

Privilege—Mr. Baldwin

I will not belabour that citation before hon. members at this time. I give it to them simply for personal reference. My ruling at that time continued:

The House itself has developed a regime or practice which has grown up to protect members who feel themselves aggrieved by an allegation; it is a protection in the form of a challenge that the allegation either be substantiated, explained, qualified sufficiently or withdrawn.

The arguments which were made in defence at that time were similar to the ones made in defence on this particular occasion; that is, members are entitled to have certain opinions and to express them, whether or not evidence exists in support of them. In effect, that is exactly the privilege which members enjoy.

It seems to me that on that occasion the hon. member for York-Simcoe went beyond that practice by making a very direct statement that an illegal act had been committed by certain ministers and that the government in general was condoning that by keeping those ministers in their posts. The parallel here seems to be evident, because on this particular occasion the right hon. Prime Minister, both before and after the remarks complained of, had made argument in terms and in ways which were quite parliamentarily acceptable. That is to say, that it was his opinion without basis in comparison with opinions held by other members on suspicions about the events. That is quite acceptable and, indeed, to hold a point of view or express it, whether with or without evidence, once it is described in that way is the right of every member in debate.

● (1512)

However, the fact is that when that opinion expressed turns into a direct statement—as it did in the circumstances of the hon. member for York-Simcoe—that an illegality has occurred, it is on that precedent clear to me that it goes beyond the bounds of what is acceptable in a parliamentary sense or what is, in fact, in accordance with the precedents of opprobrious language directed as an accusation against a member or members of the House and ought to be either qualified or withdrawn. On this particular occasion, in the context in which it took place—which must be the necessary background in both cases, both this one and the precedent I have been citing so extensively—there can be no doubt that the remark referred to, reading the precedent back about half a page, referred in particular to members of this House who were members of Her Majesty's Loyal Opposition.

That takes out any ambiguity with respect to "they can stand in their places, but this is the way that they do it". There seems to be, in the context, no hope of any ambiguity with respect to a larger group than the persons who are here represented, any more than there was on the occasion of the allegation of the hon. member for York-Simcoe being directed against the government in general.

When the statement said, "not by having some phony bugs planted in their office, which is the way they do it", that seemed to me to transform it from an expression of opinion into an expression of statement that an illegality had in fact occurred because, as in both cases—in the previous one and in this one—it is an offence, by an act of this parliament recently

[Mr. Speaker.]

passed, either to have in possession or to use in any way the kind of device which was described by the hon. member for Central Nova and which was obviously the device that was being referred to here.

Therefore, comparing the two precedents, it would be in my opinion inconsistent for me to have held in the case of the previous member that he had offended the practices of this parliament and used opprobrious language against a group of members, and not to find the same thing with regard to what happened on November 3 when the Prime Minister made the remarks to which I have referred. Therefore, I say only one other thing, and that is that in all these cases the Chair is placed in great difficulty. It is always, I think, possible to search the precedents and find a technical ground upon which a decision could be based in difficult cases on either side of the question.

I confess that it is my disposition, in these circumstances, wherever the matter comes down to a serious doubt in my mind, to always, in the interest of protecting the dignity of parliament, exercise the benefit of that doubt in favour of asking the hon. member to withdraw any remarks that might, by a reasonable interpretation of the precedents, be offensive; because in doing so, rather than being relaxed about protecting the dignity of parliament, I am being diligent in that respect. Therefore, I say in conclusion that if I have any doubt—and certainly in this case, and all of them are difficult—in asking the Prime Minister either to qualify or withdraw his remarks, I am exercising that doubt in favour of the protection of the dignity of parliament.

Some hon. Members: Hear, hear!

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, of course I accept your ruling. I think you have the difficult duty of maintaining order in this House. This particular ruling has obviously caused you some trouble in finding the proper course. I accept that you have judged in a proper way in this particular case, and to that extent I do take back what I believe you defined as the offensive words, that opposition members had themselves bugged. Perhaps Your Honour will not find it unparliamentary on my part when I say that our suspicion remains.

Some hon. Members: Shame!

Mr. Broadbent: Never wrong!

Mr. Trudeau: That is why we asked Your Honour to conduct an investigation into the whole bugging operation, which still appears fishy to us.

Some hon. Members: Hear, hear!

Mr. Trudeau: We await the results of your investigation, which concerns every member of this House, with great impatience. I want to make another point. In the future, general accusations of the kind I am guilty of will be seized upon by us on this side to raise questions of privilege.

Some hon. Members: Hear, hear!