

Question of Privilege

When members vote upon the particular issue now before the house they ought not in any way to consider, if they vote against the motion, that they are casting any reflection upon the Chair, because the Chair's sole function, as I interpret it, is to decide whether or not the matter should be considered by the house, and is not in any way to prejudge the issue because that is something which the house alone can do.

• (4:00 p.m.)

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, the right hon. Leader of the Opposition a few moments ago made reference to the Canadian Bill of Rights. I do not have a copy before me but if my memory serves me correctly it seeks to protect a number of freedoms. One of those freedoms is freedom of speech, which we all agree should be protected. But another of the freedoms which is protected in the Bill of Rights is freedom of the press. It seems to me that in this case we have to balance these two freedoms one against the other.

I fully agree that Your Honour did the right thing in giving the benefit of the doubt to the hon. member for Edmonton-Strathcona. Your Honour stated clearly that there was doubt in your mind whether something had been written which was injurious to the hon. member, but because the hon. member felt it was you gave him the benefit of the doubt. But, Mr. Speaker, we have a judgment of substance that we must exercise. I think we have to decide whether we would be infringing of the freedom of the press if we used the whole machinery of parliament to call a reporter before us to answer for an article that he wrote in the full exercise of his discretion.

I point out that what this motion would refer to the committee is not just the sentence or paragraph concerning the signals from the admiral, but what would be referred is the whole article which contains not only alleged statements of fact but statements of opinion. I suggest that the whole article is far less dramatic and far less offensive than things we read in the newspapers every day. I submit that we would be putting this parliament in a ridiculous light—

Some hon. Members: Hear, hear.

Mr. Knowles: —if we were to decide that this kind of article calls for the machinery of parliament to be put in motion in the way the hon. member suggests.

I want to support what the Minister without Portfolio has just said. As a matter of

[Mr. Turner.]

fact, when I was getting to my feet I had the same citation before me, but I do not need to read it again. I agree with him, that any vote we may cast now is not a reflection on Your Honour's decision. What Your Honour decided was not that in substance there had been a breach of privilege. What you decided was that on the face of it the hon. member for Edmonton-Strathcona had a case and therefore had the right to move the motion. But the decision whether in the opinion of parliament there has been a substantial breach of privilege, one that calls for the action that is proposed, is one that every member of this House of Commons must make if a vote is called.

I go along with the Leader of the Opposition and every other member of this house in stating that it is our purpose to protect the privileges and rights of parliament. But I submit that parliament is but one institution in our total Canadian society. We have a way of life that we must protect. One of the elements of that way of life is freedom of speech outside parliament and freedom of the press outside parliament. Oh yes, we have the duty to see that this does not become licence and is not carried too far, but what we have to do today is make a judgment on the specific article that appeared in *Le Droit*, all 11 or 12 paragraphs of which by this motion would be referred to our committee on privileges and elections.

I believe we would be doing a ridiculous thing if we were to take this action. We would be setting a very serious precedent. In fact I am sure that from the various corners of this house every day we sit an article just as critical of some member could be raised, or a cartoon or what have you, and we could spend our whole time quarrelling with the press. I urge, therefore, that just as Your Honour gave the benefit of the doubt to the hon. member, when we vote we should give the benefit of the doubt to the freedom of the press, which we think we must support just as much as we support freedom of speech in this House of Commons.

Hon. Paul Martin (Acting Prime Minister): Mr. Speaker, the right hon. gentleman suggested that as one of the senior members of the house, and as Acting Prime Minister at the moment I have a responsibility to reply to some of the strong allegations which he made. I suggest to the right hon. gentleman that if it were not for the fact that he is himself a senior member of this house, a former prime minister and a vigorous Leader