed.

Those developments show obviously that when Guy Masson discussed with Mr. Denis, in the evening of June 22, the matter of election funds, when he spoke of Senator Gélinas, when he informed him that substantial sums were available to help Rivard fight the extradition proceedings against him or obtain his release on bail, such a conversation could not have offended him as he claims; hence, it is more logical to believe Masson's account of their interviews of June 22 and 23.

Thursday, June 25, 1964

Two days later, on June 25, Notary Claude-Henri Gratton, of Montreal, was visited by Mrs. Rivard and Gignac, accompanied by Eddy Lechasseur. Mrs. Rivard had with her the sum of \$60,000 in cash, and the notary stated that the money was counted before him. He was asked to draft a deed, which was duly recorded and a copy of it was filed as an exhibit before the Commission. In this deed it was acknowledged that the sum of \$60,000 was deposited with the Royal Trust Company, in a joint account opened in the name of Mrs. Rivard and Robert Gignac. The parties acknowledged that the money was the exclusive property of Mrs. Rivard, although it was deposited in a joint account in the name of Mrs. Rivard and Gignac. It was also agreed that Mrs. Rivard could draw by herself the amount deposited. The deed was signed by Mrs. Rivard, Gignac and the notary.

A digression is in order here in regard to this \$60,000 deposit. First of all, it must be pointed out that according to witnesses, that sum of money was obtained by Mrs. Rivard on June 23 and 24 from a number of persons. The only source which was actually checked had to do with a sum of \$15,000 which had been loaned by the Provincial Bank of St. Eustache to Roger Aubin on a note signed by Mrs. Rivard. With regard to the balance, Mrs. Rivard claimed that she had received it from other persons whom she named, but after having heard the witnesses, it is obvious that the information she gave in regard to the source of those funds was not accurate.

Monday, June 29, 1964

The following Monday, June 29, Masson returned to the office where he met Gignac. He made a detailed report to him in regard to what had taken place on June 22 and 23 during his trip to Hull; he added that he must have got in touch once more by telephone with Mr. Denis, but the latter told him that he had nothing more to say.

Tuesday, June 30, 1964

On June 30, Rivard appeared once more before Judge Claude Prévost; the records show that with the consent of the parties, the case was postponed until July 2.

Thursday, July 2, 1964

Rivard appeared once more, this time before Judge George Challies, Associate Chief Justice. According to the records, Mr. Lamontagne was present, as well as Mr. Jos. Cohen, Counsel for the accused, and with the consent of the parties, the case was postponed until July 10.

Monday, July 6, 1964

Masson is back in Montreal after his holidays. He and Gignac are busy moving their office to Place Cremazie.

After calling Mr. Denis, it was agreed that he would go to Ottawa to meet him, and he went at dinner time. He rented a room at the Chateau Laurier, and Mr. Denis joined him around 11 p.m. They discussed the Rivard affair. Mr. Denis explained to him the procedure in extradition cases. He told him that Rivard's case was a very serious one and that he did not think that the Minister of Justice could reverse the decision of the Court. He added that he did not see any possibility of Rivard being released on bail.

Tuesday, July 7, 1964

Masson returned to Montreal the next day, July 7. He informed Gignac of the result of his trip and the latter asked him to continue his approaches.

Thursday, July 9, 1964

On July 9, Mr. Raymond Daoust, counsel for a man named Bonnano whom the Government wanted to deport to the United States, wrote to Mr. Guy Rouleau, asking him to intervene on behalf of his client and to secure for him an interview with the Minister of Citizenship and Immigration. Mr. Rouleau got in touch with the Hon. René Tremblay who suggested that he hand over the documents to Mr. Denis who would receive Mr. Daoust. It was then agreed that the interview would be held on the 15th, and Mr. Rouleau immediately passed on the information to Mr. Daoust.

Friday, July 10, 1964

On July 10, before Judge Claude Prévost, Rivard, the accused, appeared; Mr. Lamontagne was Counsel for the U.S. government, and Messrs. Cohen and Daoust, Counsel for Rivard. The hearing proceeded, exhibits were filed, admissions were made by the defence, and at the end of the day, with the consent of the parties and in accordance with a document signed by the accused himself, the case was postponed until August 6.

Monday, July 13, 1964

Masson returned to Ottawa where he met Mr. Denis. Between the 6th and the 13th, he had seen the receipt for the \$60,000 deposited with the Royal Trust Company. He noticed that the deposit had been made jointly by Mrs. Rivard and Gignac, as the latter wanted to make sure that the money would be available at any time. However, Masson stated that around 11 p.m. on July 13, he might have said to Mr. Denis that the sum of \$60,000 had actually been deposited with the Royal Trust; but, he certainly told him that he had seen the receipt.

Tuesday, July 14, 1964

On July 14, Masson was in Ottawa and had breakfast with Mr. Denis. It was on that day that Mr. Lamontagne and Mr. Denis were in touch with each other for the first time. Their testimony regarding the events which took place that day are sometimes in agreement, but very often conflicting. It is certain that during the afternoon Mr. Denis called Mr. Lamontagne

asking him to come to Ottawa for an urgent affair. After hearing from Mr. Guy Rouleau about the letter from Mr. Daoust, Mr. Denis said that he took the matter up with the Hon. R. Tremblay and asked permission to get in touch with the legal firm of Geoffrion & al, in order to be brought up to date in regard to the Bonnano case.

It is interesting to note that Mr. Denis felt impelled to ask the Minister's permission to get in touch with the legal firm of Geoffrion & al in connection with the Bannano affair, whereas he did not deem it necessary to ask for such a permission from the proper authorities in regard to the Rivard affair. On the other hand, the Hon. René Tremblay said that he did not know that Mr. Lamontagne was coming to Ottawa on that day, and that he had not directed Mr. Denis to ask Mr. Lamontagne to come to Ottawa in order to discuss the Bonnano affair, either with himself or with Mr. Denis. He simply said that Mr. Denis had informed him that he would inquire about the Bonnano case.

Mr. Denis stated in his testimony that when he called Mr. Lamontagne asking him to come to Ottawa, he said to him that the matter was urgent; he stated that inasmuch as he was to meet Mr. Daoust the next day, the matter was really urgent. However, Mr. Lamontagne stated that when Mr. Denis called him, no mention was made of the matter about which he wanted him to come to Ottawa. They first met in the office of Mr. Denis, which is next to the Hon. R. Tremblay's office. During the interview, Mr. Tremblay came into his office; Mr. Denis introduced Mr. Lamontagne, but the Minister remained only a short time. While the Minister was present, the Bonnano case was discussed, and it was after he had left that the Rivard affair was mentioned. It was then that Mr. Denis

informed Mr. Lamontagne of an offer of \$20,000 if he agreed to Rivard's release on bail; the sum of \$10,000 would be paid to him the next day at the Queen Elizabeth Hotel, and the balance of \$10,000 later on. When Mr. Lamontagne asked him why this offer was being made, Mr. Denis said that Rivard was a good friend of the party, that there might be elections shortly, that Rivard's help would be required in the future, and that the party would benefit from Rivard's release on bail. He added that according to information in his possession, the R.C.M.P. had trumped up the evidence against Rivard. This offer alleged by Mr. Lamontagne has been flatly denied by Mr. Denis.

Around midnight, Mr. Denis and Mr. Lamontagne left the office together to go to Mr. Lamontagne's room in the Chateau Laurier. They talked with Mrs. Lamontagne for some time, and then Mrs. Lamontagne retired. They spoke once more of the Rivard affair. Mr. Denis is alleged to have said to Mr. Lamontagne that the offer which he mentioned to him had been made at the suggestion of four persons. During the conversation, he mentioned the name of Mr. Gélinas.

Mr. Denis admitted that he had discussed the Rivard affair while they were in the office of Hon. Mr. Tremblay, but that it was not mentioned in Mr. Lamontagne's room. However, when Mrs. Lamontagne stated in her testimony that she had heard the name Rivard being uttered, Mr. Denis claimed that if the word Rivard was mentioned, it was when he spoke about his residence in Montreal, on Rivard Street, of two years earlier. Mr. Denis also stated that if the name of Mr. Gélinas was mentioned it is because he claimed having informed Mr. Lamontagne that the Liberal Party was thinking of replacing its treasurer, and that Senator Gélinas might be replaced by Mr. Geoffrion, Mr. Lamontagne's partner.

When he interviewed Mr. Denis, on August 25, Inspector Drapeau claimed that the following took place: "While Mr. Denis was giving his statement, he would stop every now and then to refresh his memory and he would think aloud, and at one point he reached where Mr. Masson had met him at Central Station, and I asked him, I said: "What did he ask you?" "Well, he asked me if there was anything new". "I said: "What did you tell him?" "Well, he says, I told him Lamontagne thought it was a rotten thing and we shouldn't have anything to do with that." Mr. Denis subsequently denied having made such a statement, but is it logical to contend that Inspector Drapeau would have invented it?

What conclusions should be drawn from those happenings, in the light of the statements of Mr. Lamontagne and Mr. Denis? They are intimate friends who have known each other for a number of years. Since his meeting with Masson on June 22, Mr. Denis had known that a certain Lucien Rivard was being held and that his extradition has been requested by the U.S. government for drug trafficking. On June 21 he knew that Mr. Lamontagne had been the Counsel for the prosecution. He knew that Rivard was a contributor to the election fund of his party. He knew that a sum of \$50,000 to \$60,000 was available to help secure Rivard's release on bail. He knew that his friend, Guy Masson, had been very active in trying to obtain Rivard's release on bail. He had been told that the evidence against Rivard was pure fabrication. He had doubts about this information. He thought that if the request for bail were granted, he might benefit personally as he had thought he might in the Stonehill case. He had an opportunity to meet Mr. Lamontagne, because he had to familiarize himself

with the file in the Bonnano case, the case of a man who had been ordered deported to the United States. He asked Mr. Lamontagne to come and meet him in Ottawa in order to discuss an urgent matter, without telling him what that matter was. During the meeting with Mr. Lamontagne, he mentioned the Rivard affair; why, for what purpose? All he knew about that affair was what his friend Guy Masson had told him, because he was making representations in order to obtain the release on bail of the accused. Since June 22, he had received telephone calls from Masson, he had seen him again on July 6, he had seen him the day before, on the 13th, and that very morning and each time Masson had spoken to him about the Rivard affair. There can, therefore, be no doubt that if Mr. Denis spoke to Mr. Lamontagne about that affair, it was in order to obtain his co-operation in regard to the application for bail. He was no doubt under the impression, as some attorneys explained, that if the attorney for the prosecution were not to object to an application for bail made by an accused, there was a good chance that it might be granted by the Court.

In view of all the circumstances brought out during the investigation, of the improbability of the explanations given by Mr. Denis being true, and especially of the testimony of Inspector Drapeau in regard to both interviews which he had with Mr. Denis, we must conclude that of the two statements, it is that of Mr. Lamontagne which must be accepted rather than Mr. Denis'.

There is, therefore, no doubt that on the evening of July 14, 1964, Mr. Denis offered Mr. Lamontagne the sum of \$20,000 should he agree not to oppose Rivard's application for bail.

Friday, July 17, 1964

On July 17, Mr. Lamontagne left his home in order to spend a few days with his father, who has a summer residence at Laterrière, about fifteen miles from Chicoutimi.

Sunday, July 19, 1964

On Sunday, July 19, Mrs. Rivard called Mr. Daoust, at his summer home, about bail for her husband. She asked him to return immediately to Montreal, but he refused and he said that he would be in his office the next day.

Monday, July 20, 1964

On July 20, Masson returned to Ottawa. Questioned about the contacts he might have had with Mr. Denis, he said that it was "possible" that he had called him and that it was "possible" that the Rivard affair had been mentioned.

The evening of the same day, Gignac, Mrs. Rivard and Lechasseur met first at the Plage Idéale. In their evidence before the Commission, the three of them claimed that they met by chance in the Maxim Lounge restaurant where they spent the evening. But before they had time to agree on what they were to say, Gignac had been questioned by Inspector Drapeau in Quebec City on September 10 and he had told him how the meeting had been arranged. He claimed that he was at Plage Idéale; Lechasseur came around with his friend, Linda, and told him that he wanted to speak to him, but that it was necessary for them to go elsewhere. Then, in agreement with Mrs. Rivard,

they decided to go to Maxim Lounge, where they probably thought, no doubt, that they would be in a better position to carry out their proposed activities away from prying eyes.

Before summarizing the evidence in regard to the events which took place during that evening, it would be of some use to note the sequence of the telephone calls which were made:

- 10.30 p.m. - call by Mrs. Rivard to Mr. Daoust;
- 10.45 p.m. - call by Mr. Daoust to Mr. Lamontagne;
- 11.00 p.m. - call by Mr. Daoust to Masson;
- 11.30 p.m. - call by Mrs. Rivard to Mr. Daoust;
- 11.50 p.m. - call by Gingras to Mr. Lamontagne;
- 12.10 a.m. - call by Gignac to Masson;
- 12.40 a.m. - call by Masson to Gignac;
- 1.00 a.m. - call by Mr. Daoust to Mr. Lamontagne;
- 1.30 a.m. - call by Gingras to Mr. Lamontagne.

Mr. Daoust had an opportunity to speak to Mr. Lamontagne, to Mrs. Rivard, to Eddy Lechasseur, to a certain Gingras or Gignac, and to Masson. Their testimonies are conflicting and it is necessary to find out the truth.

Mr. Daoust stated in his evidence that several sections of Inspector Drapeau's report on the interview which he had with him in September were not accurate. However, Inspector Drapeau's testimony was confirmed by Sergeant Grevier. But no doubt we should take into consideration that when he spoke to the R.C.M.P. officers, he was not under oath, as he stated himself in his evidence.

Mr. Daoust first received a call from Mrs. Rivard. She told him that she was with Mr. Lechasseur and another person whom she did not name, and she asked him to join them in order to discuss her husband's bail. He refused. She added that

the man who was with her had a great deal of influence, and that he knew it would be the right time to make an application for bail within the next few days, because he was supposed to have "approached" Mr. Lamontagne. She added: (translation) "He claims that if he could speak to you, you would better understand."

Mr. Daoust said that following that telephone call, he was intrigued and that in order to clear the matter up, he decided to get in touch with Mr. Lamontagne. During his testimony, he said and repeated that he was convinced of the honesty and integrity of Mr. Lamontagne, but then, if that was the case, is it not rather strange to note that after his conversation with Mrs. Rivard, he was, as he said himself, "mystified", and since he wanted to clear up the matter, did he not have some suspicion in regard to the matter of the alleged meetings between Mr. Lamontagne and the unknown person? He called Mr. Lamontagne in Chicoutimi. In regard to what was said during that telephone conversation, the statements of Mr. Daoust and of Mr. Lamontagne are at variance. Mr. Daoust is alleged to have said first that he wanted to know when an application for bail for Rivard could be made, as he understood that the affair had been arranged. In this respect, there is not much difference between the two statements. Indeed, Mr. Daoust claimed that he said: (translation) "Listen, Pierre, some people called me tonight and told me that they had approached you and had talked to you about the bail and they are under the impression that this has been arranged"; he also added in his evidence - and this is significant - (translation) "I said that those people had informed me that they had approached him, but that I did not believe it and that I was checking with him to find out where matters stood". He said that Mr. Lamontagne appeared astonished and that he

flatly denied that that information was correct. At the end of the conversation, Mr. Daoust is alleged to have left his telephone number with him so that he might call him back; for his part, Mr. Daoust claims that it was Mr. Lamontagne who asked him to call him back.

As shown on the above-mentioned sequence, the third call was made by Mr. Daoust to Masson, in Ottawa. Mrs. Rivard had told him that if he wanted confirmation of the fact that she and her friends had influence, all he had to do was to call Masson in Ottawa. He decided to make such a call, why? Was it because he was not convinced of Mr. Lamontagne's honesty and integrity? Mr. Daoust claims that Masson told him of meeting Mr. Lamontagne in Ottawa that very morning. But Masson's version of that conversation is entirely different. He claims that Lawyer Daoust spoke to him of Lawyer Lamontagne, asking whether he had seen him with respect to an application for bail, but he apparently replied that he did not know Lawyer Lamontagne, adding: (translation) "that took me by surprise, I don't understand that call very well, it was an odd story". Who is telling the truth, Masson or Lawyer Daoust? One thing is certain: it is true that Masson did not know Lawyer Lamontagne.

During the course of the fourth telephone call, Lawyer Daoust spoke to Madame Rivard, in the Maxim Lounge. He told her that he had been in touch with Lawyer Lamontagne, and that the information which she had given him was inexact. He stated that during the same evening Mr. Lechasseur spoke to him over the telephone. He knew the latter well, since he was one of his clients.

A little later, Lawyer Lamontagne received a second telephone call, this time from an unknown party. The

party called himself Gingras during the course of this conversation. He wanted to know why Lawyer Lamontagne was being so difficult in regard to bail for Rivard, why he was not agreeing to the presentation of the application for bail the next day or the day following at the latest as everything had been arranged. He even voiced certain threats.

Lawyer Daoust then placed another call to Lawyer Lamontagne. He apparently told him that he was calling from his office where there were two persons with him and that he intended making two petitions in the Rivard case: one was for an expert opinion and the other was for bail. Lawyer Lamontagne advised him to wait until the following week because he wanted to complete his holidays in Chicoutimi and Lawyer Daoust finally agreed. Why did Lawyer Daoust place this second call when, according to his own evidence, he had already realized that he had been told a pack of lies and he himself had already told Mrs. Rivard that he had conducted his own verification and come to the conclusion that she had been told a pack of lies?

A little while later, Lawyer Lamontagne received a fourth telephone call and this came from somebody calling himself "Bob". There cannot be the slightest shred of doubt, judging from the whole body of evidence, that this "Bob" was Robert Gignac. Some of his friends, - and this was particularly so in the case of Rivard, - called to give evidence before this Commission, designated Robert Gignac as "Bob", whenever they spoke about him. Was he the one who made the first call? We cannot be sure that such was the case, but one thing is certain, the call at issue was made from the Maxim Lounge. He then repeated to Mr. Lamontagne that everything had been arranged, he had been paid, and he asked him why he wasn't co-operating.

