

Privilege—Mr. Hnatyshyn

The point I want to raise by way of a prima facie case this afternoon is that this particular attack on the citizenship court is one which affects the rights and privileges of all Members. I think it would be helpful to us if I were to read specifically the contents of this letter which I have in my hand. I have given copies to the Prime Minister (Mr. Trudeau) so that he is apprised of the correspondence. As he indicated he may not have been, I felt it was a courtesy to let him have this information.

This is a letter from the Minister of Labour to the then Secretary of State who is now the Minister of State for International Trade (Mr. Regan). I make the point that while the letter is to the then Secretary of State, it has been published in the legal sense inasmuch as copies have been sent to the Metropolitan Toronto Political Action Committee and also to all Toronto Ministers of the Cabinet.

I will read the letter, Madam Speaker, and you will see the severity of the accusations and statements made which, I suggest, verge on, if not in fact meet, the test of libellous statements.

The letter is addressed to the Hon. Gerald Regan, P.C., M.P., Secretary of State, House of Commons, Ottawa, and is dated November 20, 1981. It reads as follows:

● (1540)

Dear Gerald:

Following letters I wrote you and your predecessor in recent months on citizenship matters, I am taking the liberty of writing this time on the organization of citizenship judges. Repeatedly the point has been made with me that:

(1) there is a structure of national and regional co-ordinators which is costly and considered unnecessary; judges seem to resent that organization because it causes internal frictions;

(2) judges are expected to show more rejections in their workload as one criterion of good performance; women applicants have to pay for this insane requirement;

(3) apparently one or more clashes between groups of English-speaking and French-speaking citizenship judges have taken place at a recent annual meeting;

(4) apparently deliberate efforts are being made to keep applicants from one ethnic group from being interviewed by the judge who comes from that same group.

If these points are important enough to you, I would take the liberty of suggesting a thorough review of the situation. In addition, as mentioned in my last letters, rules and regulations are being applied which do not seem to have any resemblance to the legislation. I am available for elaboration on these points and on the examples I have brought to your attention in previous letters.

With kind personal regards,

The letter is signed "Charles" over the signature of "Charles Caccia".

My question of privilege is simply this. You will take notice of the provisions of the Citizenship Act which established the Citizenship Court. There are many precedents which have been dealt with in this House of Commons regarding what I consider to be criticisms not only of the judiciary, but criticisms of judgments of individuals and the collective judiciary. In this particular case, outside the House of Commons a Cabinet Minister gave to those people who received the publication of this particular allegation the imprimatur of being the considered view of Members of this House of Commons.

Madam Speaker, I think that you can see, and you will agree, that when it is alleged in a very racist statement that apparently efforts are being made to keep applicants from one ethnic group to be interviewed from one who comes from another group, the reference is that the Citizenship Court judges are conspiring against the responsibilities that are to be carried out under the Citizenship Act.

When you consider that the allegation is made by a Member of this House that judges are expected to show more rejections in their workload as one criterion of good performance, when Parliament has spoken on these issues by the enactment of legislation, and when a Member of this House, a Member of the Cabinet bearing responsibility, says that rules and regulations being applied have no resemblance to the legislation, it reflects upon the House.

There are analogies not only in this country but in the United Kingdom, at the Mother of Parliament, of recent vintage. By way of example, the Solicitor General for Scotland in the United Kingdom recently said publicly—

Madam Speaker: Order, please. Is the Hon. Member arguing that a Minister of the Crown cannot write a letter to express an opinion on the way some person is applying the legislation? The Hon. Member has not yet told me where his personal privilege has been affected. The Hon. Member knows that a Minister does not necessarily speak for Parliament. He speaks for himself, for Cabinet, his caucus, and all these other things, but certainly not for Parliament. So I cannot accept that argument. If the Hon. Member has other arguments, especially as to where his privilege has been affected, I will be glad to listen to him.

Mr. Hnatyshyn: Madam Speaker, there are two points I would make. I am not objecting to the fact that one Member of Parliament writes to another, whether it be a Cabinet Minister or not. That is not the point. This document has been published by virtue of the fact it has been circulated among a number of people in Canada. By doing this, the Minister has indicated in no uncertain terms that legislation passed by this House of Commons, this Parliament as a whole, is being abrogated. He casts an aspersion on Members of the judiciary, namely the Canadian Citizenship Court.

The point is simply this. Members of Cabinet have a responsibility to reflect the views of the House of Commons in accordance with those authorities which we give by way of legislation, practice or tradition. What has happened here is without authority, without sanction or legislation. By virtue of no tradition, the Minister has circulated an accusation which affects the privileges of all Members of the House of Commons. The Minister is making the allegation that Citizenship Court judges are not performing the task that we as legislators have enacted.

I was making an analogy. In the United Kingdom, the Solicitor General of Scotland made a public statement that the laws relating to rape in that country were not properly constituted and were not being properly handled. Because of that statement made in public, the British Prime Minister asked for