

Privilege—Mr. Domm

Namely, in his capacity as a Member. All of us are very aware that he has been the metric critic in this place for a good number of years. It continues:

—and the libel must be based on matters arising in the actual transaction of the business of the House.

What could be plainer than that the criticism aimed at the Hon. Member in that letter is a libel in respect to the conduct of his criticism in the House of the application of and the Government's policy with respect to metric? Nothing, in my submission, could be clearer than that. The House has consistently viewed reflections against the House or its Members as a contempt against the Members or authorities of the House. These stretch from the Tassé case in 1873 to the Choquette case in 1976. These reflections have generally been made in the press by members of the press. That is not the case here.

This is a case where Mr. Mowers made use of the vehicle "Letters to the Editor" as the means of carrying on his campaign. Clearly, all letters to the editor are not matters infringing upon the privileges of the House. We are not dealing here with a fair comment made by a private citizen. We are faced with a letter addressed to a Member of the House—indeed, to the Prime Minister (Mr. Trudeau)—by an individual who holds an appointed office and who, in his capacity as an office holder, has seen fit to carry on a public campaign as a civil servant, designed to undermine the Hon. Member for Peterborough in the conduct of his duties in the transaction of the business of the House.

In his letter, as the Hon. Member for Peterborough has pointed out, he directly questions the truthfulness of the Hon. Member for Peterborough. I will quote from that letter briefly. He says "until finally both his"—that is the Hon. Member for Peterborough—"voice and his credibility are now much weakened". That is, the Hon. Member's voice in this House and his credibility in this House as a member are much weakened because Mr. Mowers has been so assiduously determined to question the truthfulness of the Hon. Member for Peterborough.

Mr. Evans: Outside the House.

Mr. Nielsen: The Parliamentary Secretary continues to interject, Madam Speaker. What would he do to protect his rights in this place if it had happened to him? I can tell him what would happen. The Government would fire Mr. Mowers, as it did Neil Fraser. This is the only remedy we have here and he should be supportive of what we are putting to the Chair with respect to the privileges of this place.

I now cite from Beauchesne's Fifth Edition, Citation 55, as follows:

The privilege of freedom of speech is both the least questioned and the most fundamental right of the Member of Parliament on the floor of the House and in committee. It is primarily guaranteed in the British Bill of Rights which declared "that the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place outside of Parliament".

Clearly, it was Mr. Mowers' intent to restrict the ability of the Hon. Member for Peterborough to conduct his duties in

the House. Mr. Mowers himself admits that. In my submission, that would constitute a prima facie case of privilege. He calls into question the Hon. Member's activities in the House and he, Mr. Mowers, intends to restrict the Hon. Member's freedom of speech in the House both through his, Mowers, public campaign and by exhorting other Members to assist him with his campaign. He does so by writing to other Members of the House of Commons. In those letters to other Members Mr. Mowers accuses the Hon. Member for Peterborough of distorting the facts. Mr. Mowers thereby contributes to the infringement of the privileges of the Hon. Member and, consequently, of the House.

Moreover, Mr. Mowers starts off by saying that he did this in his capacity as a member of the Metric Commission—as a civil servant. In my submission, Mr. Mowers has engaged in a contempt of this House, given the prima facie existence, not the proof, of what the Hon. Member for Peterborough has laid before the Chair. The letter itself, once the Chair has possession of it, in my submission constitutes that prima facie proof. He has engaged in contempt and should be called before the bar to apologize, not to the Hon. Member for Peterborough but to all Members of the House, for his actions in not only the campaign but specifically the letter directed to that Member. In laying out his case, the Hon. Member for Peterborough has provided a substantial body of fact which should assist the Chair in coming to the conclusion that there is at least a prima facie case of privilege for putting the question to the House.

If there is no prima facie case of privilege, the Chair, in my submission, has to come to the conclusion that the letter written by Mr. Mowers does not exist at all. If ever there were a prima facie case, it lies in the fact of the existence of the letter authored by Mr. Mowers. The intent, as displayed in that letter, is very clearly laid out. First, it questions the truthfulness of the Hon. Member for Peterborough, which questions the truthfulness of any Member of the House; second, he admits in the letter he wrote himself that his intention was to affect the efficiency of the Hon. Member in the conduct of business in this place; and third, it was mounted deliberately to minimize the effect of the criticisms that have come from the Hon. Member for Peterborough with respect to the application of metric in the country for the entire last three years.

In my submission, Madam Speaker, there was never a clearer case of privilege before the Chair.

Mr. Doug Lewis (Simcoe North): Madam Speaker, I wish to make a brief intervention in this matter and to draw a parallel for the Chair. Earlier this year the Hon. Member for Lincoln (Mr. Mackasey) brought a question of privilege to the Chair. His point was that, through the publication of an article in the *Montreal Gazette*, his capacity to function as a Member of Parliament had been impeded. The Chair found a prima facie case of privilege. We on this side, as did the Government, supported that Member with a unanimous motion sending the case to the Standing Committee on Privileges and Elections.

I submit to you, Madam Speaker, that we have a very similar case here. In this case, however, it is not a question of