We draw the following conclusions from these events of July 20, in the evening:

There was a meeting in the Maxim Lounge between Mrs. Rivard, Linda Dumont, Eddy Lechasseur and Robert Gignac. There were telephone calls made by Mrs. Rivard, Eddy Lechasseur, Gignac and Lawyer Daoust. It is possible that Gignac made his last call from a place other than the Maxim Lounge because the Bell Telephone Company checked on all calls made from the Maxim Lounge and could only verify one call, made that evening from the Maxim Lounge to Chicoutimi. Obviously, Lawyer Daoust was pressed, in no uncertain terms, to prepare a petition for bail at once because he was given every assurance that Lawyer Lamontagne had accepted money not to oppose bail.

There can therefore be no doubt whatsoever that on that evening of July 20, Lawyer Lamontagne was subjected to very strong and weighty pressures to induce him to consent to bail for Rivard. His mother was aware the calls were made and, although she could not hear what was said on the telephone, she told the Commission that her son was extremely upset; indeed, he was so upset that his tension worried her.

Wednesday, July 22, 1964

On July 22, Lawyer Lamontagne placed a long-distance call to Lawyer Denis in Ottawa. He let him know he had had several telephone calls during the night of the 20th through to the 21st and that one of these calls had been from a party claiming to be a friend of Lawyer Denis. He then advised Lawyer Denis to (translation) "warn his boys to let

him alone" and if he didn't do so, he would go to the R.C.M.P. Lawyer Denis answered that he would look after the matter right away and that he was very sorry.

On the same day, Lawyer Lamontagne had an opportunity to tell Sergeant Crevier everything that had happened, and to ask for protection. He told him he had received four telephone calls, two of which were from Lawyer Daoust, one from somebody calling himself "Bob" and the other from a party called Gingras. Sergeant Crevier suggested that he should call Inspector Carrière if he was worried about anything because he himself was on holiday until August 8.

Monday, July 27, 1964

It was on July 27 that Lawyer Lamontagne returned to his office. During the ensuing days, he claims he heard rumours, particularly in the Court-house, that he had accepted a bribe in the Rivard case.

RUMOURS OF A BRIBE OFFER
TO LAWYER LAMONTAGNE.-

According to evidence, given before this Commission, there does not seem to be any doubt whatsoever that rumours of this kind were rife, even outside of the Court-house. In giving evidence, Masson stated that on July 24, he had learned that Lawyer Lamontagne had accepted money. Lawyer Joseph Cohen heard the same story, as did Lawyers Raymond Bernier and Jean-Claude Pothier. The R.C.M.P. officers had heard, from early

July onward, that there was a considerable sum of money available for any one willing to lend a hand in the "Rivard case".

Commissioner McClellan had the same rumour reported to him in August or September and believes he spoke of it to the Hon. G. Favreau.

Superintendent Fraser also had heard the story: "Just a paragraph in the file, as I remember, that there was a rumour that there was money available to assist him getting bail."

For his part, Inspector Carrière confirms this rumour was going around.

Sergeant Crevier gives the following answers to questions put to him in this regard: (page 1204) (translation)

"Q. Monsieur Crevier, during this telephone conversation, (that of August 20) you did hear mention of a possible bribe offer by Mr. Raymond Denis to Mr. Pierre Lamontagne? Is that true?

"A. I heard talk, yes, Mr. Lamontagne saying to Mr. Denis to remember the ten thousand dollars (\$10,000).

"Q. Was that the first time you heard any one refer to a possible offer of money being made to Mr. Pierre Lamontagne?

"A. The twentieth? (20)

"Q. That day of August 20, 1964?

"A. No, it wasn't the first time.

"The first time was August 11, when I was in the R.C.M.P. office."

Tuesday, July 28, 1964

On July 28, Lawyer Lamontagne met Lawyer Daoust at Chez son Père restaurant. They lunched together and parted

company around five o'clock in the afternoon. There is no doubt that the main topic of that afternoon's conversation was the Bonnano case, but there is not the slightest doubt either that mention was also made of the Rivard case. The telephone calls of July 20 were mentioned. Lawyer Daoust apparently said that he had been approached by two people who claimed they had arranged bail for Rivard. These two persons told him that Lawyer Lamontagne had received the sum of \$10,000, which sum they claimed had been paid to Lawyer Lamontagne in Ottawa. When interrogated in regard to this interview Lawyer Daoust denied certain of the statements made by Lawyer Lamontagne but was not very categorical in his refutation. He made remarks to the effect that: (translation) "I don't remember in any positive way", for instance, and (translation) "Lawyer Lamontagne may have spoken to me of the fact that the person who contacted him in Ottawa had offered him money, that's possible. I can't say no". It should be noted all the same that in the course of the interview he had with the R.C.M.P., according to Inspector Drapeau's report, he did say that he had heard rumours to the effect that Lawyer Lamontagne had been subject to pressures exercised with a view to secure his consent to bail.

Wednesday, July 29, 1964

On the following day, July 29, Lawyer Lamontagne met Lawyer Daoust in his office and the Rivard case arose during their conversation.

End of July, 1964

It does seem that Gignac, Masson, Lechasseur and Mrs. Rivard, as well as Lawyer Denis, dropped their activities at this time. They no doubt realized by this time that offers made and pressures exercised up to date had not borne any fruit.

But if we are to shed further light on the events that had taken place up to that time, and if we are to properly judge the evidence given by the different actors in this drama, we must study further certain events that transpired during the months of August and September.

On August 4, Lawyer Lamontagne returned from the Courthouse to his office and found on his desk a petition for bail signed by Lawyers Daoust and Cohen. This proved a great surprise to him because Lawyer Daoust, out of town on holidays at the time, had told him some days earlier and repeated on several subsequent occasions that he would not be submitting a request for bail for the moment.

Lawyer Lamontagne learned from Lawyer Cohen that he had received a letter from Lawyer Daoust, who was out of town travelling; the letter was a request that Lawyer Cohen should present this petition for bail on the sixth. The hearing was postponed until the 12th and finally, Lawyer Cohen decided to withdraw it.

On August 19, Lawyer Denis was interrogated by Inspector Drapeau. Being advised at the outset of the interview that he was to be questioned on the Rivard case, Mr. Denis at once stated that all he knew of this case was what he had read in the newspapers. After considerable

hesitation, he did say that, one night, he had had a call from Mr. Guy Masson, whom he had previously met at political organization meetings. Masson stated he was accompanied by a man called "Bob" and all he wanted was explanations in regard to proceedings followed in extradition cases. Lawyer Denis answered Masson that this was a case handled by the Department of Justice and that he might possibly see Mr. Letendre in this regard. During the course of this interview Lawyer Denis stated that his participation in the Rivard case had been limited to this one meeting with Masson.

On August 20, Lawyer Denis telephoned to Lawyer Lamontagne. Sergeant Crevier listened in to this conversation and reported the substance of it. Lawyer Denis denied that he had offered any money to help secure bail for Rivard, but he did make certain statements which are important and must be noted. He did say to Lawyer Lamontagne that this was a frightful situation, that on the previous day, he had been interrogated by Inspector Drapeau: (translation) "You promised me," he said, "that you wouldn't breathe a word to a soul. You gave me your oath you wouldn't." He added: "I am ruined." When Lawyer Lamontagne reminded him that he had offered him \$10,000 in Ottawa, he replied, (translation) "are you sure, Pierre, are you sure I mentioned money to you?" Lawyer Lamontagne then asked who was behind the whole affair, and he replied, (translation) "I cannot tell you. I am going to talk to Minister Favreau about it, and I will tell him." It was after that, that Lawyer Lamontagne reminded him that on July 22, he had called him from Chicoutimi. Consequently, when Lawyer Denis made the statements which we have just quoted, he could not possibly have made them in

reference to the telephone conversation of July 22, as he claimed had been the case, because at the time he did make them, he did not remember this telephone call at all. He added: (translation) "I should never have got involved in a matter like that." In speaking of his interview with Inspector Drapeau on the previous day, he said he had denied everything, had, in fact, said nothing. He added he would be returning to see Inspector Drapeau on the following day and would make a complete statement.

On August 24, Lawyer Denis again had an interview with Inspector Drapeau. He stated his readiness to prepare a statement but before he proceeded to do so, some discussion took place as to what had actually been said in the course of the first interview. From Inspector Drapeau's evidence, it is quite clear that Lawyer Denis was recalcitrant in giving information during this second interview, and attempted to provide a version that cleared him of blame rather than a version that was truly in consonance with the facts as he knew them to be. Sergeant McLeod told us, in giving evidence: "he had all the attributes of a hostile witness".

On August 31, Lawyer Denis informed the Hon. René Tremblay, his Minister, of the charge brought against him by Lawyer Pierre Lamontagne. The Minister got in touch with the Hon. Guy Favreau, Minister of Justice, who admitted that he was aware of these charges and agreed to advise the Prime Minister. Lawyer Denis was suspended from the exercise of his duties for the lifetime of the investigation and, finally, on September 21, he handed in his resignation, at the request of the Hon. René Tremblay.

The evidence concerning the events involving Masson, Gignac, Lechasseur and Mrs. Rivard and in which Lawyer Denis was involved, lead us to the following conclusions. There can be no doubt that the one who first set these events in motion was Robert Gignac, a very close friend of Lucien Rivard. From the very outset, he was quite determined in his attempt to use corruption and political influences in order to secure his friend's liberation. He had been associated with Guy Masson in business enterprises for some time. He was aware that Masson visited Ottawa frequently, and that Masson had friends amongst the leaders of the party in power. He convoked Mrs. Rivard, introduced her to Masson to whom the sum of \$1,000.00 was handed.

Masson came into the game perfectly willingly, - let there be no doubt on this score, - surmising in all probability that he stood to gain a very substantial reward. He was, as we have seen earlier, on intimate terms with Lawyer Denis, and decided to exploit this relationship to the full. He went to meet Lawyer Denis and asked him to help secure the liberation of Rivard, telling him that \$50,000 or \$60,000 was available for that purpose. Unfortunately, Lawyer Denis did not perhaps fully realize on what dangerous grounds he was adventuring by lending a favourable ear to Masson's representations. He forgot the warning he had had from his Minister, the Hon. René Tremblay, whose instructions had been that Masson should never set foot in his offices again. Denis' position as Assistant to the Minister of Citizenship and Immigration secured advantages that might prove useful in setting aside obstacles lying in the way of taking the very steps that Masson was asking him to take. Without thinking

over the matter sufficiently, and knowing that his friend Mr. Pierre Lamontagne was acting on behalf of the prosecution in the Rivard case, he took advantage of an opportunity offered to him to have Mr. Lamontagne come to see him in Ottawa on July 14. He believed that by offering him \$20,000 he could secure his help in achieving the desired end.

CONCLUSIONS

There is no doubt that Mrs. Rivard, Eddy Lechasseur, Robert Gignac and Guy Masson conspired to obstruct the course of justice. There cannot be any doubt either that Lawyer Denis did offer to Lawyer Lamontagne a sum of \$20,000 to obstruct the course of justice.

PRIMA FACIE EVIDENCE

The Order in Council asks me to state whether an analysis of the facts proves there is "prima facie evidence in relation to the activities of an employee of Government or an officer of a department or any person involved in the allegations".

The elements of prima facie evidence were clearly set forth by Counsel André Desjardins. "Generally speaking," he said, "the Crown must, in criminal cases, establish evidence that is not only consistent with the guilt of the accused but must equally establish evidence that leaves no reasonable doubt as to culpability.

"In other words, not only the accused is never obliged to prove his innocence, but he cannot be condemned if the evidence established by the Crown leaves a reasonable doubt.

"In these circumstances, prima facie evidence would be evidence containing all the factors that constitute the offence and so presented that if no other evidence were brought forward in opposition, it would justify the jury to hand down a verdict of guilt.

"When the Crown establishes a prima facie case, an accused may not be found to be not guilty except by discharging the burden he now has of proving not his innocence, but that there is reasonable doubt as to whether he was guilty or not.

"In this inquiry, there is no accused and, in consequence, all persons, including those who might be considered as accused have been questioned. This means that the Commission shall have to ask itself the following question: in the face

"of the proven facts, does the Commission have evidence
"that would justify a jury in handing down a verdict of
"guilty, and would not justify a jury in handing down a
"verdict of not guilty based not upon evidence that any
"party has proven his innocence, but rather that he has
"given rise to a reasonable doubt." (translation)

After listening to the evidence concerning
relevant facts both in support of and in contradiction
to the allegations that brought this inquiry into being,
after having heard the arguments of Counsels for all
interested parties and after, in this first part of my
report, reaching the conclusions arising from evidence,
I find no difficulty in reaching the conclusion that
there is certainly "prima facie" evidence of an offence
under the Criminal Code.

SECOND SERIESEarly August 1964

We shall now analyze what has earlier been described as the second complex of events which led to this inquiry, events involving Mr. Raymond Rouleau, Lawyer Guy Rouleau, Lawyer Guy Lord and Mr. André Letendre.

In giving evidence, Lucien Rivard stated that his wife, who came to visit him in prison, had told him of the steps she was taking to secure the services, to use her own expression, of an (translation) "expert in extraditions", but steps as we know, which had no other purpose than to obtain the release of her husband on bail. On two or three occasions, he also was visited by Gignac. He knew that a sum of \$1,000 had been handed to Masson and he had been kept informed of the latter's activities, but he had not been told the name of the person with whom Masson had got in touch with to secure that release on bail which he so anxiously desired.

In the course of one of the visits Gignac made to him early in August, when Gignac told him Masson was working very hard and expected results, Rivard was under the impression that (translation) "Masson had laid hold of the \$1,000 but "wouldn't get very far", adding: (translation) "I told him "they were nothing but a gang of fuckers and if he played me "a dirty trick, I would settle with him". He stated that what he was concerned about, above all else, was bail. (Translation) "When you're in jail," he said, "you're not anxious about getting "information, what you want is to get freed on bail. That's all "you should think about." And he added that at the beginning of August when he saw that no one was getting anywhere and that there were no concrete results to all these steps, he asked his wife to see Mr. Raymond Rouleau.

When questioned about his relations with Rivard, and about the steps he had taken, Mr. Raymond Rouleau markedly gave the impression he was telling the truth and telling all he knew. He had known Rivard for eight or ten years. In 1960, he and his brother Lawyer Guy Rouleau had helped Rivard secure a licence to sell beer at the Plage Ideale. On June 17, 1964, he had travelled to Ottawa with Rivard, to see Lawyer Guy Rouleau and secure his help to obtain either the release or the transfer from New Westminster penitentiary to St. Vincent de Paul penitentiary of Rivard's friend Bob Tremblay.

Early in August, he received a visit from Mrs. Rivard, accompanied by Eddy Lechasseur. She told him she wanted to secure the release of her husband on bail. She asked him to get in touch with his brother, Lawyer Guy Rouleau, in Ottawa. During the course of this conversation, she mentioned the services Lucien Rivard had already given in election campaigns and might give in future campaigns. She added she would pay all the expenses, whatever they might come to.

After this interview, Mr. Raymond Rouleau spoke with Lawyer Guy Rouleau in Ottawa. He told him of the request made on behalf of Rivard, spoke of Rivard's past and future services and asked Lawyer Guy Rouleau to help secure Rivard's release on bail. Lawyer Guy Rouleau promised to look after the matter and keep him informed. At that time, Mr. Raymond Rouleau did not know Lawyer Pierre Lamontagne, Lawyer Denis, Lawyer Lord, nor did he know Masson. But he did know Mr. Letendre. (translation) "Mrs. Rivard called me up frequently," he told the Commission, and "I left her under the impression that things were going well because I was sorry for her. I did speak with Mr. Letendre once on the telephone. That was during a telephone conversation which I had had with my brother. At the outset, my brother told me things were going well, things seemed to be going well. Then

"he introduced Mr. Letendre to me over the telephone though
"without telling me who he was, and I didn't know. What I
"remember of this conversation is that Mr. Letendre wanted
"to see me, with my brother, in Montreal. Later, I asked
"my brother how it was that Mr. Letendre hadn't come and he
"said it was all over."

Tuesday, August 4, 1964

This was the date on which the petition for bail
on behalf of Rivard was served to Lawyer Lamontagne. This
was also the day when he received a telephone call from
Mr. Guy Lord, and the conversation with the latter is the
subject of a special chapter concerning Mr. Guy Lord.

Tuesday, August 11, 1964

The hearing in regard to the petition for bail
which was to have been on August 6 was postponed until August
12. Now, on August 11, Mr. Pierre Lamontagne received a tele-
phone call from Mr. André Letendre, Chief Executive Assistant
to the Minister of Justice, and this telephone call is also
the subject of a special chapter concerning Mr. André Letendre.

On the same day, Lawyer Lamontagne also received
a telephone call from Mr. Guy Rouleau, whose part in the Rivard
case is the subject of the following chapter.

ACTIVITIES OF LAWYER GUY ROULEAU

Lawyer Guy Rouleau has been M.P., for Dollard riding, in Ottawa since 1953. He is a former Secretary for Canada of the Liberal Youth, was President of the Liberal Youth of Canada from 1951 to 1954, and up until the end of November 1964, he was Parliamentary Secretary to the Prime Minister of Canada.

Early in August 1964, his brother Raymond contacted him about Rivard. We need not here go over the facts already known, namely that Raymond Rouleau is very active politically, and is a close friend of Rivard. In 1960, Mr. Guy Rouleau and his brother had helped secure a beer licence for the Plage Idéale resort. On June 17, Mr. Rouleau had had an opportunity to meet Rivard who had asked him to make representations, to the Parole Board, in respect of securing the liberation of his friend Bob Tremblay, who was then held in New Westminster penitentiary. And, indeed, Lawyer Rouleau did make these representations as he had been requested by Rivard, and he filed as an exhibit the correspondence exchanged on the subject.

