

Privilege—Mr. Stanfield

are trying to protect our constituents from oppression by the state. That is what we are doing. If, in doing that job, Your Honour finds a *prima facie* case, and I submit there is an overwhelming *prima facie* case here to put the motion, because the documents speak for themselves that in fact there is direction to the RCMP to place members of parliament under surveillance, then there is no other way those documents can be interpreted or read. Some members of parliament must have been placed under surveillance.

How then can this House be denied at least the opportunity to inquire as to whether those rights have been interfered with? Is this government going to deny that? We should at least have the opportunity to see if its members have the courage to stand up again and say they will not allow us even to look at this particular subject as members of parliament.

I submit there is an overwhelming *prima facie* case that an instruction was given to the RCMP to put members of parliament under surveillance; admittedly, the evidence is, if they have information on a particular member. However, that is an interference with the right of a member of parliament to do the traditional thing that he must, which is to have the freedom to represent his constituents.

As I say, the case of the hon. member for Nickel Belt was *prima facie*. It was direct. In fact it was substantiated by an affidavit wherein Mr. Warren Hart said he was willing to spend 14 years in jail as a—

Mr. Speaker: Order, please. The hon. member has made some reference to that argument which is one that has served its purpose in the past. It has a rather limited application to this particular case. We really ought to stick to the facts of this case.

Mr. Leggatt: Getting back to the question at hand, Mr. Speaker, I can appreciate that you might have some difficulty with persons who are not members of parliament who could allegedly come under surveillance under the guidelines that the hon. member for Halifax mentioned. However, the argument that somehow there is another forum looking into that is a false argument. If Your Honour would simply examine its terms of reference, you see it has no jurisdiction to inquire into the rights of members of parliament in this place.

There is no other forum that can examine the rights of a member of parliament other than this forum, the highest court in the land. If Your Honour were tempted to accept the argument of the Prime Minister and the Deputy Prime Minister that there is a forum that is examining this subject, therefore let them do it, I say that is a specious and false argument. Your Honour has pointed that out many times in the past. In fact the rights of members of parliament must be determined in this place, not by the McDonald inquiry. Therefore, I would urge you to reject that kind of argument in terms of the material which has been placed before you.

I submit again there is a very strong *prima facie* case based upon the fact that by law a member of parliament continues to be a member of parliament during a campaign. There is a directive to the police forces of this country to place certain

[Mr. Leggatt.]

members under surveillance. It is therefore the duty of this House to determine the extent of that surveillance to protect the rights, not of members of parliament, but of the people of Canada.

Mr. Ray Hnatyshyn (Saskatoon-Biggar): Mr. Speaker, I listened with great interest, as I am sure you did as well as other members of the House, to the arguments put forward, both pro and con, on the motion of the hon. member for Halifax (Mr. Stanfield). I want to be brief, but I do not want my brevity to indicate any lack of sincere concern about the gravity of this motion.

● (1552)

I want to join with those of my colleagues who have rejected the proposition put by the Deputy Prime Minister (Mr. MacEachen) when he suggested that the purpose behind a motion of this kind is that we, as members of parliament, are trying to expand our rights individually. Nothing could be farther from the truth, and the Deputy Prime Minister knows full well that what is of interest and importance here is the requirement that we must always try to expand, not upon the rights of individual members of parliament, but the rights of the individual citizens of our country who is indeed deeply affected by the possibility of surveillance of the democratic process.

I want to distill as much as I can the facts which I think Your Honour must consider. There has been in a document an unequivocal admission of surveillance with respect to candidates for office, and I say that Your Honour's role will be to determine whether parliament and its rights as an institution and the rights of members of parliament are affected by the existence of this kind of practice within the security service.

The affirmations made by the Prime Minister (Mr. Trudeau), the Deputy Prime Minister, and the Solicitor General (Mr. Blais) that within their knowledge no present member of parliament has been the subject of surveillance simply begs the issue. It is clearly admitted that candidates have been under surveillance. It is clearly admitted by the Prime Minister, the Deputy Prime Minister, and the Solicitor General that the information they have has been given to them by other parties. What I am saying is that the way these hon. gentlemen have framed their statements with respect to members of parliament indicates a qualification, and the point I think important is that if there is a question of degree or any qualification to the statements made by the Prime Minister today, for example, it is incumbent upon Your Honour to allow this motion to go before the House so that the committee can determine by cross-examination of those involved, by examination of documents, and by the introduction of witnesses—the proper forum would be a committee of this House and not the McDonald commission—whether or not there has been a direct or indirect operation affecting the rights and privileges of members of parliament.

I think Your Honour has to judge whether the statements made by the Prime Minister, the Deputy Prime Minister, and the Solicitor General somehow render this whole proposition invalid because they have given their word that no member of