

Privilege—Mr. Lawrence

But very succinctly, the facts as I understand them, after listening to the hon. member for Northumberland-Durham (Mr. Lawrence), are that the solicitor general wrote the distinguished member with reference to information he was seeking for one of his constituents, to determine whether "Operation Cathedral" by the RCMP was being used with reference to the opening of mail. It is that simple. In the letter it was denied and then, of course, it came out in the evidence—under examination—that they are not always precise in their facts.

Mr. Speaker has found, after hearing argument presented previously and today, that there was a prima facie case of privilege, a breach of the rules. I was rather shocked by the argument presented by one of the most able debaters in this House, the President of Privy Council, (Mr. MacEachen), to the effect there was nothing to this because when Mr. Speaker finds a prima facie case it is merely a first impression on the surface, it is nothing. In the light of that definition, he used all the strength and argument of a red herring to show why the government does not want this matter to go before a committee so that the facts can be determined.

I agree with other members of this House that our committees, because of the way they function, are very inadequate to determine facts. But at the moment they are the only instrument we have under rules which have been forced on the House by closure. We cannot change those committees at the present time at this moment, when a reference to one of them is, hopefully, imminent.

But I want to come back to the hon. gentleman's argument. I was rather shocked that a man as intelligent as the President of Privy Council would give—he probably did it off the top of his head, as a lot of people do—a definition of what constitutes a prima facie case along the lines that it is the first impression on the surface—you make a decision and there is nothing to it. Now, what is the definition of a prima facie case? Let us put that on the record. This is from "Black's Dictionary" and I am sure Wigmore, too, after the volumes he has written in reference to evidence and prima facie would roll over in his grave if he knew the definition given on behalf of the government this afternoon in the highest court in the land. Look at some of these definitions of what prima facie means. "At first sight, on the first appearance". There is nothing wrong with that. "On the face of it, as far as can be judged from the first disclosure, presumably a fact, presumed to be true unless there is some evidence to the contrary." The definition goes on:

Such as will suffice until contradicted and overcome by other evidence.

Let me pause there. This government does not want any other evidence. It does not want the chain of events disclosed before a committee. Where there has been something deliberate in the sense of deceiving a distinguished member in reference to mail written by the solicitor general, one of the highest legal officers in this House, we are told, "Well, there's nothing to that on the surface."

When the Speaker finds there is a breach of the privileges of this House, when he finds that, Mr. Speaker—and you have found that—the only way the case can be met is not by

[Mr. Woolliams.]

political bluff this afternoon; the only way that case can be met is to take that case before the committee. Let the committee of members from all parties listen to the evidence, listen to the witnesses who drew up the letter, obtain the facts, listen to the witnesses who gave the letter to the minister to sign and who drafted that letter—something which apparently appears from what has been said, and submitted now in evidence, to be untrue. When that evidence is met, the prima facie case will be met, and not before.

The definition continues:

A case which has proceeded upon sufficient proof to that stage where it will support finding if evidence to contrary is disregarded.

There follows a reference to certain cases, and these may be found at page 1353 in "Black's Dictionary." It continues:

A litigating party is said to have a prima facie case when the evidence in his favour is sufficiently strong for his opponent to be called on to answer it.

That is all we are asking. We are asking that a committee hear the evidence and, if the government and their witnesses say one thing and other witnesses say another, that committee makes a decision.

The evidence which is now before the House, a prima facie case of privilege having been found, must be met and can only be met by a hearing. The only way we have of doing that is by way of a standing committee. So much for the argument that just because it is a prima facie case it is something on the surface—"somebody's made a quick decision and the decision may be wrong."

● (1712)

I will tell the House what the problem is, and I will put it in a political nutshell. I am glad to see that the Deputy Prime Minister is here. Hon. members opposite do not want this matter to go to a committee. They say that it is before the McDonald commission.

Mr. Pinard: Right on.

Mr. Woolliams: I am right on, and the hon. member will have to agree with my next sentence. The government has forced itself into such a position that it must call a federal election within a few weeks or months, according to the constitution. The government hopes that this thing will drag on before the McDonald commission so that everything will be covered up and swept under the table. That is what the government is hoping this afternoon. That is why the Deputy Prime Minister presented such an able argument. He knows in his conscience, and he knew when he was making his speech, that if this matter goes to a committee, that committee will get down to work either before Christmas or after Christmas, that it will hear evidence, that it will come to some conclusions, that the matter will go before the Canadian people, the jury of this land, and that the Canadian people will turn this government out of office, when it has the courage to call an election.

In the whole argument of the Deputy Prime Minister there was nothing said about Mr. Speaker finding a prima facie case of privilege. If the Deputy Prime Minister did not like what I