In fact he had already, - in the fall of 1963, - made an application in respect of the same individual. On October 23, 1963, he had written to Lawyer B. Godbout, Secretary of the Parole Board, advising him that Gaston Clermont intended to employ Tremblay as soon as he should be released. His letter was signed: Guy Rouleau, M.P. for Dollard. On November 6, 1963, Lawyer Godbout wrote to Mr. Rouleau to state that his representations would be submitted to the Board. On December 18, 1963, Mr. Godbout again wrote to Mr. Rouleau to advise him that his request on behalf of Tremblay had been refused but would come up for consideration again on October 3, 1964. On July 17, 1964, that is about three months

Mr. Rouleau, writing on paper headed "Prime Minister's Office", advised Mr. Godbout that Lucien Rivard, in Montreal, was prepared to offer a job to Tremblay. He concluded this letter in the following terms: (translation) "Please believe that I shall be most grateful for anything you can do in order to secure the provisional liberation of monsieur Tremblay", and he signed "Guy Rouleau, M.P., Parliamentary Secretary to the Prime Minister". On August 17, Mr. Godbout acknowledged receipt of this letter and on October 5, 1964, writing on behalf of the Board, Mr. Cook advised Mr. Rouleau that consideration of Tremblay's request had been postponed until September 23, 1966.

This correspondence is of no importance to the present inquiry except that it indicates that in July 1964, Mr. Rouleau deemed it advisable to use paper headed "Prime Minister's Office" and his own office of Parliamentary Secretary to the Prime Minister, to intervene on behalf of an individual, who had been sentenced to twenty years in the penitentiary, in 1955.

From the description supplied him by his brother Raymond, Mr. Rouleau believed that Rivard lived in his own riding and it was only, as he stated before the Commission, on the very morning of the day when he gave his evidence that he learned that, in fact, Rivard lived in the riding neighbouring on his own.

When Raymond called him up, early in August, he told him that Rivard had been arrested and he wanted him to take steps for the purpose of obtaining his release on bail. He told Mr. Guy Rouleau that Mrs. Rivard had paid him a visit and had asked him to intervene on her husband's behalf. She had told him she had all the money needed to obtain Rivard's release on bail and that she would help him in his election organization and business.

In the course of his interview with the R.C.M.P., Raymond Rouleau stated that Mrs. Rivard had given him to understand that she would contribute any monies needed to the election fund but in giving evidence before our Commission, he claimed that the translation of this part of his statement to the R.C.M.P. had not been accurate.

In giving evidence, Mr. Guy Rouleau confirms that it was early in August that his brother Raymond mentioned the Rivard case to him. He added: (translation) "He asked me if I could do anything useful; he did tell me that a petition for bail had been turned down and that Rivard's wife was most insistent that her husband be released on bail," adding: (translation) "I said to my brother, - very well, I'll enquire at the Department of Justice and find out what the position is in this case, and then, should making representations to the Minister of Justice seem to be the proper course, will make them."

The first step taken by Mr. Rouleau, lawyer, was to go and see Mr. Guy Lord, lawyer, and he described this meeting to us in the following terms: (translation) "I told him that my brother Raymond, in Ste.-Rose, had called me over the 'phone to tell me that Rivard was in jail and to ask me to enquire into the possibilities of securing bail." A little later, he repeated: (translation) "When my brother had mentioned the Rivard case to me, he had asked me to enquire into the possibilities of securing bail. That was the purpose of my going to see Guy Lord and Letendre." We further noted in his evidence: (translation) "I believe I asked Lord and Letendre for information so as to be in a position to judge what the possibilities of securing bail might be. It was with this purpose in mind that I went to see Guy Lord and Letendre," and a further quotation from the H.P.'s evidence reads: (translation) "I believe that I asked Lord and Letendre to get information so as to ascertain what bail possibilities might be,

"might be, and then I would have been in a position to make representations to the Minister of Justice." Again, we note the following question put to him: (translation)

"Q. Did you think anything could be done in Ottawa on behalf of a man held under arrest in Montreal?

"A. I never really believed this but on the other hand, I was under the impression that Lawyer Lamontagne was acting on behalf of the Department of Justice and I am aware that, in cases like this one, the lawyers do get their instructions either to raise an objection or to allow the defence to petition for bail and then the Judge will decide for himself, and it is more or less along these lines that representations may be made. It's one of the Minister's prerogatives to issue precise instruction to counsel whom he has appointed and then it's up to the judges to give their decision."

This clearly describes the state of mind in which Mr. Rouleau first approached Mr. Lord, Mr. Letendre, and eventually Mr. Lamontagne. He took the steps he did, as he left us to understand, because his brother had told him that Rivard lived in his riding, had helped in election campaigns, was an important businessman from whom help might be expected in the future.

He did go to see Lawyer Lord, asked him to get in touch with Lawyer Lamontagne in order, as he said himself (translation) "to get information" in regard to bail possibilities for Rivard.

Later in the day of that same August 4, Lawyer Rouleau again saw Lawyer Lord, who described the conversation he had had with Lawyer Lamontagne and reported the conclusion which he had reached, namely that the position taken in the case by the R.C.M.P. was perfectly clear and there would be no point in seeing the Minister. In giving evidence in regard to this point,

Lawyer Lord told us: (translation) "The position was so clear cut that that is what I told Lawyer Rouleau and he seemed quite satisfied".... "I reported to Lawyer Rouleau that Lawyer Lamontagne had received a request for bail, but there was nothing to be done. I did tell him that, in my view, there was no reason to see the Minister and the position of the R.C.M.P. was unequivocal."

Lawyer Rouleau claims that, notwithstanding the report he had had from Lawyer Lord, the position wasn't clear to him. He told the Commission: (translation) "I did not understand what he told me very well", adding however: (translation) "he did report the conversation he'd had with Lawyer Lamontagne to me, and spoke about the U.S. Government", repeating (translation) "but I didn't understand what it was all about". He even questioned the veracity of the report Lawyer Lord had made to him: (translation) "I wasn't convinced that he had telephoned Lawyer Lamontagne" he told us.

When interviewed by Inspector Drapeau, he even stated that Lawyer Lord had not reported his conversation with Mr. Lamontagne back to him. These and other statements of like nature, given during the course of his evidence, raised certain questions in our mind concerning his credibility. He claims that certain of the facts as described in the report which Inspector Drapeau drafted after interviewing him on September 17 were inaccurate, and Lawyer Rouleau attributed these inaccuracies to faulty translation. After having seen and heard Inspector Drapeau and Mr. Rouleau we prefer to believe the version of Inspector Drapeau. In giving evidence about Lord's report on his own conversation with Mr. Lamontagne, Mr. Guy Rouleau said: (translation) "what I may have understood of what he said to me was that following the telephone call he'd put through to Lamontagne, nothing could be done and in fact that's what I did gather from my conversation

"with him", and he added later: (translation) "after he'd spoken
"with Lawyer Lamontagne, Lawyer Lord reported to me that it
"would be quite impossible to get bail. He did report to me.
"The report was precise. There was nothing to be done."

Obviously, it is difficult to reconcile statements such as these
with the earlier statements in which he had described the infor-
mation given him by Lord as neither clear nor precise, in fact
as being so vague as to have led him to doubt whether Mr. Lord
really had called up Mr. Lamontagne on the telephone or not.

It is common knowledge that Lawyer Guy Lord was
only the Special Assistant to the Minister of Justice, whereas
Mr. André Letendre is Executive Assistant. Obviously, Mr. Le-
tendre holds a superior position within the departmental hierarchy
than did Lawyer Lord. Now, having failed to achieve satisfactory
results through the intermediary of Lawyer Lord, Lawyer Guy Rouleau
waited until Mr. Letendre had returned to his office on August 11,
to speak to him about the Rivard case. He gave the same ex-
planations to Mr. Letendre that he had already given to Mr. Lord,
namely, that he had received representations from his brother
Raymond, and he requested Mr. Letendre to call Mr. Lamontagne.
In his own evidence, Mr. Letendre told us that M.P. Rouleau had
advised him the case involved narcotics, that he wanted to see
the Minister and wanted Mr. Letendre to get fuller information and
find out what the bail possibilities were. The meeting here re-
ferred to, between M.P. Rouleau and Mr. Letendre, was around 12.30
p.m. It should here be pointed out that Mr. Letendre was also
under the impression that the Counsel for the Government receives
his instructions from the Attorney General of Canada and he gave
the Commission the following explanation: (translation) "...if
"the Attorney General states that, in a given case, bail may be
"granted, I am well aware, of course, that the decisions of a

"Court must never be interfered with, but I suppose that before giving his decision, a Judge listens to the defence and to the "Crown." There cannot be any doubt, therefore, that both Lawyer Rouleau and Mr. André Letendre were convinced that instructions could be issued by the Minister to the Crown Prosecutor, advising him either to agree to granting or to oppose granting of bail.

Mr. Letendre and M.P. Rouleau met several times during the course of that day. In giving evidence, both men agreed that towards the end of the afternoon, Mr. Letendre told Lawyer Rouleau that he had put a call through to Lawyer Lamontagne and there were no chances of getting bail for Rivard. It is at that moment that Lawyer Rouleau apparently said: (translation) "I know because I've been in touch with Lamontagne myself".

Now, according to the whole of the evidence, this is not what happened. The evidence Lawyer Lamontagne gave and the statement given by Lawyer Rouleau to Inspector Drapeau on September 17 clearly indicates that Mr. Letendre had time to make his report to Lawyer Rouleau before the latter himself called up Lawyer Lamontagne. Inspector Drapeau was most explicit in reporting his interview with Mr. Guy Rouleau: (translation) "He certainly told me that he had called up Lamontagne after Letendre had reported to him on the conversation he himself had had with Lamontagne." Furthermore, the evidence given before this Commission certainly shows that the telephone calls were made in the order in which Lawyer Rouleau described in talking with Inspector Drapeau; this evidence also shows that Lawyer Rouleau saw Mr. Letendre after the latter's call to Lawyer Lamontagne and before his own call to Lawyer Lamontagne, and consequently he could not have said himself, at that time: (translation) "I've already been in touch with Lamontagne."

There is no marked difference in the versions given respectively by Lawyer Lamontagne and Lawyer Houleau about this particular telephone conversation of theirs. Mr. Lamontagne says that Mr. Houleau prefaced his remarks by asking whether he liked working for the Department of Justice. He reminded him that he has been well treated by the party, and spoke to him of the cases entrusted to him by the Federal Government. The evidence reads as follows: (translation)

"Q. To summarize, you asked him whether he was satisfied with the cases he was receiving from the Federal Government?

"A. Well, whether he were pleased about the cases he was receiving from the Federal Government, - the exact terms used in that conversation, I do not recall.

"Q. I quote

"A. He asked me, for instance, if I were happy in my new duties and I enquired as to how things were in his office, and I knew quite well of course that the Geoffrion & Frud'homme law firm were quite frequently called upon to act on behalf of the Government; I spoke of that. But the exact terms that were used, Your Lordship, I don't remember them."

He then spoke of the Rivard case and bail possibilities. He asked who the Judge was handling the case. He stated that he and his brother Raymond were prepared to guarantee that Rivard would remain available to the Court if he were freed on bail. Lawyer Lamontagne's version of the conversation was that Lawyer Houleau added that the Party was dissatisfied with his attitude in the Rivard case, but Lawyer Houleau denies having said that. However, he did close the conversation with the remark that he would be calling up again around 8 o'clock in the evening. No doubt, this was to see what Lawyer Lamontagne's reaction would be after he had had a few hours to think over what he had just told him. Lawyer Lamontagne then arranged with the R.C.M.P. to have the proposed telephone call tape-recorded, but it was never made.

The next day, August 12, Lawyer Rouleau once again called up Lawyer Lamontagne and asked him what had happened when the petition for bail had been submitted in Court during the forenoon of that day; Lawyer Lamontagne replied that Lawyer Cohen had withdrawn the application and this put an end to the conversation.

Mr. Rouleau subsequently had a meeting with his brother Raymond at the Dagwood restaurant and advised him that the Minister of Justice had counselled him to have nothing to do with that case.

In his statement to Inspector Drapeau on September 9, Mr. Raymond Rouleau stated that his brother Guy had told him he would be receiving a visit from the R.C.M.P. about the Rivard case. On the other hand, when Mr. Guy Rouleau was interviewed by the same Inspector on September 17, he was asked whether he was aware of the reason why the R.C.M.P. were questioning him and he answered that he supposed it must be about a traffic violation and in giving evidence, he repeated that it was only on the day of the interview itself that he learned that an R.C.M.P. investigation into the Rivard case was under way.

CONCLUSIONS.-

These facts clearly indicate that Mr. Guy Rouleau tried to use his influence as Parliamentary Assistant to the Prime Minister to secure the release of Lucien Rivard on bail.

He first asked Mr. Lord, the Executive Assistant to the Minister of Justice, to telephone to Mr. Lamontagne. Since this did not yield satisfactory results, he then went to Mr. A. Letendre, Executive Assistant to the same Minister, - the man responsible, as he thought, for issuing instructions to Mr. Lamontagne. Finally, not satisfied with Mr. Letendre's report, he himself used the prestige attendant upon his position as Parliamentary Secretary to the Prime Minister.

There is no doubt at all that Mr. Rouleau attempted to influence Mr. Lamontagne, with a view to securing Lucien Rivard's release on bail.

An intervention of this sort, particularly coming from a person in authority, certainly constitutes a reprehensible act, because it comes into conflict with the normal course of justice; but it does not constitute an act within which are to be found the elements essential in the perpetration of a criminal act.

LAWYER GUY LORD

Lawyer Guy Lord is a lawyer, aged 25. In August 1964, he was Special Assistant to the Minister of Justice. He is now studying at Oxford, in England. He was admitted to the practice of law in June 1963. He then decided to request admission to Muffield College, at Oxford. He obtained a grant from the Canada Council. At the suggestion of Mr. Maximilien Caron, Dean of the Faculty of Law at the University of Montreal, he decided to work in Ottawa for awhile, in order to acquire some experience in the administrative field, before going to Oxford to pursue his studies.

It was Mr. Maximilien Caron who approached the Department of Justice in order to secure the position which Mr. Lord held in August 1964. From the very outset of his duties with the Department of Justice, it had been understood that he would be leaving in September 1964, should his request for admission to Oxford be granted. A letter dated May 6, 1964, advised him that he had been accepted. At the time he entered upon his duties with the Minister of Justice, Mr. Raymond Denis held an identical position with the same Minister and introduced

him to Mr. Lamontagne, whom he did not know, and did not have occasion to meet again. He seems never to have been engaged in any political activities.

During the 1961 summer holidays, he had worked at the Domaine Idéal, in Ste.-Rose. The proprietor was then a Mr. Trudel. It was during the month of July of that year that Rivard became the owner. Lord left that job early in August. By then, he had had an opportunity to know something about Lucien Rivard, and in giving evidence, he stated that Rivard was anything but a sympathetic person. Some months prior to the events that have been examined by this inquiry, in chatting with André Letendre about the jobs he had had during his summer holidays, he had mentioned that he had had occasion to work for Lucien Rivard at the Domaine Idéal in Ste.-Rose.

From the statement given by Mr. Guy Rouleau to the R.C.M.P., according to Inspector Drapeau's report, dated September 18, 1964, Lawyer Guy Lord had told Inspector Drapeau that he had known Rivard and had worked for him at the Plage Idéale, but did not believe that Rivard could have been involved in a case like the one with which he was charged. Questioned about this statement at the time he was giving evidence before our Commission, Mr. Guy Rouleau did not deny it, but stated he did not recall having made it.

At the outset of his testimony, Mr. Lord described his duties. His work consisted of handling relations between the Minister and the departmental staff, seeing, for instance, that a file reach the Minister on time, together with a memo summarizing the contents of the said file for the Minister's information. He had also been asked to handle the Minister's correspondence, to read it, and distribute it to the different offices within the Department. Quite frequently, he also drafted

acknowledgement of receipt of letters. He added that all files going to the Minister were handed to him beforehand, so that he could check and see that they were complete and in order. His main office was in the Centre Block of the Parliament Buildings but he also had an office in the departmental offices but only used the latter very irregularly.

Early in the afternoon of August 4, Lawyer Guy Lord received a visit from Lawyer Guy Rouleau. The latter told him he wanted to speak to the Minister of Justice, with regard to a case involving contraband narcotics, a case involving one of his electors, - Lucien Rivard. In his statement of September 18 to the R.C.M.P., Lawyer Guy Rouleau had stated that his brother Raymond had called him up to ask him to enquire into the possibilities of securing the release of Rivard on bail, and added that in discussing this with Guy Lord, he enquired into the chances of Rivard being released on bail.

In giving evidence before this Commission, Mr. Guy Lord detailed the manner in which he made his statement to the R.C.M.P. The first interview took place on August 25, in the late afternoon, in an R.C.M.P. office on Wellington Street in Ottawa. He was questioned at some length, on diverse subjects, but no written notes were taken. The second interview was held the following day during the forenoon. Questions and answers were taken down in writing. After the notes had been typed out, they were handed to him in their entirety; he read and signed these notes. He made a few corrections and even had a whole page rewritten. This statement was signed on August 26. On page 3, he gave an answer to Inspector Drapeau which reads as follows: "From what I heard "from Mr. Rouleau, I gathered that he was interested in Mr. Rivard "obtainin; a bail, but he did not make a representation to me", and in the following reply, he states that he said to Mr. Lamontagne:- "I just asked him if the R.C.M.P. position

"was very clear in opposing to bail". In giving evidence, he stated that it was only during the course of the conversation that he had had with Mr. Lamontagne that he learned, - from Mr. Lamontagne, - that a request for bail had been made on behalf of Rivard. It should be remembered, however, that before signing his statement, he read and re-read it, and even corrected it quite substantially, so that we are led to the conclusion that he was in error in giving evidence. Furthermore, Mr. Guy Rouleau stated that when he spoke to Mr. Guy Lord and asked him to get information on the Rivard case, he spoke about the possibilities of getting bail and repeated this on two occasions.

