

*Privilege—Mr. W. Baker***PRIVILEGE**

MR. BAKER (NEPEAN-CARLETON)—STATEMENT MADE BY MR. KAPLAN

Hon. Walter Baker (Nepean-Carleton): I rise on a question of privilege, Madam Speaker. I wanted to have the freedom of information matter in place before rising on a question of privilege, but since I did not take part in the question period I cannot rise on a question of privilege which applies to me as a participant in the question period. However, I can do so as a member of the House, and it is on that basis that I do so. We have found ourselves in a different position here with respect to what might be called the grease or lubrication which makes this place function appropriately, that is the matter of trust, integrity, honesty and forthrightness which should exist when ministers of the Crown take a position as part of the parliamentary process and that process is reported here in the House of Commons.

Last Friday, a minister, acting under the provisions of PC 18-824, an order which was tabled in the House of Commons and which gives him the authority, made a statement on behalf of the government, acting as minister in a committee. Therefore that matter is here now before us in the House of Commons. The minister gave an unequivocal undertaking on amendments with respect to property rights which were proposed by one party and which were accepted by the minister because they were put by this party, amendments which were repudiated the next day on some other ground, a ground that is now characterized by the Prime Minister (Mr. Trudeau), who is not part of those proceedings, as the wish to expand the level of acceptance. On sheer numbers alone, Madam Speaker, that is a shocking statement when the comparison is made between the 32 members of the rump—

An hon. Member: The red rump.

Mr. Baker (Nepean-Carleton): —of the red rump, whose support they were seeking, and this party, and more than that, the large group of Canadians.

Ministers do not speak idly anywhere, and I suggest that ministers do not remain silent in the House of Commons when, in effect, they have been repudiated by the Prime Minister and by the government. It is the minister's duty to this House to rise in his place to explain precisely what happened, and because he is a law officer of the Crown, one of the ministers who has responsibility with respect to the law, certainly in this matter under that order perhaps he has the duty to consider his own place within the administration and whether or not he can be or should be accepted now as Solicitor General.

An hon. Member: Tell him, Pierre.

Mr. Baker (Nepean-Carleton): The only way in which this government can recover itself with respect to this breach is for the Prime Minister to ask for the resignation or, failing that, for the Solicitor General (Mr. Kaplan) to tender his resignation immediately.

Some hon. Members: Hear, hear!

Mr. Baker (Nepean-Carleton): As Acting Minister of Justice and acting in the capacity of Attorney General of Canada, he is not an ordinary line minister. He carries responsibilities on his shoulders which are far beyond those of an ordinary line minister. It is now apparent that either he was acting under instruction or he was not. If he was acting under instructions, they have been repudiated. If he was not acting under instructions, then he should not hold the portfolio, even of Solicitor General, let alone that of Acting Minister of Justice.

Madam Speaker: Order, please.

Mr. Baker (Nepean-Carleton): The veil of silence is something we cannot take—

Madam Speaker: Order, please. I just want to remind the hon. member that he should not be commenting on what took place in the committee and referring to instructions which the minister might or might not have had. I can accept the argument which the hon. member is making about what took place in the House and what he thinks should follow as a consequence of what happened this afternoon, but the hon. member knows that he must limit his argumentation solely to what took place in the House and not refer to the committee.

Mr. Baker (Nepean-Carleton): Madam Speaker, I am trying to do that within the purview of the case because the matter was raised by members of Parliament on this side of the House in questions to the Leader of the Government, the Prime Minister. We are at this point now that on one of the most crucial matters that we could ever discuss in this House of Commons, we have had a flip-flop of monumental proportions. The House, and perhaps the country, have been deceived, and I think that if the Solicitor General sits silent and makes no explanation, he should not occupy that position. He would do us all and himself a favour by resigning, or he should stand in his place and tell us exactly what happened. But this place cannot operate if a position taken by the government in the House or elsewhere is taken on one day and denied on the next. We cannot operate that way.

I leave the matter now and reserve whatever rights I may have following a statement which I hope will be made by someone with respect to what did occur.

Hon. Bob Kaplan (Solicitor General): Madam Speaker, I will be very brief because the answers which were given by the Prime Minister (Mr. Trudeau) and the Minister of Justice (Mr. Chrétien) were totally responsive to the questions which were asked, and set out all the facts. With respect to my silence, under the rules this is the first opportunity I have had to rise since the matter was raised at two o'clock. None of the questions was directed to me, and this is the first order of business following the question period. So the hon. member is greatly exaggerating the implications of a member remaining in his place and obeying the rules.

● (1510)

I was authorized by the government and under the order in council to represent the Minister of Justice in his regrettable