

*Privilege*

and he is concerned. He is concerned about the rights and privileges of members of parliament. I made it very clear that I do not think those rights give us unlimited licence to do anything, to break the law and get away with it.

Not only have we information that the Solicitor General and General Darré in a sense intimidated the hon. member for Leeds, but the Prime Minister in his speech this afternoon said that the government considered last night and this morning the various choices open to it. One of those choices was telling the police to go ahead and get a search warrant against the hon. member for Leeds.

Apart from the fact it seemed to me to be an element of intimidation, in the way the Prime Minister spoke this afternoon, I am concerned about the rights of parliament. I do not think we have unlimited licence. I do not think we can expect never to have search warrants or warrants for arrest issued, but surely it is a well established principle that before that takes place, Mr. Speaker has to be brought into the picture, not just in terms of being courteously advised but being given the opportunity to weigh the evidence and to make the decision.

In the two cases to which I referred, the case of a member of this House who was suspected of violating the Criminal Code and the case of Senator Giguère, in both cases Mr. Speaker consented. I suspect in this case, if Your Honour had been asked and you had called in the House leaders, that consent probably would have been given. However, for a government to ride roughshod over that tradition and for it, just because it is the government—

**Mr. Speaker:** Order, please. In fairness, I do not think I can divulge anything more, but I must say that is not really a fair interpretation of what took place. It seems to me that the tone and the content of the advance notice this morning were an acknowledgement, in the very terms of the notice that it was my authority that would have to be invoked if a search warrant was going to be executed in these premises.

**Mr. Knowles (Winnipeg North Centre):** I am glad Your Honour has interpreted it that way and that if the government is going to ask for a search warrant Your Honour will be consulted. However, added to all of this is the suggestion of intimidation. The Prime Minister and his colleagues seem to think because they have responsibility, and I recognize that they have it, they also have the control of the police and they can do what they want. This should be resisted. The privileges and rights of parliament should be maintained.

[*Translation*]

**Hon. Marc Lalonde (Minister of State for Federal-Provincial Relations):** Mr. Speaker, I think the number of interventions in the debate this afternoon gives an indication of the seriousness of both the matter and the documents involved. Many interventions were made, and the Minister of Transport (Mr. Lang) as well as the right hon. Prime Minister (Mr. Trudeau) indicated very clearly what the legal position is, in

[Mr. Knowles (Winnipeg North Centre).]

this regard, and what the position is from the national security point of view, which is clearly involved in the matter.

What the Minister of Transport indicated very clearly is that when the police get a search warrant, they do not usually consult ahead of time the person whose place is going to be searched, nor do they say to him: Please, would you be so kind as to give us the documents or objects you have in your possession, because otherwise we will have to get a search warrant and will get hold of them forcibly?

On the contrary, generally speaking, one goes to the trouble of getting a search warrant to make sure that the objects or documents wanted by the police are not destroyed, even though the courts may subsequently be asked to decide who their rightful owner is. In this instance, the Solicitor General (Mr. Blais) took extraordinary steps to accommodate the hon. member for Leeds (Mr. Cossitt) by asking him to kindly hand over voluntarily the documents in his possession, which he recognizes do not belong to him, and which he recognizes bear the mention "Top Secret" and which documents pertain to national security.

No other citizen is entitled to comparable treatment and, once again, there was no question of making any accusation against the hon. member at that point. The only matter at hand, at that time, was that he was asked to hand over the documents which obviously were stolen documents. As the Prime Minister pointed out, no one says the hon. member for Leeds stole them, but the very fact that they are in his possession proves very clearly that they were stolen from the security service.

[*English*]

I am glad the hon. member for Winnipeg North Centre (Mr. Knowles) has raised the point in opposition to the right hon. member for Prince Albert (Mr. Diefenbaker) that before a search warrant is issued and put into operation in the House of Commons, Your Honour has authority, and your consent is required. In the present case, when Your Honour was approached today it was not to ask for authorization to serve a search warrant but simply to apprise you of the situation and the potential difficulties that may arise and that eventually a search warrant may be issued. At that time Your Honour would have been approached formally and the appropriate steps would be taken by Your Honour in whichever way you may want to achieve it.

I find some difficulty with the argument put forward by the hon. member for Grenville-Carleton (Mr. Baker). He argued that his leader was correct in not informing the hon. member for Leeds (Mr. Cossitt), and I think I quote him correctly, in order to prevent the possibility of the document being tampered with or destroyed. How can the hon. member argue that his leader is right to act in that way, and then turn around and ask the government to give the hon. member for Leeds four days to think about what he is going to do with the document? The situation is very clear.