At the time of his interview with Mr. Rouleau, the latter informed him that Counsel handling the case was Mr. Lamontagne and that all the necessary information could be secured from the latter source. Mr. Lord was under the impression that Mr. Rouleau would be seeing the Minister in the course of the same afternoon. He tried to speak to Deputy Minister MacDonald, but could not reach him.

Obviously, to him this was the normal and logical way of going about getting information in regard to a file in the Department of Justice.

On the other hand, as he knew that Mr. Lamontagne usually acted on behalf of the Government, in narcotic cases, he considered it perfectly natural that Mr. Rouleau should ask him to speak to Mr. Lamontagne. He told us that after his interview with Mr. Rouleau, and his unsuccessful attempt to contact Deputy Minister MacDonald, he decided to put a call through to Mr. Lamontagne; he could not get in touch with him immediately and left a message requesting that Mr. Lamontagne call him back.

Why, after unsuccessfully trying to contact Deputy Minister MacDonald, did he not try to re-contact the latter or leave a message requesting the Deputy Minister to call him up as he had done in handling his call to Mr. Lamontagne? It was later in the course of the afternoon that he got the call he had requested from Mr. Lamontagne.

In the versions which Lawyers Lamontagne and Lord have given us in regard to this telephone conversation, there are some very remarkable differences. Mr. Lamontagne's version is that Mr. Guy Lord, at the very outset of this conversation, stated he was calling in the name of the Minister of Justice. Mr. Lord's version is that he introduced himself as being Mr. Guy Lord, Special Assistant in the Department of Justice, and that he reported to Mr. Lamontagne that on that very same day, an M.P. wished to see the Minister to discuss a narcotics smuggling case involving Rivard, one of the voters of Mr. Guy Rouleau. Obviously, Mr. Lamontagne concluded that the M.P. interested in the case must be none other than Mr. Guy Rouleau. It was at that point, according to Mr. Lord, that Mr. Lamontagne really gave the fullest possible information; Mr. Lamontagne stated this was a case which caused him a great deal of concern, that it had caused him no end of annoyance during his holidays because he'd been subjected to repeated telephone calls and threats and Mr. Lord added: (translation) "He really seemed exasperated". Mr. Lamontagne explained that he had just received a petition for bail from Rivard's lawyers. He then went into the details on the R.C.M.P. file on Rivard - a very extensive file indeed and stated that this Rivard was a very wealthy man who certainly would escape if he had a chance. He then added that the Canadian Government was not involved, - it was the U.S. Government which was interested in pursuing the case. Mr. Lord said that he concluded

from this conversation that there would be no point in M.P. Beuleau seeing the Minister because the position was very clear indeed.

After this conversation with Mr. Lamontagne, he saw the Minister who was leaving the office in a great hurry, (translation) "I just had time to tell him that an "M.P. wanted to see him about a case involving a certain "Rivard, and I added that the position of the R.C.M.P. was "unequivocal." He did not have time to explain the whole matter to the Minister. Contrary to what Mr. Lamontagne has stated, Mr. Lord states that there was never any question, during that telephone conversation, of the legal work entrusted to Mr. Lamontagne by the Department of Justice at all. There was never any question either of the Minister being satisfied or not being satisfied with his services as counsel.

In giving evidence, Mr. Lamontagne admits that on that day, August 4, he was quite upset. He had received the telephone calls of July 20 in Chicoutimi, he had seen Mr. Daoust on July 28; he had heard certain rumours in the Courthouse that he might have been paid a bribe to agree to Rivard's being released on bail, and on that very same day he had been served with the petition for bail which he certainly had not expected to receive. The petition was to be heard on August 6, although Mr. Daoust, in their conversations together, had given him to understand that no such petition would be presented. Indeed, Mr. Raymond Daoust admits that he said to Mr. Lamontagne, in the course of their telephone conversation of July 20: (translation) "I "am going to submit my request for an expert opinion, but "I think I will delay my petition for bail."

Mr. Lamontagne recognizes that when Mr. Guy Lord called him up, he identified himself as being Guy Lord, Special Assistant to the Minister of Justice, but he adds that Lawyer Lord told him he was calling on behalf of the Minister of Justice. He repeated this on several occasions. As he didn't remember the exact words used by Mr. Lord, he gave three versions: (translation) "Guy Lord called me up in the name of the Minister," he told the Commission, (translation) "I'm calling on behalf of the Minister", or again, (translation) "he identified himself as being Guy Lord, Special Assistant to the Minister of Justice and added, the Minister wants to know". In his evidence, Mr. Lamontagne pointed out that his conversation with Mr. Lord about the Rivard case was the first (translation) "of political nature". It is quite possible that in his own mind, he reached the conclusion, as he stated in his evidence, that if he didn't co-operate with the Department of Justice he might not receive so many cases but the main evidence does indicate that Mr. Lord did not use any such terms.

In all fairness to the two interested parties, we may summarize the circumstances in which the telephone call of August 4, was made as follows: Mr. Guy Rouleau, Parliamentary Assistant to the Prime Minister, told Mr. Guy Lord that he wanted to see the Minister of Justice to discuss the case of Rivard, arrested on a narcotics charge in Montreal. He wanted some information from the file and to know what the possibilities of obtaining bail were. Mr. Rouleau did indicate to Mr. Lord that Counsel for the Government was Mr. Lamontagne. Mr. Rouleau particularly asked Mr. Lord to call Mr. Lamontagne. Why did he make this request if he himself were under the impression, as Mr. Lord was, that this was a case being handled by the Department

of Justice, and it would therefore be very easy to find out everything he wanted to know in Ottawa? No doubt Mr. Lord realized this when, instead of calling up Mr. Lamontagne at once as Mr. Rouleau had asked him, he first of all put a call through to try to reach Deputy Minister MacDonald.

Why didn't he persist in trying to reach Deputy Minister MacDonald? No explanation was given for this.

As he hadn't succeeded in speaking to Mr. MacDonald, Mr. Lord decided to call Mr. Lamontagne as Mr. Rouleau had requested.

It should be stated that in giving evidence before our Commission Mr. Lord certainly gave every indication of speaking in all sincerity, and even though he may have committed some errors, he did not attempt to mislead the Commission. We should not attach too great an importance to the divergence in the versions given by Mr. Lord and Mr. Lamontagne as to whether the former said he had called up on behalf of the Minister or not, or as to whether he had stated the Department were satisfied with Mr. Lamontagne's work or not. The fact seems to be that Mr. Lord did not express himself as clearly as this, while on the other hand, receiving a telephone call from the Executive Assistant to the Minister of Justice might have led to Mr. Lamontagne's interpreting the call as he did, given his state of mind at the time.

These facts show that Mr. Guy Rouleau wanted the Executive Assistant to the Minister of Justice to speak to Mr. Lamontagne, Counsel for the Department in narcotics cases in Montreal, in order to find out what bail possibilities were. It was a case of the spokesman of the mandator speaking to the person responsible for carrying out those instructions.

After his telephone call with Mr. Lamontagne, Mr. Lord, as we have just seen, met the Minister and briefly related what had happened. A little later he saw Mr. Rouleau and told

him what information he had had and more particularly that the case for the prosecution was very clear indeed and that nothing could be done to secure bail. Even though full explanations may not have been given him, even if the telephone conversation had not been repeated to him, word for word, it is rather odd that Mr. Rouleau, in giving evidence, stated that he had not fully understood what Mr. Lord had said to him! If he had not understood, he could have asked for fuller explanations, but Mr. Lord's report was clear enough to enable us to conclude that if he did not understand, it was because he did not want to understand.

After that telephone call to Mr. Lamontagne, Mr. Lord met André Letendre. It might have been the next day or two days later, he told the Commission. (In fact, it was the 11th of August, namely, seven days later). "He asked "me," he told the Commission (translation) "whether Mr. Rouleau had come to see me about a case involving Rivard. I "said yes, and briefly outlined the information I had had "from Lamontagne. I told him this was a clear-cut case, and "nothing could be done about it. I told him I had spoken to "the Minister (this is confirmed by André Letendre) and Letendre answered: 'that's fine. I'll handle the matter'."

The only other incident involving Mr. Guy Lord took place on August 11. Mr. Letendre had told Mr. Lamontagne that he might call him a second time that day. When he left his office, not having received that call, Mr. Lamontagne phoned and Mr. Lord answered because Mr. Letendre was absent and Mr. Lamontagne told him where Mr. Letendre could reach him, should he come back to his office.

CONCLUSIONS

To fully analyze the role played by Lawyer Lord in this whole business, we need to be in possession of more details than those at our command. It has not been proven, during the course of our inquiry, that there exists a set of rules defining the duties of an Executive Assistant to a Minister of the Crown. It was said, however, that an Executive Assistant is an officer responsible directly to the Minister and not a civil servant. Explanations were given us on this point by Messrs. Raymond Denis, Guy Lord and André Letendre.

When Mr. Guy Rouleau brought Mr. Guy Lord into this web of events, he believed that the case was one coming under the jurisdiction of the Department of Justice - was it proper, was it logical or within the realm of the duties of an Executive Assistant to a Minister that without the Minister's knowing, he should directly contact the lawyer believed to represent the Government, and discuss with him what were the bail possibilities in the case of a person charged with trafficking in narcotics?

The lawyer, in a case such as this, may reasonably expect to receive instructions and representations from Ministers, either directly or through the intermediary of a person speaking in the name of or on behalf of the Minister. When an Executive Assistant to a Minister deems it advisable to make representations to a lawyer in respect of a case which has been entrusted to that lawyer by the Minister in question, it is quite normal that the lawyer should conclude that these representations have been authorized by the Minister himself.

It would be wiser, more prudent if the Executive Assistant, before intervening in a similar case, by approaching the Crown Counsel, were to get the information needed from the officials of his own Department. He would then be in a position to know the nature of the case and would not run the danger of giving the lawyer acting in the case the impression that he is trying to exert pressure on him. In the circumstances described in the evidence, throughout this inquiry, it was not illogical for Mr. Lamontagne to reach the conclusions and make the deductions which he did.

It should not be forgotten either that not only did Guy Lord identify himself as being the Special Assistant to the Minister of Justice, but he further told Mr. Lamontagne that he was making the call in order to help Mr. Guy Rouleau, Parliamentary Secretary to the Prime Minister and this, obviously, lent much greater weight to the telephone call.

On the other hand, it is clear that Mr. Guy Lord did not wilfully commit a reprehensible act, but it is certain that he acted imprudently.

The worries he has had subsequent to his intervention, the disagreeable consequences of his act should be a lesson to all Executive Assistants to Ministers and should incite them not to intervene in judicial matters whether for the purposes of seeking bail or for other ends.

When he has been advised that representations are to be made to a Minister by a Member of Parliament, or by any other person, the Executive Assistant, if he wants to be truly useful to the Minister, should examine the Minister's file in order to locate all the information that may be of use to the Minister. But when he finds there is no file in the Department, or that the case is not one in which the Canadian Government is directly involved, as was the case in the instance of Rivard, he must advise the interested Member and refrain from intervening in any way for such intervention may be interpreted as improper pressure.

MR. ANDRÉ LETENDRE

Mr. André Letendre is Executive Assistant to the Hon. Guy Favreau, Minister of Justice. He knows very well Mr. Guy Rouleau, the Prime Minister's former Parliamentary Secretary, with whom he has frequently worked in political organizations and he has known Guy Masson for about a year.

Some months before the events which led to this inquiry, he had had occasion to talk with Mr. Guy Lord about the work the latter had had during his summer holidays, while still a university student; Mr. Lord had told him that he had worked for Lucien Rivard at the Domaine Idéal.

When giving evidence to the Commission, Mr. Letendre contradicted certain of Mr. Lamontagne's statements. Some of his replies were also not in agreement with the statement he gave to the R.C.M.P. on August 19.

We must therefore seek to establish the truth.

On August 11, 1964, he met Mr. Guy Rouleau the first time in the early afternoon. The latter enquired whether Mr. Lord had spoken of the Rivard case to him. Mr. Rouleau then explained that his brother Raymond Rouleau had telephoned him several times to enquire whether there were any possibilities of securing bail for Rivard. Furthermore, Raymond had told him that Rivard had helped in earlier election campaigns and that he, Guy Rouleau, wanted to see the Minister but prior to seeing the Minister, he wanted to know what "there was in the file". He asked him to get some details for him and tell him whether there was any chance of securing bail. He told him that Lawyer Pierre Lamontagne was Counsel for the prosecution. At that time, they were both in the office of Mr. Rouleau. It was about 2.30 p.m. They tried to get in touch with Raymond Rouleau but did not succeed. In

reading the statement made to the R.C.M.P. by Mr. Letendre, we note one rather strange passage: (translation) "so as to tell the whole story, Guy suggested I call his brother. I know he tried to reach him in Montreal, but we couldn't reach him. I couldn't say whether half an hour later we succeeded in speaking with his brother Raymond or not. It seems to me we did talk with him, but I'm not sure. In any case, it doesn't alter matters". In his evidence, he added: (translation) "When I met Guy Rouleau on August 11, around 12.30, what was wanted was to know whether Lucien Rivard might be released on bail."

Mr. Letendre then returned to the Minister's office, met Mr. Lord who was on his way to the House of Commons and spoke to him of the Rivard case. Mr. Lord told him that he did not think it would be possible to secure bail because Rivard was a chap with bank accounts in Mexico and in Switzerland. He asked Mr. Lord, despite that, whether he would have time to look into the file but the latter replied that he would not have the time. Then Mr. Letendre said to him: (translation) "never mind. I'll look after it". He added that in view of the fact that Mr. Rouleau wanted to see the Minister, he wanted to (translation) "glance over the file so as to submit it to the Minister". He went to his office, called Mr. Lamontagne but did not succeed in making the telephone contact.

In his evidence, he explained that in his view, in a Canadian Government case, the Attorney General can issue instructions to the lawyer representing the Government to either agree to or to refuse bail. And, it was with this thought in mind that he called up Mr. Lamontagne to discuss bail for Rivard. He made the call without the Minister's authorization. Although Mr. Lord had advised him that it

would be dangerous, 'judging from the information he had secured, to let Rivard out on bail, he nonetheless decided to call up Mr. Lamontagne to enquire into the possibilities of bail for Rivard.

This is a rather strange way of "glancing over the file" - calling Mr. Lamontagne instead of trying to find out from an official of the Justice Department of which he was himself a member.

Towards 5.15 p.m. the same day, Mr. Letendre left his office to meet Mr. Guy Rouleau for they were both to meet a delegation from Western Canada, interested in Canadair. Before leaving his office however, he called up Deputy Commissioner Lemieux of the R.C.M.P. to discuss the Rivard case with him but was unable to reach him because the line was busy. He then returned to Mr. Rouleau's office in the House of Commons. The latter was not in and he decided to call up Mr. Lamontagne again.

Why did he not see fit to call Deputy Commissioner Lemieux again?

This time he succeeded in reaching Mr. Lamontagne and as they did not know each other, Mr. Letendre identified himself as being the Chief Executive Assistant to the Minister of Justice and told him he was calling up in the Rivard case. He added that representations had been made to the Minister's office and before bringing the matter up with the Minister, he wanted fuller information.

What file did he intend submitting as he had not even enquired into the existence of any such file either within his own Department or within the R.C.M.P.?

He told Mr. Lamontagne he hadn't had the pleasure of making his acquaintance, but he had heard of him from Mr. MacDonald, Deputy Minister of Justice, who held him in high esteem. (It should be noted that the second time the

Deputy Minister gave evidence the following question and answer were recorded: "Q. Did you ever comment to Mr. André Letendre "about Pierre Lamontagne's ability as a lawyer? A. I have no "recollection of commenting and further along: I did not know "Mr. Lamontagne sufficiently well to make a positive comment about "him".) He even congratulated him about the work he was doing for the Department. After making these congratulatory remarks, he asked him what were the developments in the Rivard case. It should be recalled that by this time he knew that Mr. Lord had already spoken to Mr. Lamontagne and the latter had said that it would not be possible to let Rivard out on bail.

Mr. Lamontagne then gave him the fullest explanations concerning the charge that had been laid against Rivard, and particularly underscored the fact that the charge had been signed by the Consul for the United States in Montreal, and that he was himself acting on instructions received from the Government of the United States. It was following these explanations that the name of Robert Kennedy arose. Mr. Letendre told Mr. Lamontagne that the Minister (the Hon. G. Favreau) had met Robert Kennedy and that he himself was getting ready to attend the Democratic Party convention in Atlantic City. He added that on his way back from the Convention, he would be going through Washington, where he intended to call at the Department of the Attorney General and there, he would let them know they had an excellent lawyer in Montreal. He said he only made this remark (translation) "as a joke, to round off a sentence".

This is a very odd sort of joke, coming from the lips of the Executive Assistant to the Minister of Justice for Canada, when he is talking to a lawyer who he does not know and with whom he is discussing the bail possibilities for a narcotics trafficker, who the Government of the United States wants to extradite.

Lawyer Lamontagne's version of this telephone conversation is that Mr. Letendre asked him why, though Standing Counsel for the Minister of Justice, he was not following instructions from Ottawa. He apparently said that the Minister definitely wanted to know why Mr. Lamontagne persisted in opposing the request for bail on behalf of Rivard.

At the end of the conversation, Mr. Letendre asked at what time he could contact him, because he wished to make a complete report to the Minister and to call him back in order to let him know what the Minister's observations were. Mr. Lamontagne said he would be in his office until eight o'clock in the evening but, since Mr. Letendre wished to contact him after that hour, Lawyer Lamontagne replied that he would himself phone back to Mr. Letendre's office before leaving his own office in Montreal, and would then leave a number at which he could be reached during the evening. And this was what happened: around eight o'clock in the evening, Mr. Lamontagne put a call through to the office of Mr. Letendre but found that the latter was not in. Mr. Lord answered that telephone call and Mr. Lamontagne informed the Special Assistant of the telephone number at which Mr. Letendre would be able to reach him during the course of that evening; however, there was no further call from Mr. Letendre.

