

Privilege—Mr. Lawrence

House at this time because only this House can focus on the narrow question of whether a breach of parliamentary privilege is involved, and further, under the rules, as Mr. Speaker has reminded us many times, I must raise a question of privilege as soon as it arises. I believe this prevents me, and I suggest the House, from waiting until the final report is in from the commission. We have to deal with it now.

Following Mr. Speaker's ruling of last year on questions of privilege involving "deliberately misleading", in which I was involved, I am prepared to move now, or at any subsequent time, a substantive motion which I hope will be accepted as involving a matter of privilege. If Mr. Speaker finds that there is a *prima facie* case, I would be prepared to move the following:

That in the opinion of this House the letter sent to the hon. member for Northumberland-Durham on December 4, 1973, was a calculated attempt to deceive the hon. member by responding to his inquiries with a falsehood, and, that the said letter be referred to the Standing Committee on Privileges and Elections for a report on the source and circumstances of the deception.

Hon. Otto E. Lang (Minister of Transport and Minister of Justice): Mr. Speaker, I should like to begin by stating most emphatically that members on this side and members of the government consider it of first importance to give as truthful and complete information as possible to members in the House, and indeed in their dealings with members outside the House.

All members will remember the date of November 9, 1977, when the then solicitor general indicated the discovery on his part of the fact of certain mail openings on the part of the Royal Canadian Mounted Police. Prior to that time, as has been made clear by solicitors general past and the then solicitor general, they did not have knowledge of that fact.

I do not want to get into a particular debate on the facts, but in view of some of the things said by the hon. member for Northumberland-Durham (Mr. Lawrence), I must comment on one or two of them. He described the 1973 letter in question as misleading. Indeed, I would go further and say that it was erroneous, and not engage in subtleties about the use of the word "practice". The hon. member for Northumberland-Durham should not have used consistently the words "deliberate falsehood", "deliberately misleading", and on one occasion he said that it was something deliberately misleading by a minister, since the implication of that was to suggest that the minister himself was deliberate in the misleading. I see the hon. member is shaking his head. I am glad he does that now. In fairness to the minister in question, he should have separated that fact clearly when he was proceeding through his remarks.

Clearly it was a surprise and an important matter to all of us on November 9, 1977, when the House was informed of this matter. In the case of this particular letter, the solicitor general of the day who signed it, the present Minister of Consumer and Corporate Affairs (Mr. Allmand), testified before the Keable commission on February 15 of this year that he had been assured on each occasion on direct questions to them that they did not open mail. I say no more about that

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fact and the question of any deliberateness on the part of the minister.

The hon. member has sought to extend proceedings in the House to the letter which was written outside the House. Perhaps Your Honour's ruling of yesterday, about proceedings outside the House and their relationship, may have some bearing on this question and indicate that it is not so. But, at the very best, he could try to bring himself within the position of a letter being equivalent to an answer or a response in the House. The important thing is that in the period prior to November 9, 1977, the solicitors general indicated that they had no knowledge of mail openings, indeed had assurances that there were no mail openings, and might well have answered questions along the lines of the letter received by the hon. member within that period of time. Clearly they would not have been happy about that fact, but indeed there were exchanges in the House which would show that replies substantially of that nature were given.

Apart from the question of it not being a proceeding of the House, even if it had been a proceeding of the House the important point is that the question of privilege matured on November 9, 1977, when it became apparent by the statement of the then solicitor general, after his investigations were renewed because of further reports about mail openings, that in fact there had been such mail openings. His investigation led him to disclose that fact to the House. That was almost a year ago. Since then the facts have been known in terms of the erroneous nature of the letter received by the hon. member some four years earlier. It is not a matter to be considered as a question of privilege at this time, even if it could be treated as a question of privilege before the House as a proceeding in the House.

Regarding such answers in the House based upon information given to ministers—and ministers have stated their positions in terms of their lack of knowledge of the contrary being true—the nature of the illegalities is before the McDonald commission at this very time. In this case, as in so many others, it really behooves us to let the McDonald commission continue its work and to explore the matters which are involved here. I am sure the commission will do that and, as a result, will in due course, throw further light on the background facts behind the position of the ministers. The ministers have made their position clear, and I think that is clear.

• (1242)

I am glad that, by the nod of his head, the hon. member for Northumberland-Durham agreed that his use of words like "deliberate" and "misleading" were not meant by him to be attributed to the minister, and that, indeed, what we do not know is the source of the particular phrases in the letter. I take it to its highest when I say that answers in this House prior to November 9, 1977, when the then solicitor general revealed that his investigations that morning had discovered that mail openings had been taking place, and I refer to *Hansard* at page 742 for Wednesday, November 9, 1977, would also have been based on that lack of knowledge on the part of solicitors