

said about calling an election, why does he not have a change of heart, a change of mind, a change of conscience, and a little political morality, and say that the government is not afraid of anything? Why does he not want this matter to go before a committee? Why does he not want hon. members to examine the evidence and to cross-examine witnesses without being stopped and stymied? The chairmen of our committees set up rules. There is nothing in the rule books which says I only have ten minutes to cross-examine a witness. When I ask one question, most ministers talk for 20 minutes.

I said I would not take very long. I have given the House the definition of a prima facie case. This is a serious matter indeed. A serious charge has been made. Mr. Speaker has found that there is a prima facie question of privilege. The privilege of an hon. member has been abused. The question of privilege is based on the fact that an hon. member has been deliberately deceived. Surely that is important enough to put before a committee.

This week I used the words "hiding the facts." The Prime Minister (Mr. Trudeau) said, "Fancy the hon. member for Calgary North using such terminology!" If ever there was evidence of hiding the facts which could be called before the bar of justice today, there is evidence today. Facts are being hidden this afternoon because the government will not let them go before a committee so that they can be bared and so that the committee can report to this institution.

Mr. Bob Rae (Broadview): Mr. Speaker, I want, in a fairly short period of time, to clarify the issue because I think it has been seriously confused by the remarks of the Deputy Prime Minister (Mr. MacEachen). This issue relates to a series of facts which can be set forth in perhaps one paragraph. In November of 1973 the hon. member for Northumberland-Durham (Mr. Lawrence) was sent a letter by a constituent of his who was concerned that his mail might have been tampered with by the RCMP. Also in November of 1973 the hon. member for Northumberland-Durham wrote a letter about that matter to the then solicitor general. On December 4, 1973, the hon. member received a reply, of which the following sentence was the conclusion:

I have been assured by the RCMP that it is not their practice to intercept the private mail of anyone and I trust the above explanation will set your constituent's mind at ease.

That sentence was quoted before, but I felt it to be of sufficient importance to quote it again. In November of 1977 the present Solicitor General (Mr. Blais) stated that in fact mail openings had occurred. Finally, we heard about the evidence given before the McDonald inquiry by former RCMP Commissioner Higgitt.

I admit that that evidence does not lead to one simple conclusion but to two or three possible conclusions. However, that evidence no doubt can lead to the inference that ministers of the Crown were in fact aware that mail openings were occurring, and that in responses to members of parliament the strict truth was not always adhered to. Mr. Speaker referred to this matter on November 3 of this year. He has subsequently

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decided that there is a prima facie case of privilege which should be referred to the standing committee.

This matter is not a question regarding the McDonald inquiry, a question relating to security, or a question regarding the substance of the letter concerned. It is not a question of whether a plastic card, a letter, or anything else was involved. Those are completely irrelevant matters. They have nothing to do with the substance of the procedural motion which is before us today. The substance of this matter is the simple question of the privileges of members of the House of Commons.

There has been much reference to the question of deliberate deceit and to whether the minister deliberately deceived anybody, as if the categories of privilege were ever closed. I refer the House to page 136 of Erskine May regarding breaches of privilege and contempt. This was quoted by Mr. Speaker in his remarks on November 9. Erskine May says the following:

It may be stated generally that any act or omission which obstructs or impedes either House of parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

In other words, the categories of privilege and the categories of contempt are not closed. Therefore, Mr. Speaker was quite correct, in our view, in finding that there is at least a prima facie case of obstruction of a member of the House of Commons in seeking to get an answer to a question, that is, the question of whether his constituent's mail was opened. The answer the hon. member got in 1973 was not, on the admission of a minister of the Crown, the full truth.

This has nothing to do with security. This has nothing to do with the McDonald inquiry. It has to do with the process by which and through which a member of the House of Commons receives an answer from a minister of the Crown to whom the member directed a letter, the answer being unsatisfactory and misleading, whether deliberately, or simply because of the fact that the minister's civil servant, or in this case the RCMP, had been systematically giving incorrect information. If that is not a question which relates to the obstruction of a member of the House of Commons in the conduct of his duties, I do not know what is.

A member of the House of Commons should be entitled to find out how it is that we get replies from ministers which are false, which in substance are misleading, and which obstruct us in the performance of our duties. If a member of parliament is not entitled to that, I do not know what amounts to a question of privilege or contempt of this House.

● (1722)

Mr. Speaker found, on the basis of the evidence which was before him—which evidence I have just described—of sworn testimony given at the McDonald inquiry on the one hand, and admissions made to the House of Commons by the then solicitor general in November of 1977 on the other hand, and finally the letter in December of 1973—those are three pieces of evidence which were before Mr. Speaker—Mr. Speaker found this amounted to what he called a prima facie case.