

*Privilege—Mr. Nielsen*

investigation was undertaken so that some form of retaliation could be exercised in the House during Question Period.

● (1520)

For a breach of privilege to be established, it must be established that the Government attempted to intimidate or obstruct the Leader of the Opposition by threatening to release information about his conduct in his role as a private citizen.

Ample demonstration of just such an attempt at intimidation was provided by the Minister of Finance on Tuesday, January 24 last. As you will recall, Mr. Speaker, when the Leader of the Opposition rose and asked the Minister of Finance a question on the effect of the Minister's policies on the unemployed, the Minister did not reply to the question but stated, as reported at page 693 of *Hansard*, that the Leader of the Opposition's question:

—would have a little more validity and credibility if, when we prepared the last Budget, the Hon. Member had made representations other than the one I obtained from him when he was in private business at the time, to deal with an advantage for the rich and a deal which would have benefited him rather than the unemployed.

As we now know, those allegations were unfounded and the Minister was forced to swallow his words. The important aspect of this attack upon the integrity of the Leader of the Opposition and the attempt thereby to undermine his credibility when asking questions in the House is that there appears to be a connection between the investigation undertaken by the Prime Minister's Office and the Minister of Finance's charge that was made in the House.

The official in the PMO who was in charge of the investigation is quoted in *The Globe and Mail* as saying:

Mr. Lalonde is a prime example of this.

I don't know who would have briefed him on the fact that a letter might have contained demands for the rich. It's a complete ignorance of the dossier.

This comment suggests, at first glance, that there was no direct link between the Minister of Finance and the information collection which was undertaken by the PMO. However, the fact that the PMO official quoted notes that the dossier contained detailed and accurate information about the letter in question indicates that the letter must have been obtained by the PMO from the Department of Finance or that officials in the Department of Finance made the PMO aware of the details of the correspondence between the Leader of the Opposition and the Minister and his officials.

The Minister of Finance cannot disclaim responsibility for the actions of his officials, nor can he deny his intent to use the information in Question Period to intimidate and obstruct the Leader of the Opposition. Can he then justify the communication of private correspondence with the Department of Finance to the political arm of the Prime Minister's Office? I think not.

The ominous overtone of this whole issue is clearly underlined in the following remarks attributed in *The Globe and Mail* to the PMO official in charge of the investigation:

The steps that were taken to obtain the information were well done. But it's in the interpretation of the final information. That's what's hot.

Clearly the Prime Minister's Office undertook an exhaustive search for information, causing officials of the Office to go as far afield as Washington to peer into files, and presumably scouring the files of Government Departments, as implied in the case of the Department of Finance, in order to develop a dossier of detailed information which could then be "interpreted" by Cabinet Ministers and the Prime Minister to, as the Prime Minister's principal secretary put it, "prepare for Question Period".

Intimidation was the Government's intention. The Government proposed to "interpret" information contained in the dossier whenever the Leader of the Opposition raised a question in the House that the Government found too hard to handle or too politically embarrassing. This is Newspeak. Whenever the Government says that it is interpreting information, we can now assume that it means bending it out of shape for the purpose of causing damage to the reputations of those who oppose the Government. Interpretation in reality means intimidation and obstruction. Much as it must upset the Government to have come up dry in its quest for compromising information about the Leader of the Opposition, the fundamental question of privilege remains. The Government used its access to information to construct a dossier about the Leader of the Opposition, and was prepared to hide behind the privileges of the House while putting its interpretation of that information on the public record in the House of Commons.

This action raises two fundamental issues of privilege. First, is the Government committing a contempt by attempting to intimidate a Member of the House into silence? Second, can the Government be permitted to place allegations on the record of the House without being prepared to attest to the accuracy of those allegations and to be held responsible for them?

On the first issue, there can be no doubt that intimidation offends the rules of the House. At page 157 of Erskine May the following words which speak to the issue of intimidation are found under the heading "Attempted Intimidation of Members":

To attempt to influence Members in their conduct by threats is also a breach of privilege.

There follow several examples as authority for that.

The observations made in Erskine May are further underlined in Beauchesne's Fifth Edition, Citation 67, where it states:

It is generally accepted that any threat to a Member, attempting to influence his vote or his actions as a Member, is a breach of privilege.

The threat, implied or stated, to release private information about a Member of Parliament should he or she ask questions in the House that are embarrassing to the Government falls squarely into the definition of intimidation. Because such intimidation limits the Member's freedom of speech, it is a contempt of Parliament of the highest order.

The further difficulty posed by Ministers standing in the House and tabling documents, or referring to private information about a Member of the House in deflecting a question