Our Commission of Inquiry was told that it is customary practice for a Minister's Executive Assistant to intervene in the way Mr. Letendre did through his approach to Mr. Lamontagne. If such be the case, we feel not the slightest hesitation in stating that it is now high time that this practice cease. We should not overlook the fact

that Counsel for the Federal Government may naturally expect to receive instructions from the Minister because, in the final analysis, he is the Minister's agent; Counsel for the Federal Government may expect the Minister's instructions to be conveyed to him not by the Minister in person, but through the intermediary of a senior official in the Department concerned. Does it not logically follow that an intervention coming from an Executive Assistant may be interpreted as an intervention coming from the Minister himself, or, at the very least as an intervention taken with the Minister's full approval?

Both Mr. Letendre and M.P. Rouleau state that when they met again, around six o'clock in the evening, Mr. Letendre wished to report the substance of his earlier conversation with Mr. Lamontagne to Mr. Rouleau but the latter said: (translation) "I know how matters stand because "I called him up myself". These statements do not seem true as a careful analysis of this part of the evidence and of the different testimonies bearing on this fact, point to the conclusion that, beyond any shadow of doubt, Mr. Letendre after he had talked to Mr. Lamontagne reported his conversation to Mr. Rouleau, and then the latter himself called Mr. Lamontagne, that is to say, called Mr. Lamontagne after he had heard Mr. Letendre's report on his own earlier telephone conversation with Mr. Lamontagne.

This comes primarily to light in Mr. Lamontagne's evidence. On the other hand, Mr. Letendre did not mention this conversation between himself and Mr. Guy Rouleau in his statement to the R.C.M.P. Finally, Mr. Guy Rouleau in his own

statement to the R.C.M.P., mentions first of all Mr. Letendre's telephone call and says that after that call, he put a call through to Mr. Lamontagne. It is true that, in the witness box, he claimed that Inspector Drapeau has misinterpreted the statement which he made to him but our analysis of the circumstances obliges us to lend greater weight to the version given by Mr. Lamontagne and to the report by Inspector Drapeau.

That same evening, while Mr. Guy Rouleau and Mr. Letendre were at the Cercle Universitaire in Ottawa, the former put a long-distance call through to his brother Raymond and then asked Mr. Letendre to speak to Raymond and assure him that he had looked after the Rivard case.

It must not be forgotten that the calls put through to Mr. Lamontagne by Mr. Rouleau and Mr. Letendre both were placed at the end of the afternoon of August 11, in other words on the eve of the day when the petition for bail on behalf of Lucien Rivard was scheduled for hearing before the Court looking into the application for the extradition of this same Rivard. We may well put the following question to ourselves: was there any relation between the timing of these calls and the petition for bail?

Mr. Letendre made an amazing remark towards the close of his evidence. It was to the effect that after he had informed Mr. Rouleau of the information he had secured in calling Lawyer Lamontagne, Mr. Rouleau asked him to check with the Department of Justice on the following day, and see whether the stand taken by Mr. Lamontagne was the proper and correct interpretation of the (translation) "stand taken by the Department of Justice".

That same evening, as we have seen, there was a telephone conversation between Lawyer Guy Rouleau, Mr. Letendre, on the one hand and Mr. Raymond Rouleau, at the other end of the line.

In making his statement to the R.C.M.P. Mr. Guy Rouleau admitted that Mr. Letendre spoke to his brother but denied the statement given by Raymond Rouleau to Inspector Drapeau. We refer to Raymond Rouleau's evidence that Mr. Letendre was to see Raymond Rouleau in Montreal with a view to securing additional information. Raymond Rouleau's version is the following: (translation) "My brother said to me: 'I'm going to introduce you to André Letendre in regard to the Rivard case.' The impression I was left with was that Letendre wanted to see me in Montreal along with my brother Guy. Afterwards I asked how it was that Letendre hadn't showed up and then he said: 'the matter's not going through now'."

CONCLUSIONS

Bearing in mind his duties as Executive Assistant to the Minister of Justice, Mr. André Letendre must have known that his call to a lawyer whom he thought to be the Counsel for the Attorney General of Canada would be considered of great importance.

In order to please the Parliamentary Secretary to the Prime Minister, a man with whom he was on close, friendly terms, and with whom he had worked for a very long time in political organizations, he decided to put the call through to Mr. Pierre Lawtonne with the obvious purpose of facilitating the release of Lucien Rivard on bail.

If it were true that he took this step solely to get information concerning the Rivard case, he could easily have got this information from the department where he was working, or from the R.C.M.P.

If, when he phoned Mr. Lamontagne, he wanted only to secure information, why did he tell him that Deputy Minister MacDonald had had high praise for his work, a statement which is not in accordance with the facts.

When he told Raymond Rouleau in the telephone conversation of August 11, that he would be meeting him in Montreal, certainly he wasn't intending to meet him just to get information. Does not this planned meeting indicate rather that he wanted to enquire into other means of securing the desired end?

It was certainly not with a view of getting information that he spoke to Mr. Lamontagne of his trip to attend the convention of the Democratic Party of the United States, and of his intention to let the officials in the Attorney General's Department in Washington know they had a good lawyer in Montreal.

We found it extraordinary, in the conduct of our inquiry, that so many persons came to assure us they had taken steps of one sort or another merely to get information.

There is no doubt that Mr. Letendre's intervention was reprehensible, but bearing the circumstances in mind, this step was taken without malicious intent, with the sole purpose of being agreeable to his friend, Guy Rouleau, for whom he wanted to do a favour.

It nonetheless becomes perfectly clear that this intervention by Mr. Letendre greatly contributed to heighten the impression on Mr. Lamontagne's mind that influential persons responsible for the government of this country, were concerting their efforts to lead him to agree to the release of Lucien Rivard on bail.

THE ROYAL CANADIAN MOUNTED POLICE.-

In order fully to comply with the terms of the mandate entrusted to our Commission under the institutive Order in Council, it was incumbent upon us that we should inquire into the "manner in which the Royal Canadian Mounted Police and its officers, the Department of Justice and the Minister of Justice dealt with these allegations when they were drawn to their attention and more particularly, without restricting the generality of the foregoing, to fully examine the reports submitted to the Minister of Justice by the Royal Canadian Mounted Police and the evidence relevant thereto submitted to him."

The Commission's duty was therefore to examine the conduct of the Royal Canadian Mounted Police, solely in regard to the allegations made in the House of Commons and the allegations contained in the revelations made by Mr. Lamontagne.

It is important to note that the terms of reference of our mandate were clearly delimited and it was therefore not within our terms of reference that we should examine the usual activities of this police force whose efficiency is beyond question.

We should not overlook the fact, however, that the officers of this police force are human beings who cannot claim to be infallible and who sometimes commit errors.

The Act setting up the R.C.M.P. is to be found in Chapter 54, Statutes 7-8 Elizabeth II and came into effect on July 18, 1959.

The R.C.M.P. officers who played a part in the case investigated by the Commission were the following:

George B. McClellan	Commissioner	Ottawa
J. Rodolphe Lemieux	Deputy Commissioner	Ottawa
W.G. Fraser	Superintendent	Ottawa
J. Adrien Thivierge	Superintendent	Montreal
J. Paul Drapeau	Inspector	Ottawa
J. Raoul Carrière	Inspector	Montreal
George Walter Reed	Inspector	Ottawa
Marcel Sauvé	Staff Sergeant	Ottawa
Ronald Crevier	Sergeant	Montreal
J. McLeod	Sergeant	Ottawa
Jules Poissant	Constable	Montreal

On July 23, while Mr. Pierre Lamontagne was in Chicoutimi, he telephoned his associate, Mr. Lalonde, asking him to contact Sergeant Crevier to whom he wanted to speak. The latter, who was on his holidays from July 14 to August 8, received Mr. Lalonde's call and telephoned Mr. Lamontagne who informed him that during the course of the night of July 20 to July 21, he had received telephone calls from Mr. Daoust and from another person simply designating himself as "Bob", concerning the admission on bail of Lucien Rivard. Mr. Lamontagne told Sergeant Crevier that he was worried by these calls and that he was most decidedly opposed to bail being granted; he asked Sergeant Crevier not to mention the matter to any one for the time being however. Sergeant Crevier then told him that if anything worried him, he should call Inspector Carrière. Sergeant Crevier added that he did not report this phone conversation to his senior officers.

On August 10, Mr. Lamontagne contacted Inspector Carrière by telephone and it was agreed they should meet on the following day. This interview is related in a report drafted by Inspector Carrière, dated August 12, and addressed to the

Commanding Officer in Montreal, Superintendent Thivierge. This report was subsequently forwarded to the Commissioner in Ottawa, through the intermediary of Superintendent Fraser. It was this same report which was shown to the Minister of Justice on the morning of August 14, in the presence of Deputy Commissioner Lemieux, and Commissioner McClellan. At the time of this particular interview, after the Minister had taken cognizance of the report, he said to them: (translation) "you will have to see Lord and Letendre as soon as possible and conduct a full investigation".

During the evening of August 13, Inspector Carrière received a telephone call from the Commissioner who, realizing the seriousness of the allegations contained in the report which he had just received, immediately decided, on his own initiative, to ask Inspector Carrière to again see Mr. Lamontagne and so get a more complete report. The Inspector contacted Mr. Lamontagne at once and it was agreed that a second interview should take place on the following day. This interview was conducted in "question and answer" form and the text, typed by a secretary, was signed by Mr. Lamontagne on the same day. This statement of August 14 was immediately forwarded to the Commissioner together with certain other documents which had been seized in Rivard's property at the time of his arrest. The covering letter from Inspector Carrière, dated Friday, August 14, enclosing the report and documents, has a handwritten inscription dated Monday, August 17, indicating that the file was discussed by the Commissioner and Superintendent Fraser on that day. The inscription likewise indicates that Minister Favreau had been advised of the matter and we know that he went to the R.C.M.P. office to take cognizance of this report.

After their interview of August 14 with the Minister of Justice, the Commissioner and Deputy Commissioner returned to

their office. This was the moment when Deputy Commissioner Lemieux, as he stated in giving evidence, decided -- and his was the decision -- that Inspector Drapeau should be appointed to head the investigation. It should be noted that Superintendent Fraser, after having been advised by Deputy Commissioner Lemieux that an investigation was to be undertaken, had already decided to appoint Sergeant McLeod to conduct this investigation.

For his part, Deputy Commissioner Lemieux states that Sergeant McLeod was never officially appointed and that he, as the senior officer, was responsible for deciding who should head this investigation.

The evidence shows that Sergeant McLeod was appointed to assist Inspector Drapeau. This appointment was the subject of representations during the course of our inquiry, and equally of comments by Counsel representing diverse parties in their final arguments. Superintendent Fraser was asked whether, at the time he decided to appoint Sergeant McLeod to conduct the investigation and later to assist Inspector Drapeau, he would not have thought it wiser to have appointed a bilingual officer since most of the persons to be interrogated were French-speaking. His reply is worth noting: "I never gave it a thought". Not only the reply itself, but the manner in which it was given shows an offhand attitude which is certainly not to be expected from a senior officer of the Royal Canadian Mounted Police. He certainly gave the impression that he was a man to whom the French-speaking population of Canada are a negligible factor. It was not surprising therefore that some lawyers pleading before our Commission should have raised protests against such an attitude of mind in a man holding one of the most highly responsible positions within the Royal Canadian Mounted Police.

Deputy Commissioner Lemieux rightly decided not to take into account the appointment made by Superintendent Fraser, and

appointed Inspector Drapeau. This was an excellent choice for it has been shown that Inspector Drapeau had all the qualifications needed for the post he holds, and there is no doubt that had he had complete freedom of action, as we shall see later, the results would have been quite different.

The subsequent decision to appoint Sergeant McLeod as assistant to Inspector Drapeau was not a fortunate decision either. How could Sergeant McLeod have corroborated statements, made by French-speaking persons to Inspector Drapeau in the course of an interview if he did not understand French? The fact he is unilingual does not in any way affect Sergeant McLeod's efficiency, but since a decision was being taken to appoint an assistant to the Inspector, obviously the person appointed had to be able to understand what was stated in the course of the interrogations. Moreover, Commissioner McClellan frankly admitted that Sergeant McLeod could not have given evidence in a Court because he does not speak French.

It was on August 19 that Inspector Drapeau met Superintendent Fraser and Sergeant McLeod. He received instructions to interrogate three persons: Mr. Guy Lord, Mr. Letendre and Mr. Raymond Denis. He clearly stated, in giving evidence, that he was not forbidden to interview other persons but repeated that his instructions were to see these three persons only, and then to draft his report. In giving his evidence, the Commissioner stated that the instructions given to Inspector Drapeau were directive and not restrictive but added: "I would have anticipated that Inspector Drapeau would at various times during the interrogation of any or all of these people, if anything interesting came to light, have communicated with his headquarters, let us know what the developments were, and when he had concluded that stage of the investigation he would have undoubtedly asked for instructions as to where to go next or for consideration".

The Commissioner explicitly stated, in giving evidence before our Commission that Drapeau was not free to undertake just any step on his own initiative. The Inspector had received directive instructions to see certain persons designated to him, and the case was to be handled, to quote the Commissioner himself, "step by step". We, explained Commissioner McClellan, wanted to have the reports of the first interviews and then to decide on the next step to be taken. "Q. Now, Mr. Commissioner, if I understood your testimony correctly, you have stated that "Inspector Drapeau was given directive orders and not restrictive orders; is that right? A. That is right. Q. Therefore he was completely free to take whatever initiative he deemed appropriate? "A. No, that assumption does not follow. He was given directive orders as to whom he should see. As I said this morning, arising out of his inquiries, had he come on to some information which required immediate investigation, I would have expected him, as a responsible and capable police officer, to be dealt with in stages. We wanted reports back on the first three interviews with Denis - which was the important one of that time - Lord and Letendre, and then we would decide at headquarters what further steps were to be taken."

Inspector Drapeau told our Commission that under ordinary circumstances, when an officer is charged with the conduct of an investigation, he plans his interviews and his interrogations on his own initiative. But in this case, he said (translation) "I went nowhere without first requesting permission from Ottawa because this was not an ordinary case.... My superior officers felt it wiser to decide who should be interrogated first. They indicated this to me and I followed their instructions. Superintendent Fraser gave me these instructions. He told me to see the three people just mentioned first of all because the Minister wanted these people interrogated. Those were my instructions, and that's what I did".

Inspector Drapeau also related that, after interrogating Gignac in Quebec City, he put a telephone call through to Superintendent Fraser in Ottawa but, due to the latter's absence, spoke with Deputy Commissioner Lemieux instead. The Inspector suggested that Madame Rivard and Lechasseur be questioned at once. The Deputy Commissioner replied that he should proceed to Montreal immediately, see Masson again, then come back to Ottawa to draft his report and informed him that a decision would be reached later in regard to the advisability of questioning Lechasseur and Madame Rivard.

There are occasional contradictions between the evidence given by Deputy Commissioner Lemieux and that given by Inspector Drapeau, but there cannot be the slightest doubt that, after examining the documents we have in the R.C.M.P. file, that Inspector Drapeau's version is the one to which we should lend greater weight. When the latter concludes his report on the note that he has done what he had been asked to do and is awaiting new instructions before further proceeding, even though the Deputy Commissioner may claim that the Inspector was not limited in the scope to be given to the investigation, clearly the Deputy Commissioner's statement is incorrect. Furthermore, the Deputy Commissioner admitted that he himself issued the instructions; he said, in speaking of Inspector Drapeau "he could question any one" but added at once: "Q. But he was quite unrestricted. "He could question anybody? A. Yes. Q. Isn't it true that at "that time he suggested that he should question Mrs. Rivard? "A. He asked me what I thought of it and I ruled against it, "because I thought it was not the proper thing to do. I don't "call that a restriction. Q. He called his superior officer? "A. Yes. Q. You are his superior officer? A. I am. Q. And "you ruled against it? A. I ruled against Mrs. Rivard being

"seen. Q. And Lechasseur? A. And Lechasseur; and Mrs. Lamontagne. Q. You ruled against her too? A. Mrs. Lamontagne, the mother. Q. Why? A. First of all I didn't think "it could add anything; it would have been hearsay of hearsay."

These statements show that Inspector Drapeau did not receive orders to conduct a complete investigation but that after interrogating those persons whom he had been instructed to interrogate, he was to await instructions from his superiors before pressing his research further afield. He himself said, and there was considerable truth in his observation, that he had got his first instructions, namely to question Messrs. Denis, Letendre and Lord and to prepare a report adding: "I had no "further instructions at that time".

After he had interviewed Mr. Denis on August 19, Inspector Drapeau told Inspector Carrière in Montreal, that Mr. Denis would be telephoning Mr. Lamontagne and asked him to cover this telephone conversation. Inspector Carrière then gave instructions to Sergeant Crevier to go to the office of Mr. Lamontagne and listen in on the conversation through an extension. Questioned at length about the method used, Inspector Carrière explained he had not issued instructions to have the telephone conversation tape recorded. His explanations were not convincing and we fail to see why recording the telephone conversation on magnetic tape would not have been the surest, most complete and objective method of listening in to this conversation.

Sergeant Crevier was accompanied by Constable Poissant, who was in Mr. Lamontagne's office at the time the conversation took place; the Constable took some notes on a bit of paper during the conversation but later destroyed these notes.

