

*Privilege—Mr. Baldwin*

committee. What was the ruling made by Mr. Speaker Michener as he dealt with this serious question? He said that no member could be investigated in the House of Commons unless a charge was made.

It is a fundamental question. You cannot waltz around the issue by making vague motions and ask for a member's conduct to be investigated unless a charge is made. The hon. member for Winnipeg North Centre is advocating a course of irresponsibility. That is why I do not accept his proposition that a charge is unnecessary—

**Mr. Lambert (Edmonton West):** It is not.

**Mr. MacEachen:** —on the part of an hon. member if the conduct of another hon. member is to be investigated.

**Mr. Lambert (Edmonton West):** It was a misinterpretation.

**Mr. MacEachen:** Therefore, Mr. Speaker—

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, I rise on a point of order and wish to ask the minister a question. Does he not agree that I was not saying that a member did not have to lay a charge? I was contending that nothing in the rules or precedents requires such a member to put his seat on the line. That was the point.

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

**Mr. Knowles (Winnipeg North Centre):** Is it not true that Mr. Speaker Michener's ruling did not change that position?

**Mr. MacEachen:** Mr. Speaker, of course there is no Standing Order which recommends that an hon. member should put his seat on the line. But it was advocated in the House in earlier days, when standards of honour apparently were a bit higher, that if any member falsely accused another member, and his charge could not be supported by a standing committee, he should put his seat on the line. Otherwise this is nothing but total irresponsibility.

The hon. member for Winnipeg North Centre says, "Well, it is all right for a member to take action if something is published. I did it myself". The hon. member for Winnipeg North Centre makes that case. Surely, what is possible for the hon. member for Winnipeg North Centre should be possible for the Minister of Transport (Mr. Lang).

**Mr. Hees:** Nobody is arguing against that.

**Mr. MacEachen:** Of course, the argument made by the official opposition is that what the Minister of Transport did in taking private legal action or seeking legal advice was improper. But there is another point I ask the House to consider. Is the hon. member for Winnipeg North Centre right in saying that if an hon. member seeks to prevent defamation from happening, that offends against the privileges of the House?

**An hon. Member:** Defamation of what?

[Mr. MacEachen.]

**Mr. MacEachen:** Defamation of character. Does it offend anyone's privileges if I, feeling that a publication will defame me or slander me, prevent that defamation or slander from taking place? Am I offending any member's privileges.

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

**Mr. Paproski:** Where is the defamation in the article?

**Mr. Hees:** Yes, where is it?

**Mr. MacEachen:** It would be monstrous if any member of the House were to suggest, for example, that if the hon. member for Don Valley (Mr. Gillies) felt a publication coming out would damage his good name or that of any other member, he should not be entitled to the recourse of any ordinary citizen and stop it. That is the issue. I hope Mr. Speaker will not be party to that monstrous suggestion made by hon. members opposite.

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

**Mr. Speaker:** Order, please. The hon. member for St. John's West (Mr. Crosbie) has sought the floor several times. I deferred recognizing the hon. member because he indicated yesterday that he proposed to explore new ground. Therefore, I thought I ought to hear those who intended to contribute to the main question.

**Mr. James Gillies (Don Valley):** Mr. Speaker, I hesitate to debate this question with learned members who have served a long time as members of this House. Let me reinforce my point and make it clear. This question, I think, is one of the most important issues which has arisen in the five years I have served as a member of parliament. Is not the fundamental question before the House the freedom of the press of this country? It is not a question of whether the Minister of Transport (Mr. Lang) feels he was defamed, or if I or anybody else feel we might be defamed. Surely we are considering a fundamental question, the protection of the rights of the press of this country.

We are also considering the responsibilities of a cabinet minister who may influence events and has some power to determine what eventually happens in the press, particularly with regard to licensing arrangements. Aside from all that, what we are doing in the House is in order to be absolutely certain that the freedom of the press, the underlying foundation of liberty and democracy, is not threatened. I argue seriously that the individual member of parliament who is without administrative or legislative responsibility, except as to the manner of his voting, is in a position fundamentally different from that of a cabinet minister who may be in a position to exercise power and influence over a publication. Surely that must be taken into consideration.

I am not greatly concerned about what was or was not said in that particular article, but I am desperately concerned about the liberty of the press and if the press feels it cannot publish because of its concern. I do not want the press to feel