

Privilege—Mr. Lawrence

What is a prima facie case? The Deputy Prime Minister and President of Privy Council said that a prima facie case was just a case of first impression, or on the surface. That has nothing to do with what a prima facie case is, and it is a disgrace for a minister of the Crown to come before the House and say that is what a prima facie case is. A prima facie case is a case which, unless answered by cogent evidence to the contrary, stands.

An hon. Member: Right.

Mr. Lalonde: That is not what Mr. Speaker said. You should listen to him.

Mr. Rae: I am relating my point to the question of what is prima facie case. I might say to the Minister of Justice (Mr. Lalonde) that perhaps because I have just come out of law school, I am more acquainted with the law than he is.

Some hon. Members: Hear, hear!

Mr. Lalonde: Mr. Speaker, I rise on a point of order. May I point out that perhaps this is something he might have forgotten to learn in law school when he was there a few years ago, but this is not what I was referring to just now. I was referring only to a statement made by Mr. Speaker in the House this afternoon when the hon. member was present. If he had heard what Mr. Speaker said in the House he would know what Mr. Speaker had meant in the statement he made earlier this afternoon when he invited hon. members to respect his ruling and the implications of his ruling.

Mr. Rae: All right. That was not really a point of order, it was a point of argument. But I will let it pass and I will respond to the argument.

Some hon. Members: Oh, oh!

Mr. Rae: Ça va. That is not what a prima facie case of privilege is. I stand to be corrected, but I will be happy to read the transcript later this afternoon. What Mr. Speaker referred to is the relative functions of his job as compared with the functions of the House of Commons. I say to the Minister of Justice and to members that a prima facie case is a case which has to be answered. I submit that the rhetoric, the selective arguments, and the argumentative use of certain evidence given at the McDonald inquiry by the President of Privy Council, however skilfully it was done, and it was done very skilfully, is not a sufficient refutation of a prima facie case. Once a prima facie case has been raised, it must go to a committee for investigation.

The contempt, if that is not too strong a word, which this government shows for the privileges and concerns of members of the House, is beyond belief, because what ministers are saying in this matter is, "Leave it to us, boys; we know what the evidence is. We know what our ministers have said, we know what the contradictions of Commissioner Higgitt are, we do not need any kind of committee to tell us whether or not the privileges of the hon. member for Northumberland-Durham as a member of this House have been interfered with." If that is

[Mr. Rae.]

not behaviour that is contemptuous of members of the House, I do not know what is, because Mr. Speaker has said quite clearly, on the basis of the evidence that was before him, that there is what is called a prima facie case which—I say this with respect to the Minister of Justice—cannot simply be refuted by either the Deputy Prime Minister or himself rising and saying, "This is what the substance of the case is all about and this is how we will rule."

With great respect to the Minister of Justice, he has not conducted an inquiry into how these letters came to be written. He has not conducted an inquiry into precisely what was said to the Solicitor General with respect to this correspondence. He has not conducted an inquiry into the practice of civil servants with respect to all sorts of inquiries which go from members of the House to members of the government. Quite clearly that is a question for the committee. It is not a question of security; it is not even a question of the RCMP; it is a question as to how we get our mail answered, how answers are drawn up by the other side, how civil servants brief ministers, and what is the responsibility of ministers for the statements and letters they send out that turn out to be misleading. I submit that that is precisely the kind of case which, following the citation in May that the categories of privilege are not closed, has to go before a committee for investigation.

I submit that if in a moment of non-partisanship the Minister of Justice or anybody else on the front bench would consult other members of the House on his side, he might find that there might be members there who would be concerned to find out how this process went on and precisely what responsibility was being taken by the minister for answers that were given which turned out to be misleading. I submit that those are the issues before the House in this matter, and I also submit that those are the only issues.

The President of Privy Council spent his entire speech doing two things. The first thing he did was to make fun of the letter, to make fun of the constituent, which is an easy thing to do for the government, and to make fun of the RCMP, a very easy thing for this government to do. The second thing he did was to go into the substance of the correspondence and to say, "I have conducted an inquiry. I have looked at the evidence and I say there is not a prima facie case."

I think it was Stalin who said, "How many battalions does the Pope have?" That is precisely the attitude of this government toward the views of Mr. Speaker, because what this government is saying is, "It does not matter what the prima facie case is, it does not matter what the evidence is, it does not matter whether there is a dark grain of doubt at the back of every member's mind. What matters is that we have done the investigation and we have decided that the standing committee will not be allowed to look at this matter." If that does not show contempt for rational argument, for the legal process and for natural justice, I do not know what does.

The final argument used by the President of Privy Council was that there was no accused. He said there is not an accused and there is not an unaccused, therefore there would be contempt for natural justice if we referred the matter to a