On August 28, Inspector Drapeau made a lengthy report to the Commissioner for the attention of Superintendent Fraser. This report describes the three interviews he had had with Mr. Letendre, Mr. Denis and Mr. Lord, and the research he had made into the visits to Ottawa by Masson, Rivard, Gignac and into the telephone calls made on the occasion of these visits. He attached to his report the originals of the statements of the persons whom he had interrogated. The conclusions of his report are very interesting, and more particularly paragraph 38 with which he ended the said report, and which we reproduce hereunder:

"38.- In order to complete the investigation, it would
 "now be necessary to interview Messrs. Masson, Gignac,
 "Gingras, Raymond Mculeau and Guy Houleau, M.P. In com-
 "pliance with your instructions no action in the latter
 "respect is being taken by the writer and consequently
 "this matter will be considered closed unless otherwise
 "instructed."

Some days before September 3, Superintendent Fraser asked Inspector Reed to examine the file and then prepare a summary of it in order to determine whether the evidence would justify the laying of charges. In this file there was Inspector Carrière's first report, Mr. Lamontagne's statement and the statement by Mrs. Lamontagne, the report by Sergeant Grevier, and Mr. Lamontagne's report on his telephone conversation with Mr. Denis on August 20, Inspector Drapeau's report dated August 28 on his interviews with Mr. Letendre, Mr. Lord and Mr. Denis. There were also the statements by Messrs. Letendre, Lord and Denis. Inspector Reed drafted a memorandum dated September 3 pursuant to examination of all documents in this file.

We have studied this memorandum and have come to the

following conclusions. The events described in paragraphs 1, 2, 3, 4, 5 and 6 are in conformity with the documents in the file. Paragraph 7 embodies a conclusion that is open to question and which reads as follows: "There is nothing to corroborate Lamontagne's statement that Denis offered him money or that political pressure was applied to him by Lord, Letendre and Rouleau." Inspector Reed seems to have forgotten a rule of evidence which we are obliged to apply daily in the Courts; where the version given by one witness is contradicted by the version given by another witness, obviously, we must have recourse to circumstantial evidence to determine where the truth lies and frequently that circumstantial evidence constitutes a much more convincing proof of what actually occurred than are testimonies given by witnesses, particularly where the witnesses have an interest at stake in the litigation. Hunting for corroborative evidence sufficient to incriminate, in the statements of the persons who may be incriminated rarely leads to satisfactory results.

A conclusion in paragraph 8 likewise drew our attention and the text is reproduced hereunder: "It would appear Letendre, Lord and Denis were all approached by Mr. Guy Rouleau, M.P., to make representation on behalf of Rivard so the latter could be released on bail. It appears Rouleau's brother may have approached him to see if he (the M.P.) could influence any persons in the government with respect to the release of Rivard on bail. On the basis of our enquiries to date, we can only show this, and such an approach is not unusual in political circles". If it is true that representations such as those made to Mr. Lamontagne are not exceptional in political circles, it is impossible to admit that when such representations are made with a view to obstruct the course of justice, they should be either permitted or tolerated.

Finally, the conclusions in paragraph 12 are also open to question. In sub-paragraph A, Inspector Reed seems to question the truth of the story that a bribe offer was made to Mr. Lamontagne: "Why was the approach made to Lamontagne, who was only Counsel for the U.S.?" It must be remembered, and this was repeated on several occasions in the course of the inquiry, that the judge before whom a petition for bail is made must certainly consider representations submitted to him by the Counsels representing both parties. If, in the Rivard case, the Government of the United States, through its Counsel, Mr. Lamontagne, had informed the Judge called upon to decide whether bail should be granted or not that there was no objection to bail being granted, very probably the Judge would have allowed bail. Obviously this was the reason for the representations made to Mr. Lamontagne and Inspector Reed should have known this. In his report, the Inspector commented: "The \$20,000 seems a fantastic sum to pay Lamontagne for the part he could play" ... This remark is not one that carries much weight where the person charged has adequate financial resources. The report continued: "especially when notwithstanding his failure to oppose bail, the judge would in all probability refuse the application owing to the fact a previous application had already been refused by the Chief Justice. Those connected with the bail application would realize any other judge will be influenced by the former decision". But if the previous petition for bail had been turned down owing to strong objections from Counsel Lamontagne, and at a second hearing in respect of the same petition for bail, Counsel Lamontagne had no longer expressed the same strong objections as on the first occasion, would not the Court, in all probability, have handed down a decision quite different from the earlier

decision? And finally: "If Rivard wanted to ensure his release on bail, it seems logical that a judge, who can guarantee "the release would be the most logical person to approach". Surely Inspector Reed is not claiming that had \$20,000 been offered to a judge, the bribery attempt would have met with greater success!

The memorandum drafted by Inspector Reed was studied on September 3, at a meeting attended by Deputy Commissioner Lemieux, Superintendent Fraser, Inspector Reed and Staff Sergeant Logan. Deputy Commissioner Lemieux issued new instructions that same day.

Inspector Drapeau was asked to interrogate Messrs. Guy Masson, Robert Gignac, Raymond Rouleau, Raymond Daoust and Madame Lamontagne senior. On September 8, Drapeau proceeded to Montreal to conduct these interviews. On September 9, he saw Mr. Cohen. All these interviews were described in a report dated September 16, 1964, in which Inspector Drapeau relates how he tried to contact Mr. Guy Rouleau but failed. At the end of this report, he states it might be necessary to check the bank accounts of several of the persons interrogated, adds that Madame Rivard might be able to give useful information, particularly in regard to Masson and Gignac and possibly in regard to other matters not known up to the time he drafted his report; he concludes saying he awaits further instructions concerning future interviews, with the exception of the interview to be held with Mr. Guy Rouleau, barrister: "Unless otherwise instructed, no further action will be taken in this case by the writer, other than "the proposed interview with Guy Rouleau, M.P."

Finally on September 18, he reported on the interview he had had that very day with Mr. Guy Rouleau.

The R.C.M.P. investigation might have been conducted with a great deal more celerity. More than a month elapsed -

between August 14 and September 18, in completing the interrogations of several of the parties involved. It is obvious that all of these interviews could have been conducted much more swiftly and with a higher degree of security. Obviously, this delay enabled some parties involved to get in touch with one another before they were interrogated.

It would seem that one of the reasons for the slow pace of the investigation was that Inspector Drapeau had to draft reports at each stage of his investigation and await instructions before continuing his work.

We shall now look further into the conduct of the Commissioner and Deputy Commissioner, at the interview of September 18 with the Minister of Justice and with the Hon. René Tremblay. On this occasion, the full R.C.M.P. file was handed to the Minister. The only missing element in the file at that time was the report on the interview with Mr. Guy Rouleau, which had been held on the day previous, but the Commissioner gave the Minister a substantial summary of it.

The Minister read the whole of the Commissioner's report, dated September 18, and took cognizance of the report on the telephone conversation of August 20 between Mr. Raymond Denis and Mr. Pierre Lamontagne.

It does not seem that his attention was drawn to certain documents which, nonetheless, contained most valuable information, particularly in regard to the reports drafted by Inspector Drapeau on the diverse interviews he had had. The Commissioner should have asked the Minister to take cognizance of the Inspector's report on his first interview with Mr. Denis and of the comments by the Inspector on the second interview with the same party. This was a regrettable omission because the Minister might then have realized that the credibility of Mr. Denis was markedly weakened in regard to Mr. Lamontagne's statements.

The Minister himself told us that his attention centred principally upon the Commissioner's report. This report does, it is true, contain a substantial summary of the facts as they were then known to the R.C.M.P. but they likewise contain certain assertions that should have been verified.

In the second paragraph on page 4, for instance, mention is made that it is on the Minister's instructions that Mr. Denis called Mr. Lamontagne on July 14, asking him to come to Ottawa to discuss the Bonnano case. Now if this statement had been checked by asking Mr. Tremblay, whether this had been the case or not, it would have been realized that this was not true. In the transcript of evidence given to our Commission by the Hon. René Tremblay, we find the following statement: "Q. Did you, on or before July 14th instruct Mr. Denis to request Mr. Lamontagne to come to Ottawa to discuss the Bonnano case, either with you or with him? A. No."

In his conclusions, the Commissioner stated first of all that it was difficult to conceive how Mr. Lamontagne, who had represented the Department of Justice in a great many important cases, could have made such allegations, had they been baseless. He noted that Mr. Lamontagne had had no hesitation in putting his allegations into writing and signing them. There was no doubt, he concluded, that representations had been made in view of obtaining bail on behalf of Rivard and that Mr. Denis had had his part to play in these representations. The Commissioner further indicated that the people involved in this case had been in touch with one another since the R.C.M.P. had first got its investigation under way. He concluded by pointing out that the interview with Mr. Guy Rouleau had not yet taken place, and added that other facts remained to be enquired into and the results would be made known as quickly as possible.

The Commissioner concluded his letter as follows:

"...unless further channels of investigation open up we can see at the moment little hope of obtaining the necessary legal corroboration of Mr. Lamontagne's statement to prefer charges against Mr. Denis". This observation was not quite exact and we shall consider its merits later.

After the Minister read this report, the Minister of Justice, the Minister of Citizenship and Immigration, the Commissioner and Deputy Commissioner exchanged views. The Commissioner told us that he had his own remarks to make, and they were the following: "I undoubtedly made it quite clear that I strongly suspected that Denis was guilty, and Mr. Tremblay kept coming back to the point and saying: "But you have no proof; you cannot prove this in court". Questioned by Commission Counsel André Desjardins: "Q. And you agreed with that?" he answered: "I agreed that at the time we could not. This was said a number of times and repeated". This was also the opinion held by the Minister of Justice.

It must be remembered that according to Deputy Commissioner Lemieux, Minister Favreau expressed his opinion, at the conclusion of the interview, in the following terms: "A. I remember Mr. Favreau talking to the Commissioner. He said: "Are you satisfied that there is sufficient evidence to prosecute Denis?" Then the Commissioner expressed an opinion. "Q. Mr. Favreau asked Mr. McClellan? A. Yes. Q. If he was satisfied if there was enough evidence to lay a charge? "A. Yes, that is right. Q. And Mr. McClellan answered: "No, I don't think so at this time"-- is that right? A. That is correct."

In one of his replies, the Commissioner explained why, in his view, proceedings could not be taken to lay a charge pursuant to the denunciations formulated by Mr. Lamontagne:

"A. Without corroboration of that meeting in the
"office of the Minister of Citizenship & Immigration
"on the night of July 14, with nobody who saw it, who
"heard it, who was there; which no one who Denis has,
"so far as we still know, admitted that he offered that
"bribe, or that he had the money to offer the bribe;
"without any of that; we were left with our main wit-
"ness, against Mr. Denis, had we proceeded -- Mr. La-
"montagne had acted as counsel for this Force for a
"considerable time. He was on the Department of Justice
"list. As we read his statement, on that particular
"night Mr. Lamontagne was called up here from Montreal,
"he was offered a bribe of twenty thousand dollars by
"Mr. Denis, a senior official, Executive Assistant to
"a Minister of the Crown, and having turned that bribe
"down, Mr. Lamontagne, a member of the Bar and our own
"counsel, took Denis to his motel, drank with him until
"a very early hour of the morning, proceeded back to
"Montreal, said nothing to the police for nearly three-
"and-a-half weeks and this only after it had become
"gossip among his colleagues that he had taken a bribe,
"only when he is receiving threatening phone calls from
"fringe racketeers, only when he has come to the con-
"clusion that Rivard may think he has taken the bribe
"and he will suffer for it, then and only then does he
"come to the Mounted Police. I do not think, in my humble
"opinion, Mr. Drouin, that that man would stand up as a
"witness for one minute. His credibility -- I respect-
"fully suggest, as a police-man -- was ruined with that
"procedure. If he had come to us on the night of July
"14, we could have covered that pay-off, if there was to
"be one, at the Queen Elizabeth Hotel the following morning,
"and we could probably have solved that case.

"It was my opinion, and this was in my mind, and it has
"quite a bit to do with the opinion which I expressed
"and gave my Minister, that Mr. Lamontagne had destroyed
"himself as a witness against Mr. Denis.

"Q. That was your opinion?

"A. That was my opinion."

Was the Commission right in submitting these arguments
to the Minister?

The Minister and Commissioner have both told our Commission that, at the time of the interview on September 18, they had attached great importance to the fact there was no corroboration of the version given by Mr. Lamontagne. Obviously, as the Minister has explained, the problem was not to find the corroboration required under the Criminal Code in certain specific cases, but rather to decide if some facts could be proven before the Courts which would support Mr. Lamontagne's evidence.

The Minister of Justice and Commissioner were no doubt aware that such corroboration is not necessarily to be found either in the version or evidence given by another person but may arise from circumstances that will indicate which of two versions is likely to be the true version. For instance, the senior officers of the R.C.M.P. had learned (although they had no proof of the fact) that a considerable sum of money was available to help Rivard. The Commissioner stated that he was under the impression he had mentioned that to the Minister. However, they made no attempt to check the veracity of that information which, it would seem to me, is important in analyzing the facts in this case.

The Commissioner should not have attached so much importance to the delay brought by Lamontagne in submitting

his denunciation, or, if he considered this delay an important factor, then he should have ascertained from Mr. Lamontagne why the latter had delayed so long in submitting his denunciation. Had he done so he would have learned several facts, namely that Mr. Lamontagne and Mr. Denis had been friends since their boyhood, had practised law with the same legal firm, were close friends, enjoyed social relations, and their wives met from time to time. The Commissioner would have learned that at the meeting of July 14, Mr. Lamontagne categorically refused the bribe offer so that nobody could hope that he would ever change his mind. Under these circumstances, it was inconceivable that Mr. Lamontagne would simply walk out of his room to the R.C.M.P. offices and there formulate a denunciation against his friend Mr. Denis. Such a step would have been inhuman and illogical, and so much more so as Mr. Lamontagne never expected to hear the matter brought up again.

The Commissioner and Minister have also alluded to the fact that during the night of July 14, Mr. Denis and Mr. Lamontagne had a few drinks. There is no need to comment on this observation!

The Minister and Commissioner were both aware that the Parliamentary Secretary to the Prime Minister, the Executive Assistant and Special Assistant to the Minister of Justice had approached Mr. Lamontagne to induce him not to oppose bail for Lucien Rivard. They knew that Guy Paddon was a well-known figure in Montreal political circles, and Mr. Guy Rouleau's brother and several other persons had also taken steps to secure the same end. They knew that on the evening of July 20, telephone calls had been put through to Mr. Lamontagne while he was holidaying in Chicoutimi. They knew that Rivard's Counsel had told Mr. Lamontagne that persons with whom he had been in touch had informed him that Mr. Lamontagne had accepted money and everything was set for the granting of bail

to Rivard. Was this not a complex of circumstances which lent weight to Mr. Lamontagne's version?

At that time, the R.C.M.P. officers had two versions between which to choose; one was the version of Mr. Lamontagne and the other was the version of Mr. Denis; each of these two versions was an absolute contradiction of the other in regard to the main allegation, namely that a sum of \$20,000 had been offered, but agreed on a good many other points.

If, on the other hand, reasons were found to question the credibility of Mr. Lamontagne, there seems to have been no concern as to whether Mr. Denis's credibility were impregnable or not.

During the course of our inquiry the line of policy usually followed by the R.C.M.P. in conducting a full investigation into denunciations of the sort formulated by Mr. Pierre Lamontagne was not explained. It seems to us that it would have been a more logical policy, a more normal decision to entrust full and complete responsibility for the entire investigation to an experienced investigator of the calibre of Inspector Drapeau, leaving him complete freedom of action in interrogating the people he wanted to, without obliging him to have constant recourse to his senior officers for instructions.

I do not believe it to be the responsibility of the R.C.M.P. officers, no matter how great their experience, to advise the Minister of Justice in regard to the decision he should take in respect to a denunciation, nor in regard to the probable results of a charge laid before a Court. Their duty is rather to seek out all the facts and leave the decision to the Minister.

Another question arose before our Commission and was the subject of numerous comments. This was the question of the use of the French language in R.C.M.P. investigations.

It is quite inconceivable, for instance, that a unilingual officer should be charged with conducting an investigation amongst people who do not speak his language. It was not difficult to grasp the fact, apparent from the very outset of the investigation ordered by the Minister, that the great majority of persons to be questioned were French-speaking. The appointment by a senior officer of an investigator, or an assistant, who is English-speaking and does not speak French, to work on an investigation amongst French-speaking people is so extraordinary that it is hard to believe it has happened in our times.

During the course of our inquiry, we also took note of a method used in their work by the R.C.M.P. which leaves much to be desired. French-speaking inspectors question people in French and then have to draft their reports, for the attention of their senior officers, in the English language. This method may have very serious consequences. First of all, as we found during the course of the inquiry, the method leads to errors from which the person interrogated suffers; this method enables any one who has been questioned in French by the R.C.M.P. to claim, when an attempt is made to point out contradictions when he is again interrogated, that what he said to the R.C.M.P. was not properly translated. The third consequence, and it is a great deal more serious than the first two, is that when a file is submitted to the Minister for his decision, the Minister finds himself examining reports drafted in English about conversations held in French, and this leads to a wide margin of error. It is absolutely essential that the report of an interrogation be drafted in the language in which the interrogation was held. If translation must be supplied for administrative purposes, the

translating can be done later.

It is only fair, in this regard, to point out a statement made by Commissioner McClellan at the end of his testimony:

"A. There is no directive that I know of but -- and

"I want to be quite clear on this so that there will

"be no misunderstanding -- the working language of

"the Force is English.

"I would be very glad to see the day come -- and I

"have only been Commissioner for a little over a year--

"when it would be possible for any member of the Force

"to submit his reports in either language;".

THE HONOURABLE THE MINISTER OF JUSTICE.--

The Commission also had to inquire into the manner in which the Minister of Justice and his Department dealt with "the allegations about any improper inducements having been offered to or improper pressures having been brought to bear on counsel acting upon an application for the extradition of one Lucien Rivard" when they were brought to their attention.

