

a decision of this House, then our rights as parliamentarians will cease.

I do not say we are above the law; we are not. This institution is based on the independence of the individual; the right to speak; the right to say what one will even though it may be wrong; the right to be free from the laws of libel and slander, not the right to commit offences. But before proceedings can take place against a member of parliament such as is threatened by the Prime Minister, then have a vote. I know how the vote will go because they will line up like so many sheep on the government side.

I make this appeal, to you, sir. Never have you had a problem more significant to the preservation of the independence of this institution, and it now rests upon you. I ask you to preserve that independence. To that end I ask you to accept the suggestion of the Leader of the Opposition (Mr. Clark) who, in a particularly telling speech, dealt with the situation objectively, thoroughly, fairly, and effectively. Grant the right of the hon. member for Leeds to have a few days grace during which time he determines, on the basis of legal opinion, what course he shall follow.

This question has been fought out in the United Kingdom. I cannot think of the name of the son-in-law of Winston Churchill—

An hon. Member: Soames.

Mr. Diefenbaker: It was 1938 or 1939. He was before the House for revealing information that would be beneficial to the enemy. It is an interesting case. But there parliament acted. It did not have behind it, in the determination that was made, the vindictiveness that was shown this afternoon by the Prime Minister and by the Minister of Transport—at least until the hon. Minister of Industry, Trade and Commerce (Mr. Horner) came in the House.

Some hon. Members: Oh, oh!

Mr. Diefenbaker: Provide three or four days. Nothing can be lost. He cannot conceal. The Prime Minister knows the contents; the government has the document. Why then not allow, not the quality of mercy, but the quality of preserving for this House and its membership protection against threats based in large measure on political vindictiveness?

Some hon. Members: Hear, hear!

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, I rise for just a few minutes because there is one point of detail that concerns me in this whole situation. It is because the detail I have in mind is an important one that I take the time of the House to raise it.

A few weeks ago the Royal Canadian Mounted Police wanted to search the office of a member of this House who was suspected of having violated the Criminal Code of Canada. The police officers in that case were a few levels below the Solicitor General (Mr. Blais), and General Dare, but they approached Your Honour first. It so happened that

Privilege

Your Honour called some of us in to your chamber to discuss the matter with you. You made it clear that it was your decision whether the matter at issue outweighed the privilege of the member and whether permission should be granted to the police to execute such a warrant. In that particular case you had asked the police to be more particular, to have a more solid case than they seemed to have at first. When they did finally get a search warrant from a judge, they came to you again. You had to make the decision. I speak of that matter as one concerning which I have some knowledge because, as one of the House leaders, I was called in to your office on those two occasions.

You told us, sir, on one of those occasions, that when a search warrant was executed against Senator Giguère in the other place, in that instance the consent of the Speaker of the Senate had to be obtained before it was executed. To me this is very important. I am not revealing any secrets when I say that I admitted in the meetings in your office that our privileges did not give us the right to break the law and get away with it. On the other hand, our privileges have to be considered. It was our view then, as it has been my view for a long time, that in a case like this it is the Speaker, as the protector of the members of this House, who has to weigh the evidence and decide whether the privileges of the member entitle him not to have a search warrant issued, or whether the right to execute that warrant should be granted.

● (1642)

What bothers me in this case, unless Your Honour interrupts me and tells me that you were informed, is that that course seems not to have been followed. In the case of the hon. member for the other side, the police officers dealing with it were up the ladder, but they were not as high as General Dare and the Solicitor General. These two seem to have taken it unto themselves to inform the hon. member for Leeds (Mr. Cossitt) that under certain circumstances a warrant would be issued.

Mr. Speaker: In fairness, I have to interrupt the hon. member. I thank him for his references to the other experiences. I have to indicate that I was advised sometime this morning, at about the time mentioned, of the risk that in some circumstances a warrant would be applied for. There was nothing more than the advice of that. I took it as courteous advance notice that some points on these matters may be raised. There was no indication of any position. It did not go that far. It was simply courteous advice in advance that the matter might come up later.

Mr. Knowles (Winnipeg North Centre): I thank Your Honour for that interruption and for filling in that part of the information. Your Honour has underlined the point that I am making. You were advised, but you were not consulted.

Mr. Trudeau: Come on, Stanley. There was no writ issued.

Mr. Knowles (Winnipeg North Centre): The Prime Minister (Mr. Trudeau) says, "Come on Stanley." Well, Stanley is here