

Privilege

I know you have ruled in other cases. I have been up in this House on previous occasions raising questions of privilege. I know about the Quigley case. I know you said that privileges are for a Member of Parliament and not for Mr. Quigley. He is punished for contacting a Member of Parliament, not to worry. You saw what happened in that case. The ruling was that it was none of Parliament's concern, that Mr. Quigley was punished by loss of employment by the Deputy Minister because of his involvement with Members of Parliament. Time goes by, he is reinstated, and then fired again for what I consider to be an inadequate reason.

You, Mr. Speaker, are not going to answer the question in the way you did in the Quigley case, in my humble opinion, because if you set it up so that no one with a problem, in the Canadian Forces or the federal Public Service, can contact a Member of Parliament for fear of recrimination or sanctions or fear of getting into difficulty, then you will indirectly have destroyed the ability of Members of Parliament to function in the performance of their duties.

I could quote authorities to you but, as you said earlier, there is no need, the situation is clear. The obligation is to present a prima facie case of a violation of a Member's privileges. I think I have done that. The facts are there. In my view they indicate a violation of my privileges as a Member of Parliament in a very clear way. It is an attempt to keep me from communicating with a person with whom I have a perfect right to communicate. The reverse also is true. In this case I am referring to Able Seaman Mishik and he was, according to the reports, told not to communicate with me.

Has anyone in this country the right to tell any person not to communicate with a Member of Parliament? Is that not a violation? Is there not something wrong with that? Can you say that if you allow that to occur it will not affect the rights of Members of Parliament? I think it is obvious that we cannot tolerate this kind of abuse. We as Members of Parliament have to decide whether we have duties to perform. If we make that decision, we have to have the capacity and the right to perform those duties untrammelled by anyone's view of what we should or should not be doing. We are going to be judged by the people when we run for office. Do not let us be judged by any other authority other than those that we endorse and condone.

In conclusion, I want to make this point. If you tell me as a Member of Parliament that I do not have protection, that I do not have the force of the Parliament of Canada behind me when I inquire into what I believe to be a case of injustice, I do not have that ability and authority, then tell me because I will not do it. I will not stick my neck out in these situations. Why should I if I am not going to receive the support and endorsement of my peers in the House of Commons represented by you?

I ask you to review carefully the things you said in the Quigley case and come down on the side of Members of Parliament and their right to investigate without fear of molestation, hindrance, interference, or obvious attempts to denigrate them in the eyes of the public.

Mr. Speaker: I think I should say to the Hon. Member for Halifax West and other Hon. Members that I have listened very carefully to the relation of events which has been brought before the Chair. I do not have in front of me the written reasons in the Quigley case, but I seem to remember that it turned on the question of whether or not the Hon. Member who raised the matter had in fact his capacity to act as a Member of Parliament abridged or restricted in an undue way. If that had been the case, it would of course have been within the definition of privilege.

● (1540)

I believe what I decided at that time was that the Hon. Member's capacity to function as a Member of Parliament had not been in any way impaired by whatever happened to Mr. Quigley. I bring this to the Hon. Member's attention, but I will look at it very carefully and will reread the Quigley case. There may be a distinction between what happened in that case and what happened in this case.

I advise the Hon. Member for Halifax West that I shall reserve and I shall look with very great care at his submission.

I think I can say something, at least as a Speaker and as a lawyer, that there is no property in a witness. In this case, the Member of Parliament says that he not only never did, but did not even try to speak to a witness. Even if he did, there is no property in a witness. That is not like phoning a judge. That is not like tampering with a witness, bringing undue or improper influence on a witness. To speak to a witness is a right, not just of a Member of Parliament but a right of any Canadian. I say this because I am concerned about the thought pattern that has been related by the Hon. Member and I think that ought to be clearly understood. There is no property in a witness. There is no law in this country that says a Member of Parliament or an ordinary private citizen cannot talk to somebody who happens to be a witness in a case.

What the law does not allow is tampering with a witness, putting undue or improper influence on that witness, or in some way pressuring, persuading or doing or not doing something, that would influence that witness' capacity to tell the truth, whether that be by threat or by seduction or by whatever other means.

I say to the Hon. Member for Halifax West, who has clearly said in the House today that he did not contact the witness, that even if he had there is nothing wrong with that.

I am concerned about the matter that the Hon. Member has brought in front of me. I say to the Hon. Member and other Hon. Members that the question the Chair must decide is whether the Hon. Member's privilege has been abridged or wronged. As I say again, that comes down to the question of whether what has happened affects the Hon. Member's capacity to carry on as a Member of this place. That is the question I will have to decide. As the Member for Halifax West who as a good lawyer well knows, I will have to do that on the basis of the procedural law of this place.