The evidence has brought out the following facts: On August 14, the Commissioner of the R.C.M.P. and the Deputy Commissioner met the Minister, in the latter's office, and submitted to him the report which they had just received from Inspector Carrière, relating his first interview with Mr. Pierre Lamontagne. After reading this report, the Minister said to them: (translation) "you will have to see Lord and Letendre as soon as possible, and conduct a full investigation".

These instructions show that the Minister was most decided that the fullest possible light should be thrown on the facts revealed by Mr. Lamontagne to the R.C.M.P. He issued no special directives and set no restrictions. The R.C.M.P.'s job was therefore to act as quickly as possible and to leave no stone unturned in the search for truth.

A few days later, the Minister went to the Commissioner's office and took cognizance of the statement that Mr. Lamontagne had made on August 14, to Inspector Carrière. It was then agreed that he should discuss the matter with Minister Tremblay, whose Executive Assistant was Mr. Denis, as the Commissioner had told him that he would have to interrogate Mr. Denis. He then issued instructions to the Commissioner to advise the Deputy Minister of Citizenship and Immigration to see that Mr. Denis would have no access to certain departmental files.

A few days later, the report of Inspector Carrière on the telephone conversation of August 20 between Mr. Denis and Mr. Lamontagne was communicated to him verbally.

Meanwhile, the Minister had received some telephone calls from R.C.M.P. officers, keeping him posted on the progress of the investigation that he had ordered on August 14.

It was on August 31 that the Hon. R. Tremblay first learned, - from his own Executive Assistant, Mr. Raymond Denis, - of the denunciation formulated by Mr. Lamontagne. The Minister of Justice had not mentioned the matter to the Hon. R. Tremblay even after he had received the visit of Mr. Denis on August 20, who had asked him to let his Minister know of these allegations.

The Minister of Citizenship and Immigration at once contacted the Minister of Justice and went to his office. It was decided that Mr. Denis should immediately be suspended in the exercise of his duties.

It was late in August that the Commissioner advised the Hon. G. Favreau that he wanted Mr. Guy Rouleau interrogated and asked him whether the Prime Minister should not be informed. His evidence was: "It was also obvious we were going to have to interview Denis, Latendro, Lord and Guy Rouleau. I had no intention of having my officers interrogate government officials of that seniority or a member of parliament who was Parliamentary Secretary to the Prime Minister without giving my Minister the opportunity to advise his colleagues who were directly concerned. I have just had the experience of letting the law take its normal course in connection with an N.P."

It was only on September 2, during the plane trip from Charlottetown to Ottawa, that the Minister of Justice informed

the Prime Minister that his Parliamentary Secretary was involved in the Rivard case and supposed to have brought pressures on to the Counsel for the United States Government to incite him to agree to bail being granted to Lucien Rivard.

This delay, on the part of the Minister, in advising Minister Tremblay and the Prime Minister may have its importance from an administrative viewpoint, and may not be in conformity with the rules governing relations among members of the Cabinet, but this is not a factor which in any way affects the solution of the problem submitted to our Commission nor does it come within the terms of reference as expressed in the Order in Council.

On September 18, in the afternoon, the Commissioner went to see the Minister, with the complete file in hand. Minister Tremblay and Deputy Commissioner Lemieux also attended this meeting. The Minister of Justice read the seven page Memorandum which although signed by the Commissioner, had, except the last two paragraphs, been drafted by Inspector Reed of the R.C.M.P.; he read the report on the telephone conversation of August 20 between Mr. Denis and Mr. Lamontagne; he also read the statements given to the R.C.M.P. by Mr. Lord and Mr. Letendre. At the close of this meeting, Minister Favreau stated that the R.C.M.P. had discharged their responsibilities, expressing himself in the following terms, according to Minister Tremblay: (translation) "It is certain we do not have any corroboration of the charge brought by Lawyer Lamontagne and there are no grounds for laying charges against Lawyer Denis. On the other hand, it is certain that you yourself, as Minister, as his employer, as Minister responsible for his work, for his employment, must judge Mr. Denis' attitude in this whole affair."

The Hon. G. Favreau himself states that at the close of that meeting, he reached the conclusion, based on the facts that had been disclosed at that time, that there were no grounds for a criminal charge being laid and he said to Minister Tremblay: (translation) "I think this matter now becomes one for your immediate administrative decision."

Before reaching this decision nonetheless, the Minister of Justice discussed the problem with his colleague, with the Commissioner and Deputy Commissioner. The Commissioner stated that he strongly suspected that Mr. Denis was guilty but that Minister Tremblay kept saying: (translation) "You've no proof. You can't prove that in a Court", and the Commissioner concluded: "I realized at that time that he was right. That was the opinion of Minister Favreau too."

At the time of this meeting, the Commissioner did not have in hand the report on the interview with Mr. Guy Rouleau, which had taken place the day before, but he knew what the substance of that interview had been and reported its purport to the Minister. Some days later, when the report became part of the file, the Commissioner showed the report to the Minister but this did not alter the Minister's opinion.

In giving evidence before our Commission of Inquiry, Commissioner McClellan told us that he had been inclined to consider as true the greater part of Mr. Lamontagne's statement for he could not conceive how a man could have told such a story, had there not been some basis of truth in the charges, and he added: "I certainly made it quite clear to Mr. Favreau and Mr. Tremblay that in my opinion there was a bribery offer of some sort on that night of July 14 when Mr. Denis met Mr. Lamontagne in the Minister of Citizenship's office."

Was the Minister's decision, as reported earlier, justified? Was he in possession of all the elements essential in reaching a valid conclusion at that time?

There cannot be the slightest doubt, as the Counsel for the Government stated in his final argument before us, that the Minister had full and complete discretion to decide for himself, without assistance from any one, whether one or several charges should be laid against the persons involved in the denunciation formulated by Mr. Lamontagne. That the Minister does have this discretionary power has been recognized on a great many occasions, particularly in England. Authorities quoted by Counsel for the Government are most explicit in this regard; quoting some extracts from his final summation will enlighten us on his thesis: (translation) "before laying a charge," he said, "the Minister of Justice need not refer the case to any one or more particularly to what has been called the Criminal Law Section of the Department of Justice. He is not under any legal obligation to do so; there is no law binding the Minister to follow any such course. When the Attorney General is called upon to make a decision, he must act in quasi-judicial fashion, and what he has to decide at that moment is whether there is cause, whether the interest is sufficient to lodge a complaint. It is only in regard to an

"eventual trial, when he is personally convinced, in all
"conscience, that the trial will most probably close with a
"condemnation that the Attorney General is justified in laying
"a charge against a suspect. Not only did the Minister have
"before him the evidence that the Crown expected to bring for-
"ward, but he also had the testimonies of the persons concerned.
"He was aware of several of the elements of an eventual defence
"against the charges. The Attorney General's duty was to examine
"the file as a whole. The Attorney General must act with com-
"plete independence. He can hear and weigh representations in
"order to better understand the case, and he may take upon him-
"self the final responsibility for the necessary decision.
"This is his absolute right. He must act in quasi-judicial
"fashion. In judging the conduct and decision of the Minister
"we must set aside all that has taken place before this inquiry
"and go back to examining the file as it stood on September 18.
"The conduct and decision of the Minister should be evaluated
"solely in the light of the written file that was placed before
"him on September 18 by the Commissioner... But the question
"arises, in reaching this decision, did the Minister do all he
"should have? Did he examine the file as a Judge of the Court
"of Appeal would have done?"

There cannot be any doubt that the Minister had full
and entire discretion to decide whether proceedings should be
instituted against the persons involved by the denunciation of
Mr. Lamontagne. What we must look into is, as the Court of
Appeal does when it decides on a case where the judge of the
first instance has full discretion, the manner in which he
exercised this discretion. In that type of re-examination,
the Court of Appeal looks into whether or not the Judge of the
Court of first instance took all relevant facts into account,
whether he had had all the information he needed and, in a word,
whether that discretionary power was used judiciously.

Since the Minister was called upon to hand down a quasi-judicial decision, he had to know all the facts in order to make the analysis that would form the basis of his decision.

On the one hand, he had before him the R.C.M.P. file but did not read it in its entirety. He had already taken cognizance of the statements made by Mr. Lamontagne. He had read the report of Sergeant Crevier on the telephone conversation of August 20 between Mr. Denis and Mr. Lamontagne. He had received a verbal report on the interview between Mr. Guy Rouleau and the R.C.M.P. He had read the letter of Commissioner McClellan, dated September 18. He had had an interview with Mr. Denis. He had the opinions of the Commissioner and Deputy Commissioner of the R.C.M.P.

On the other hand, he had not read Mrs. Pierre Lamontagne's statement. Neither had he read the highly important reports of Inspector Drapeau on his interviews with Mr. Denis. He had not seen the reports on the interrogations of Masson, Gignac, Mr. Raymond Rouleau, Lawyers Daoust and Cohen. Nor had he read another most important report, dated September 3, prepared by Inspector Reed.

Consequently, on September 18, the Minister did not have sufficient knowledge of the file to reach the proper decision and he was under the impression that the R.C.M.P. officers had explained to him all the facts that were relevant to the case. It should be added that even had he been familiar with the full contents of the file, he still would not have been in possession of all the facts for these facts could only have been brought to light by further research even if he had been told that Mr. Guy Rouleau, interrogated the day before, was the last witness likely to provide useful evidence. Furthermore, he was not in a position enabling him to hand down an absolutely objective decision.

His first reaction, he said, on learning of the denunciations formulated by Mr. Lamontagne was: "Why did he not play along with him?" when Mr. Denis made the bribe offer on July 14. And he continued: (translation) "I remember, that was my first reaction, it would have been the normal reaction of any one to whom a bribe was offered ... That's one of the factors that a Judge would have had to take into consideration, necessarily, he should have said, all right ... tomorrow, I'll see, and then have gone to the R.C.M.P. that same night or the next morning."

"Secondly I had a statement that had been made, 'I think, three weeks after July 14.'" The Minister mentioned the fact that Lawyer Lamontagne only spoke of the bribe offer three weeks after it had been made and added: "But I put myself in the position of the Attorney General who must ask himself whether, yes or no, a charge laid will eventually lead to a verdict of guilty, well these are factors that I had to take into consideration, and I also had to take into consideration certain aspects of the version given by Lamontagne in regard to telephone calls that would certainly be contradicted, and contradicted to my satisfaction, by Lord and Letendre, so that taking the matter as a whole, unless there could be found, - the word 'corroboration' has been used, - it never occurred to me, for my part, that there was need for corroboration in the technical sense of the word, as in a case for perjury, or in the case of offences, sexual crimes. In my mind in any case, whatever the word used, what was meant was confirmation."

Further along, he said: (translation)

"At that time, I remember, the question arose of the time when it was said and we know that Lamontagne, after this interview during the course of which the offer was made, invited him to his room. That was another factor. It's rather

"difficult for me to repeat the words used on the spur of
 "the moment like that, but as you refresh my memory on this
 "point, that's another factor I considered, obviously. The
 "fact is that a jury would have to take into consideration
 "and a judge would have to take into consideration in reaching
 "some kind of an idea with regard to reasonable doubt and the
 "choice to be made between two contradictory versions beyond
 "any shred of doubt. The fact Lamontagne invited Denis to-
 "wards, - I don't know whether it was eleven o'clock or mid-
 "night, - in any case, to his room in the hotel to meet his
 "wife, where they had a few drinks, I think it was a bottle,
 "in the bottom of which there still remained a few ounces,
 "if I remember aright."

We have already weighed the value of these arguments
 in examining the conduct of the R.C.M.P., and particularly
 that of the Commissioner and Deputy Commissioner, - so we
 shall not go over this ground again. The fact remains that
 our examination of the validity of these arguments in weighing
 the conclusions reached by the R.C.M.P. applies equally in our
 examination of the Minister's decision.

It seems to us that the Minister attached too great
 an importance to the opinions expressed by the Commissioner and
 Deputy Commissioner who are excellent police officers but most
 assuredly have not sufficient legal knowledge to be in a posi-
 tion to counsel the Minister with regard to the advisability of
 laying or not laying a charge before the courts. (Translation) "I
 "do not exactly remember", he told our Commission, "but I know
 "that it was quite clear, in the course of the interview, and Mr.
 "Lemieux was also in agreement, and I beg you to believe me, those
 "who like me have worked with the R.C.M.P. for close to twenty
 "years know they're men of great experience, particularly the Commis-
 "sioner and Deputy Commissioner Lemieux, they were both of the opinion

"that as to facts, and as police officers "we could not make
 "a conviction stick" on the basis..."

Would it have been preferable for the Minister to
 request the advice of the legal advisers within his Department?
 In his evidence he stated: (translation)

"Q. Is it not true, sir, that you could, if you deem advisable,
 "request legal advice from experts in the Criminal Law Section
 "of your Department?

"A. That's obvious.

"Q. One final question, Mr. Favreau: did Mr. Lamontagne ...

"A. I could follow that course in all the decisions where the
 "Director of Investigation and Research and I reach a decision
 "in concert, he and I. I could choose to refer every case, if
 "that were the rule to be followed, to the Criminal Law Section
 "and if I thought it necessary in a particular case, obviously,
 "I would do it."

The Minister explained that at the time when the events
 that gave rise to the inquiry took place, he was very busy.
 Apart from his duties as Minister of Justice for Canada, he was
 Government Leader in the House of Commons, leader of the Quebec
 Liberals, and looking after the Quebec section of the National
 Liberal Federation of Canada. To sum up, he told us, he was
 working from eight o'clock in the morning until one o'clock
 the following morning.

Did he have the time necessary to bring all the con-
 centration required in examining an affair of this nature, to
 studying this case that could lead to the laying of serious
 charges in the criminal courts? This would seem to us to have
 been sufficient reason for him to request the advice of the
 legal advisers of his Department.

Another reason which would have justified his handing the case over to his legal advisers is that the very circumstances of this case should have led him to refrain from expressing any view at all, since his decision was to be of quasi-judicial nature. What he was being called upon to do was to examine the conduct and steps taken by his own Executive Assistant, his Special Assistant, the Executive Assistant to a colleague of his and by the Parliamentary Secretary to the Prime Minister.

It should not be forgotten that a Minister, as a Judge, all his competence notwithstanding, all his honesty and integrity notwithstanding, is always a human being and his view of a case may be unconsciously distorted by the relations existing between himself and the person or persons concerned.

In 1932, in England, a committee comprised of jurists and eminent political personalities examined the powers of Ministers of the Crown and more especially the "Statutory powers of judicial or quasi-judicial decision against which there is no appeal". The report of this committee, entitled "Committee on Ministers' Powers Report" was tabled in the British House of Commons in April 1932. The report contains statements of the principles that should govern the conduct of the Ministers of the Crown. We quote from page 75:

"As we have already pointed out, a judicial element is involved in quasi-judicial as well as judicial functions; and it has been truly said that, however much a Minister in exercising such functions may depart from the usual forms of legal procedure or from the common law rules of evidence, he ought not to depart from or offend against 'natural justice'..

page 77:

"But disqualifying interest is not confined to
 "pecuniary interest. 'In Reg. v. Rand (1866)
 "L.R. 1 Q.B. 230 the Court of Queen's Bench laid
 "it down that wherever there was a real likelihood
 "that a judge would, from kindred or any other
 "cause have a bias in favour of one of the parties,
 "it would be very wrong in him to act."

page 78:

"Indeed we think it is clear that bias from strong
 "and sincere conviction as to public policy may
 "operate as a more serious disqualification than
 "pecuniary interest. But the bias to which a
 "public-spirited man is subjected if he adjudicates
 "in any case in which he is interested on public
 "grounds is more subtle and less easy for him to
 "detect and resist.
 "We are here considering questions of public policy
 "and from the public point of view it is important
 "to remember that the principle underlying all the
 "decisions in regard to disqualification by reason
 "of bias is that the mind of the judge ought to be
 "free to decide on purely judicial grounds and should
 "not be directly or indirectly influenced by, or
 "exposed to the influence of, either motives of self-
 "interest or opinions about policy or any other
 "considerations not relevant to the issue.
 "We are of the opinion that in considering the
 "assignment of judicial functions to Ministers
 "Parliament should keep clearly in view the maxim
 "that no man is to be judge in a cause in which he

"has an interest. We think that in any case in
"which the Minister's Department would naturally
"approach the issue to be determined with a desire
"that the decision should go one way rather than
"another, the Minister should be regarded as having
"an interest in the cause. Parliament would do
"well in such a case to provide that the Minister
"himself should not be the judge, but that the
"case should be decided by an independent tribunal.

page 95:

"where a problem has a strongly marked judicial
"side, but it is difficult to detach the non-judicial
"side - be it administrative or legislative -
"Parliament may in some cases be well advised to
"entrust the whole to a Court of Law. If the
"particular task is not suited to the ordinary
"Courts of Law, it may properly be assigned to
"some special tribunal already existing, or to be
"newly-created for the purpose, which is better
"adapted in personnel or procedure."

CONCLUSIONS.-

Considering that on September 18, 1964, he did not have all the information that would have enabled him to decide, with less possibility of error, whether the denunciations formulated by Lawyer Lamontagne were false or not;

Considering that it had been impossible for him to take cognizance of all the documents contained in the file that had been submitted to him by the R.C.M.P.;

Considering that this file did not indicate all the facts, a knowledge of which would have enabled him to exercise his discretionary powers judiciously;

Considering that the opinions expressed by the Commissioner and Deputy Commissioner of the R.C.M.P. were such as to create a doubt in his mind;

The Honourable the Minister of Justice was justified, at that time, in believing that a charge laid against a person or persons involved would have been difficult to prove before the Courts.

Considering that in the month of September 1964, apart from his duties as Minister of Justice, he held several offices that absorbed a great deal of his time and energy and prevented him from giving the file all the attention it required;

Considering that he did not require the R.C.M.P. to hunt for other facts that would have completed the information obtained up to that date;

Considering that he was placed in a position of being influenced by the relations that existed between himself and the persons

mentioned in the denunciation formulated by Mr. Lamontagne;

Considering that he was called upon to hand down
a quasi-judicial decision;

The Honourable the Minister of Justice, before
reaching a decision, should have submitted the case to the
legal advisers within his Department with instructions to
complete the search for facts if necessary and secured their
views upon the possible perpetration of a criminal offence
by one or several of the persons involved.

