

## HOUSE OF COMMONS

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Wednesday, October 12, 1966

The house met at 2.30 p.m.

### PRIVILEGE

MR. NUGENT—ALLEGED TAMPERING WITH  
WITNESS BY DEFENCE MINISTER

**Mr. Terence Nugent (Edmonton-Strathcona):** Mr. Speaker, I rise on a question of privilege affecting all hon. members of this house. I am glad to see that the Minister of National Defence has taken his place, because the charge affects that minister.

My charge, Mr. Speaker, is simply this; that the Minister of National Defence has breached the privileges of this house by tampering with a witness in respect of the evidence to be given before a committee of this house, the witness being Rear Admiral W. M. Landymore, the committee being the standing committee on national defence, and the evidence in question being the admiral's brief presented to the committee on June 23, 1966.

Mr. Speaker, a brief résumé of the facts I believe is necessary to establish a prima facie case of breach of privilege. For the purpose of the prima facie case I will deal very briefly with the events as I understand they occurred. The committee requested the presence of Admiral Landymore before it to give evidence in respect of his command; the admiral prepared a brief of the evidence which he thought was requested and which in his opinion was necessary to comply with the wishes of that committee.

The admiral was requested or ordered by the Minister of National Defence to appear in the minister's office prior to meeting with the committee for the purpose of having the minister hear that brief. The brief was presented orally to the minister in his office, and at the conclusion of that presentation the admiral was requested to leave a copy with the minister. Quite late that evening the brief was returned to the admiral, and when he checked it over he found that part of it had been taken out—four pages to be exact—and two pages substituted therefor. My instructions are that he saw the minister the next morning, at which time the minister indicated and defended the reason the brief was changed.

• (2:40 p.m.)

The admiral says he did not consent to the change in the brief and that the changes made were very substantial in that they related to the personnel question in the command. He indicated that not only were four pages taken out of the brief, but an accompanying chart and a graph were missing.

In my opinion the result of this was that an important part of the admiral's testimony to the committee was removed with some innocuous words substituted therefor. This deprived the committee of information which was absolutely essential if that committee was to give consideration to the points in respect of which it was meeting.

It is my contention, sir, that neither the minister nor anyone else has the right to interfere with a witness or the testimony he intends to give, and that this is sufficient to establish a prima facie case. I have some references as to the legal situation, but let me say briefly at this time that the charge is based on citation 308 of Beauchesne. Let me read the first sentence of that citation. It states:

To tamper with a witness in regard to the evidence to be given before either house or any committee of either house or to endeavour directly or indirectly, to deter or hinder any person from appearing or giving evidence is a breach of privilege.

That is the breach of privilege alleged, Mr. Speaker. If the Chair wishes further support of my argument I shall be pleased to provide it.

**Some hon. Members:** Hear, hear.

**Mr. Speaker:** Order, please. I have listened with a great deal of interest to the question of privilege raised by the hon. member for Edmonton-Strathcona. That hon. member referred to one citation of Beauchesne, and I should like to refer him to another, namely citation 104(5) which reads in part as follows:

As a motion taken at the time for matters of privilege is thereby given precedence over the prearranged program of public business, the Speaker requires to be satisfied, both that there is a prima facie case that a breach of privilege has been committed, and also that the matter is being raised at the earliest opportunity.

I should also like to refer the hon. member to page 378 of May's seventeenth edition, where the following is stated: