

Privilege—Mr. Domm

decision as to whether or not there is a prima facie case of privilege, which is all that is required.

Madam Speaker: I am giving the Hon. Member all my attention. I have not denied him one second of my attention.

Mr. Nielsen: I have not said that you have, Madam Speaker, but I have heard two things. First, a public servant has questioned the truthfulness of a Member. Surely that is deserving of the attention of the Chair, which I am sure the Chair will give it. Second, in that same sentence that public servant concluded that, because he has questioned the truthfulness of the Hon. Member, it has affected his effectiveness in this House of Commons. That must surely be on all fours with a Government that fired a public servant, Neil Fraser, because of a much less offence. This case sounds far more serious to me, questioning as it does the truthfulness, and thereby affecting the effectiveness, of the Hon. Member as a Member of Parliament.

Mr. Domm: Madam Speaker, in the interest of expediting my case, I will refrain from quoting the letter. I will table this rather lengthy letter. I will circulate it to all Members of Government, all members of the Senate and all Members of the Opposition in order that we can determine whether this gentleman deserves to remain in a position in which he took an oath not to do exactly what he is doing. I will not read the oath; I will table that as well.

I would like to produce for the benefit of the house one final example of Mr. Mowers' lack of respect for Parliament and his contempt for the decision-making processes that are now supposedly in place in this country. I am quoting for the final time from Mr. Mowers' letter to the Prime Minister:

● (1510)

Communications the other way—from the government (and the party) to the people—is in a much worse state. These are the reasons and the culprits—

I will leave that for you to examine, Madam Speaker, and I will send all Hon. Members on the Government side copies of documents indicating what he thinks of them. Liberal Members appointed this man through Order in Council. They gave him the authority to have a clipping service from across Canada in order that he can criticize them publicly.

In the correspondence that I will table, Madam Speaker, Mr. Mowers has clearly treated in a libellous manner the Prime Minister, Members of the Cabinet and Members of the Official Opposition, particularly myself, and I am raising this as a question of privilege as it pertains directly to me. I hope that those Hon. Members on the other side will listen.

Mr. Mowers has clearly treated in a libellous manner statements that I as a Member of Parliament have made in the House. In so doing, he has breached his rights and privileges by referring to me.

I refer you, Madam Speaker, to Beauchesne's Fourth Edition, page 98, subsection (3):

Libels on members have also been constantly punished: but to constitute a breach of privilege they must concern the character or conduct of members in

that capacity, and the libel must be based on matters arising in the actual transaction of the business of the House.

I am not going to rely strictly on the section relating to business of the House because Mr. Mowers is guilty of character assassination in response to press releases, letters to the editor and speeches. I cite the case of *Roman Corp. v. Hudson's Bay Oil and Gas Ltd.* which can be found on page 20 of Beauchesne's Fifth Edition. That case clearly established the extension of Members' of Parliament rights outside the House of Commons and therefore under the general umbrella of privilege.

I was planning to refer to examples of what Mr. Mowers has said across the country and to the 200 letters in which he has condemned the Government, the Prime Minister and myself, but I will not do so. I will go on. Mr. Mowers has attempted to discredit me by distributing a damaging letter to my colleagues.

An Hon. Member: Order.

Mr. Evans: So sue him.

Mr. Domm: I hear Hon. Members from the Government side saying "sue him". I might.

I have already quoted from Mr. Mowers' letter and I believe it provides sufficient proof of a serious breach of privilege. I will go on and refer the Chair to Erskine May, Eighteenth Edition, page 147, where the following is stated:

Sending insulting letters to Members in reference to their conduct in Parliament or letters reflecting on their conduct as such Members—

—in carrying out their duties and responsibilities. That is clearly exactly what Mr. Mowers is doing to Government Members and to Members of the Official Opposition.

Beauchesne's Rules and Forms is quite explicit on the enforcement of the privileges of the House. I turn to page 13, Citation 22, which states:

The power of the House to enforce its rules extends not only to Members and others admitted within the precincts of Parliament, but also to members of the general public who may interfere with the orderly conduct of parliamentary business.

I would like to inject here a passage from Erskine May, Eighteenth Edition, page 148, which reads:

"Written imputations, as affecting a Member of Parliament, may amount to breach of privilege, without, perhaps, being libels at common law"—

That answers the Hon. Member's question about whether or not I should take Mr. Mowers to court.

Mr. Evans: Do it.

Mr. Domm: I shall continue:

—but to constitute a breach of privilege a libel upon a Member must concern the character or conduct of the Member in that capacity.

That is what I am asking you to consider as a question of privilege, Madam Speaker.

In accordance with Erskine May, I sincerely believe that the letters written by Mr. Mowers represent a defamation of my character as well as seriously call into question my conduct as