THE HONOURABLE RENE TREMBLAY.-

The Order in Council which set up this Commission does not concern the Honourable René Tremblay but the Counsel for the Government requested that comments in regard to his conduct in this case be included in this report.

This request was justified because the name of the Honourable R. Tremblay has been mentioned in the House of Commons and in the newspapers in regard to the allegations that led to this inquiry since Mr. Denis was his Executive Assistant.

Evidence shows that the conduct of Mr. Tremblay is absolutely beyond reproach. As soon as he learned of the accusations made against Mr. Denis, he suspended him in the exercise of his duties and after the conference of September 18 with the Minister of Justice and the officers of the R.C.M.P. he requested his resignation. Prior to the events that have been examined throughout the lifetime of this inquiry, he had warned Mr. Denis that he did not like to see Guy Masson in his office, because he had had certain information about him.

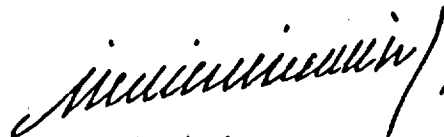
If the Honourable R. Tremblay has suffered consequences from statements or certain published comments, it is to be hoped that the persons responsible will now recognize his honesty and integrity.

SUGGESTION

In the course of this inquiry I have realized that the Judge, presiding a Royal Commission set up under the "Inquiries Act", does not have all the powers which are ordinarily his in the exercise of his judicial duties.

He cannot decide whether there has been contempt of Court either in his presence, or outside his presence. This lack of powers, as I found on several occasions, leads to situations that are most embarrassing to the Judge and which prevents the normal conduct of the inquiry.

In consequence the Act should be amended by the addition of a Section meeting this deficiency.



Commissioner



Counsel of the Commission



Secretary

APPENDIX A

LIST OF COUNSEL

Mr. André Desjardins
Commission Counsel

Mr. Jules Deschênes, Q.C.	Canadian Government
Mr. Ross Drouin, Q.C.	Progressive Conservative Party
Mr. Paul Jolin	New Democratic Party
Mr. Gérard Chapdelaine	Social Credit Party
Mr. François Even	Raliment des créditistes
Mr. Norman Mathews, Q.C.	R.C.M.P.
Mr. L.Y. Fortier	Mr. Pierre Lamontagne
Mr. Guy Guérin	Mr. Raymond Denis
Mr. André Villeneuve, Q.C.	Mr. Guy Rouleau
Mr. Gilles Godin, Q.C.	Mr. André Letendre
Mr. Bernard Deschênes	Mr. André Letendre
Mr. Yvon Gasmin, Q.C.	Mr. Guy Lord
Mr. F. Chapados	Mr. Guy Masson
Mr. Simon Venne	Mr. Guy Masson
Mr. Yves Myrand	Mr. Robert Gignac
Mr. H. Legault	Mr. Robert Gignac
Mr. Raymond Daoust, Q.C.	Mr. Lucien Rivard
Mr. Dollard Dansereau, Q.C.	Mrs. Lucien Rivard
Mr. L.R. Maranda	Mr. Eddy Lechasseur and Miss Linda Dumont
Mr. Roland Blais	Mr. Raymond Daoust
Mr. R.A. Bell, Q.C.	Mr. Eric Nielsen
Mr. G.F. Coyne, Q.C.	Department of Citizenship and Immigration
Mr. Gaspard Côté	Department of Justice
Mr. Roger Tassé	Department of Justice

APPENDIX BLIST OF EXHIBITS

- 1 - Order in Council appointing the Honourable Chief Justice Frederic Dorion Commissioner, 12-7-64.
- 2 - House of Commons Debates, (French), 11-23-64.
- 3 - House of Commons Debates, 11-23-64.
- 4 - House of Commons Debates, (French), 11-24-64.
- 5 - House of Commons Debates, 11-24-64.
- 6 - House of Commons Debates, (French), 11-25-64.
- 7 - House of Commons Debates, 11-25-64.
- 8 - House of Commons Debates, (French), 11-26-64.
- 9 - House of Commons Debates, 11-26-64.
- 10 - House of Commons Debates, (French), 11-27-64.
- 11 - House of Commons Debates, 11-27-64.
- 12 - The information and complaint of Jerome T. Gaspard, dated 6-18-64, re. Lucien Rivard.
- 13 - Petition for bail file No. 146, Superior Court (Extradition), United States of America vs Lucien Rivard, 8-3-64.
- 14 - Record of file No. 146, Superior Court (Extradition).
- 15 - Copy of a letter from Mr. Raymond Daoust to Mr. Joseph Cohen, dated 2-4-64.
- 16 - Letter from Mr. D.N. Chester to Mr. Guy Lord, dated 4-30-64 and letter from Mr. Guy Lord to Mr. D.N. Chester, dated 5-6-64.
- 17 - Copy of Time Magazine (Canadian Edition), Vol. 85, No. 1, dated January 1, 1965.
- 18 - Photocopy of a contract between Guy Masson and les Entrepreneurs Samson Inc., dated 7-23-64.
- 19 - Telephone bill re: Hochelaga Holding Inc., 7-22-64.
- 20 - Photocopy of an act notarized before Mr. Claude Henri Gratton, dated 6-25-64.
- 21 - Receipt of the Royal Trust Company for an amount of \$60,000.00, dated 9-16-64.
- 22 - Criminal record of Adrien Edouard Eddy Lechasseur.
- 23 - Petition for bail re: file No. 146 of the Superior Court (Extradition), dated 11-10-64.
- 24 - Government of Canada Telephone Directory, Ottawa, June 1964.
- 25 - Safety deposit box lease and rental record re: Mrs. Marie Marthe Rivard, 9-16-64 - Lease and rules and regulations in connection therewith, 9-15-64.

- 26 - Record relating visits of Mrs. Lucien Rivard to her safety deposit box.
- 27 - Draft of the Provincial Bank of Canada for \$15,000.00, payable to the order of Roger Aubin, 6-25-64.
- 28 - Receipt to the Provincial Bank of Canada, signed by Roger Aubin, for \$15,000.00, dated 6-25-64.
- 29 - Loan record of the Provincial Bank of Canada re: Roger Aubin.
- 30 - Photocopy of a letter from Mr. Daoust to Mr. Cohen, dated 8-4-64.
- 31 - Death certificate of Ovide Gagnon, dated 12-7-64.
- 32 - Criminal record of Lucien Rivard.
- 33 - Criminal record of Bill Lamy.
- 34 - Record of transfer of Robert Tremblay from B.C. to Quebec.
- 35 - Letter from Mr. R. Denis to the Honourable René Tremblay, dated 9-27-64.
- 36 - Letter from Mr. R. Denis to the Honourable René Tremblay, dated 10-1-64.
- 37 - Letter from the Honourable René Tremblay to Mr. R. Denis, dated 10-9-64.
- 38 - Draft of a letter from Mr. R. Denis to the Honourable René Tremblay, dated 8-31-64.
- 38a - Letter from Mr. R. Denis to the Honourable René Tremblay, dated 8-31-64.
- 39 - Statement of Mr. R. Denis, dated 8-24-64.
- 40 - Several copies of "Dimanche Matin".
- 41 - Letter from the Department of Justice to Mr. P. Lamontagne, dated 6-12-64.
- 42 - Telephone bills of Hochelaga Holding Inc., from June to August 1964.
- 43 - Record of a telephone call from Montreal to Chicoutimi, dated 7-20-64.
- 44 - Detailed telephone bill of Hochelaga Holding Inc.
- 45 - Letter from Mr. R. Daoust to Mr. G. Rouleau, dated 7-9-64.
- 46 - Letter from Mr. Guy Rouleau to Mr. Benoit Godbout, dated 7-7-64.
- 47 - Letter from Mr. Benoit Godbout to Mr. Guy Rouleau, dated 8-17-64.
- 48 - Letter from Mr. Benoit Godbout to Mr. Guy Rouleau, dated 10-5-64.
- 49 - Letter from Mr. Guy Rouleau to Mr. B. Godbout, dated 10-23-63.
- 50 - Letter from Mr. B. Godbout to Mr. Guy Rouleau, dated 11-6-63.
- 51 - Letter from Mr. B. Godbout to Mr. Guy Rouleau, dated 12-18-63.
- 52 - Petition for Habeas Corpus in file No. 1210-64, Court of Queen's Bench, Montreal.
- 53 - Notice of Appeal in file No. 1210-64, Court of Queen's Bench, Montreal.
- 54 - Petition for bail in file 2922, Court of Queen's Bench, Montreal.

- 55 - Authorities of Petitioner in case No.1210-64, Court of Queen's Bench, Montreal.
- 56 - Letter from Mr. Jean Caron to Mr. A. Desjardins, dated 2-1-65.
- 57 - Letter from A. Guthman to Mr. A. Letendre, dated 7-16-64.
- 58 - Letter from Mr. Joseph E. Luberman to Mr. A. Letendre, dated 8-12-64.
- 59 - Letter from Mr. Jean Caron to Mr. A. Desjardins, dated 2-8-65.
- 60 - Records of the Bell Telephone Company re: calls made from the Maxim's Lounge and from the Chateau Laurier - July 1964.
- 61 - Registration card of J.G. Masson at the Chateau Laurier on 7-7-64.
- 62 - Record of registration of J.G. Masson at the Chateau Laurier on 7-13-64.
- 63 - Record of registration of J.G. Masson at the Chateau Laurier on 7-20-64.
- 64 - Bill of Mr. Pierre Lamontagne to the Minister of Justice, dated July 1964.
- 65 - Bill of Mr. Lamontagne to the Department of Citizenship and Immigration, dated 8-17-64.
- 66 - Record of registration of J.G. Masson at the Motel Fontaine Bleue, dated 6-22-64.
- 67 - Record of registration of Robert Gignac at the Motel Fontaine Bleue, dated 6-22-64.
- 68 - Chart describing the chain of command of the R.C.M.P.
- 69 - Personal notes taken by Inspector J.R.R. Carrière, 11-8-64.
- 70 - Report signed by Inspector J.R.R. Carrière, dated 8-12-64.
- 71 - Statement given by Lawyer Pierre Lamontagne, dated 8-14-64.
- 72 - Photocopies of T.C.A. tickets, two letters from Bob Tremblay to L. Rivard, and part of an unfinished letter addressed to Bob Tremblay.
- 73 - Report by Inspector J.R.R. Carrière, dated 8-18-64.
- 74 - Statement of Mrs. Pierre Lamontagne, 8-18-64.
- 75 - Letter from Inspector J.R.R. Carrière to Commissioner McClellan, dated 8-22-64.
- 76 - Statement of Mr. Pierre Lamontagne, dated 8-21-64.
- 77 - Statement of Sergeant H. Crevier, dated 8-22-64.
- 78 - Report signed by Inspector J.R.R. Carrière, dated 8-26-64.
- 79 - Report signed by Inspector J.R.R. Carrière, dated 9-1-64.
- 80 - Regulations Act (R.S.C. 1952, c. 235).
- 81 - Regulations under Section 9 of the Act. P.C. 1954-1787.

- 82 - Personal notes taken by Inspector Drapeau re: R. Denis, 8-19-64.
- 83 - Statement of Mr. André Letendre, 8-19-64.
- 84 - Personal notes taken by Inspector Drapeau re: A. Letendre, 8-9-64.
- 85 - Statement of Raymond Denis, dated 8-24-64.
- 86 - Personal notes taken by Inspector Drapeau re: R. Denis, 8-24-64.
- 87 - Personal notes taken by Inspector Drapeau re: Guy Lord, 8-24-64.
- 88 - Personal notes taken by Inspector Drapeau re: R. Denis, 8-24-64.
- 89 - Statement of Mr. Guy Lord, dated 8-26-64.
- 90 - Report signed by Inspector Drapeau, dated 8-28-64.
- 91 - Personal notes taken by Inspector Drapeau re: R. Denis, 9-8-64.
- 92 - Personal notes taken by Inspector Drapeau re: J. Cohen, 9-9-64.
- 93 - Personal notes taken by Inspector Drapeau re: Guy Masson, 9-9-64.
- 94 - Personal notes taken by Inspector Drapeau re: R. Rouleau, 9-9-64.
- 95 - Statement of Robert E. Gignac, dated 9-10-64.
- 95a- Statement of Robert E. Gignac as translated by Inspector J.P. Drapeau.
- 96 - Personal notes taken by Inspector Drapeau re: Robert E. Gignac, 9-10-64.
- 97 - Personal notes taken by Inspector Drapeau re: Guy Masson, 9-11-64.
- 98 - Report from Inspector J.P. Drapeau to the Commissioner, dated 9-16-64.
- 99 - Personal notes taken by Inspector Drapeau re: Guy Rouleau, 9-17-64.
- 100 - Report signed by Inspector Drapeau re: Guy Rouleau, dated 9-18-64.
- 101 - Telegram from Mr. A. Desjardins to Mr. Joseph Weixel, dated 2-5-65.
- 102 - Letter from Aurélien Chassé to the Honourable Chief Justice F. Dorion, dated 2-9-65.
- 103 - Copy of a letter from Mr. A. Desjardins to Mr. Aurélien Chassé, dated 2-8-65.
- 104 - Letter from Mr. Joseph Weixel to the Honourable Chief Justice F. Dorion, dated 2-19-65.
- 105 - Letter from Superintendent W.G. Fraser to the C.O. "A" Division, R.C.M.P., Ottawa, dated 9-3-64.
- 106 - Memorandum from Inspector G.W. Reed to the A/D C.I., dated 9-3-64.
- 107 - Report from Commissioner McClellan to the Honourable Guy Favreau, dated 9-9-64.
- 108 - Memorandum for file signed by Deputy Commissioner Lemieux, dated 9-22-64.
- 109 - Original R.C.M.P. file "63HQ-189-C-17".

- 110 - Letter from Mr. A. Desjardins to Mr. R.A. Bell, dated 3-17-65.
- 111 - House of Commons Debates, 3-19-65.
- 112 - House of Commons Debates, (French), 3-22-65.
- 113 - Copy of "Dimanche Matin", dated 6-21-64.
- 114 - Certified copy of an Order in Council, dated 4-5-62, re: Royal Canadian Mounted Police.
- 115 - Letter from Mr. Raymond Daoust to Mr. Raymond Denis, dated 7-16-64.
- 116 - Report signed by Sergeant J.G. Dansereau, dated 3-19-65.
- 117 - House of Commons Debates, 9-18-64.
- 118 - House of Commons Debates, 3-23-65.
- 119 - Votes and Proceedings of the House of Commons of Canada, 3-23-65.

APPENDIX C
LIST OF WITNESSES

<u>WITNESS</u>	<u>VOLUME</u>	<u>PAGE</u>
AUBIN, Roger	16	3130
BEAUDRY, Gérard	33	6733
BERNIER, Raymond	23	4778
BIRKENWALD, G.	21	4442
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HON. FRÉDÉRIC DONON, COMMISSIONER
L'HON. FRÉDÉRIC DONON, COMMISSAIRE

TO HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL.-

May it Please Your Excellency,

I beg to submit to Your Excellency,
an additional report about the Special Public Inquiry
1964, which is a modification of the original that I
submitted on Monday, June 28, 1965.

On Page 122 of the Report (English
version), I stated:

"It was only on September 2, during the plane trip
"from Charlottetown to Ottawa, that the Minister
"of Justice informed the Prime Minister that his
"Parliamentary Secretary "was involved in the Rivard
"case and supposed to have brought pressures on to
"the Counsel for the United States Government to
"incite him to agree to bail being granted to Lucien
"Rivard.""

After the Report had been tabled, the
Honourable Guy Favreau realized that an answer that he
had given before the Commission to a question asked of
him and which is reported on Page 7308 of the Transcript
of Evidence, did not express exactly what he meant to
say. On Saturday, July 3, he consequently sent me the
following statement:

"The Prime Minister has made me aware of your telegram
"of July 2nd Stop Concerning my answer to Mr. Drouin,
"as reported on Page 7308 of the Transcript of Evidence
"and in which I intended to refer exclusively to the
"Executive Assistant of the Minister of Citizenship

.....2



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HON. FRÉDÉRIC DORION, COMMISSIONER
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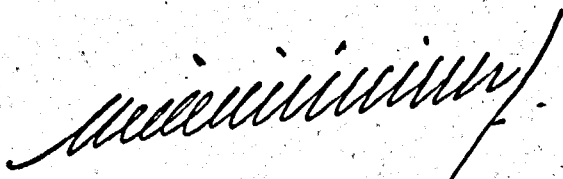
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"and Immigration, I would like to clarify it so
"that its meaning could leave no doubt Stop I
"would like to do it by asserting that I did not
"mention the name of Mr. Rouleau to the Prime
"Minister, in our conversation of September 2,
"1964 Stop I would like this clarification of my
"answer to be considered as being part of the record,
"as you had the kindness to suggest." (S. GUY
"FAVREAU)

I have no hesitation in accepting
this statement, as an addition to the answer that he
had given and I wish consequently, that my report be
modified by deleting the words "his Parliamentary
"Secretary" on the first line of Page 123, and to re-
place them by the words "the Executive Assistant of
"the Minister of Citizenship and Immigration", and I
give instruction that this modification appear on all
copies of the Report so that the last paragraph of
Page 122 (English version) read as follows:-

"It was only on September 2, during the plane trip
"from Charlottetown to Ottawa, that the Minister
"of Justice informed the Prime Minister that the
"Executive Assistant of the Minister of Citizenship
"and Immigration was involved in the Rivard case and
"supposed to have brought pressures on to the
"Counsel for the United States Government to in-
"cite him to agree to bail being granted to Lucien
"Rivard.""

AND I HAVE SIGNED, at Quebec City, this 6th July, 1965.-


FREDERIC DORION,