

Privilege—Mr. Shields

moment the next time I was in Edmonton. I asked him what it was for. He said: "Well, I might as well tell you. It is to serve you with a statement of claim". I asked him where the statement of claim was from and he said it was from the solicitors for Hurtig Publishers and that I was now being served with a statement of claim and going to be sued.

I am truly surprised that Mr. Hurtig has decided to proceed in this fashion. However, the action by Mr. Hurtig and Hurtig Publishers goes to the very heart of a Member's obligation, a Member's right, a Member's privilege to ask questions in a free and unfettered way in the House of Commons. If we lose that—

Mr. Speaker: I only interrupt the Hon. Member to ask if it is possible to have copies of these letters and the notice of intention. Also, does the Hon. Member have a copy of the statement of claim to which I think he referred? If so, I would like to have those copies as soon as possible.

Mr. Shields: Thank you, Mr. Speaker. Yes, I do have copies of the two letters. I do not have them with me but I will make sure that Your Honour receives them. I phoned my solicitor in Edmonton and asked him to receive the statement of claim on my behalf, which he said he would do.

If a Member of the House cannot place questions on the Order Paper or indeed ask questions in the House without the fear of legal action being taken against him, then the very heart of this institution in my view will be cut out. Individual Members' effectiveness will be destroyed because it is their privilege to speak freely without fear.

I believe that my privilege as a Member of Parliament has been violated by the actions of Mr. Hurtig and Hurtig Publishers. I ask you, Mr. Speaker, that if you feel that I do have a prima facie case of privilege that the case be referred to the House of Commons Standing Committee on Elections, Privilege and Procedure.

I have had assistance in putting my privilege together by the Hon. Member for Peace River (Mr. Cooper) who will discuss some of the technical matters.

Mr. Speaker: I thank the Hon. Member for Athabasca (Mr. Shields), especially for his co-operation brought about by not only my own intervention but by the intervention of the Hon. Member for Ottawa—Vanier (Mr. Gauthier) who, along with perhaps other Members and the Chair, were a little concerned about just exactly what was the point. The Chair has no doubt at the moment as to what the point is.

I might indicate to the Hon. Member that on the basis of what he has said thus far that it is a matter that is giving the Chair some concern. I will hear the Hon. Member for Peace River and the Hon. Member for Ottawa—Vanier in a moment, and other Hon. Members if it is necessary.

Mr. Albert Cooper (Peace River): Mr. Speaker, I wish to take a few moments to intervene on the question of privilege

put forward by my colleague, the Hon. member for Athabasca (Mr. Shields). From the information that I have received and from looking at the case very briefly, there appears to be no doubt that the case does apply to the guidelines of a prima facie case of privilege.

I would like to put before the Speaker a couple of arguments that I think will demonstrate why we have a prima facie case of privilege here. The first valid point is that it is a well known rule and recognized fact in the House that the absolute fundamental of any case of privilege is the freedom of speech. I do not need to refer to the various quotations that would apply to that from either Beauchesne's, Erskine May or any other documents.

In addition to that, we know that Hon. Members are also to be free from intimidation or threats that would try in some way to direct their actions. If we look at Beauchesne's Fifth Edition, Citation 67, we see that it states:

It is generally accepted that any threat to a Member, attempting to influence his vote or his actions as a Member, is a breach of privilege.

After the evidence that I have heard from the Hon. Member for Athabasca, I do not see any doubt that what we are dealing with here is a clear threat or an intimidation, an action that is designed to silence or influence the actions of the Hon. Member for Athabasca.

If we also look at some other references, for example, page 17 of the *Précis of Procedure*, the second edition that has been put out and which has been very useful to Members, we see that it states:

Every Member may state "whatever he thinks fit in debate, however offensive it may be to the feelings, or injurious to the character of individuals; and he is protected by his privilege from any action or libel, as well as from any question or molestation."

It is very clear that we as Members are free to ask questions, whether they be written or oral, in the House of Commons, no matter what information comes out of them, and no matter how injurious that may be to the character of an individual or corporation. We are then as individual Members protected from libelous action.

• (1540)

If we look further and return to Beauchesne's, Citation 56 very clearly states that any statements made in the House are not to be subjects of court actions, and they are absolutely within the privilege of the House of Commons.

What we are dealing with here is a question put on the Order Paper by the Hon. Member for Athabasca. That question was responded to in the House. That information has then become the basis of this lawsuit. I think it is very clear that the Member for Athabasca should not in any way be involved in this particular lawsuit. The fact that he is involved in one is clearly a breach of his privileges.