

—I enclose copies of documents relating to control of access to the transcript of the hearings of the Taschereau-Kellock Commission of Inquiry. This transcript is in the custody of the Public Archives—

This letter is from the Dominion Archivist.

—for permanent preservation, but access to it is controlled by the Clerk of the Privy Council. These records were declared "exempted" by the Clerk as allowed for by Section 1 (v) of the Access Directive (please refer to attachments: P.M. Pitfield to W.I. Smith, 3 February 1978; Access Directive of June 1977).

The Access Directive policies, dating originally from 1969, deal with both the transfer of federal government records to the Archives and access to records. I understand that these policies will be extensively revised in the light of proposed new privacy and freedom of information legislation.

If there is any further information I can provide, please let me know.

He enclosed copies of Mr. Pitfield's letter of 1978 to him and also an access directive from the Privy Council office dated November 14, 1978. All those measures were taken during the regime of the present Prime Minister of Canada who was also the then prime minister. Nowhere is there any legislative authority for those directives; nowhere is there any indication that legislation was passed by the Parliament of Canada enabling Mr. Pitfield or those from whom Mr. Pitfield took orders to do what he did.

When I complained about this verbally through my officials to Dr. Smith, the answer that came back to me, undeniably, was that these things were sewn up tight as the result exclusively of cabinet deliberations, and that these cabinet deliberations could not be challenged by me now as a result of the undertaking given by the then prime minister to the previous prime minister.

In the last few months of the Clark administration, and since I was not happy with that answer in any shape or form, I then caused an investigation to be started in conjunction with the Department of Justice to find out if there was any legislative authority for an action which I believed the previous government had undertaken that was absolutely illegal and without any authority whatsoever.

My colleague, the hon. member for Leeds-Grenville (Mr. Cossitt) put a number of questions on the Order Paper that I wanted to ask after our government fell and we were back in this House. One of them was an inquiry whether there was any legislative authority for these actions. The written answer given to the hon. member for Leeds-Grenville was so evasive, as most of them are, that it is apparent to me today that there is still no legislative authority for this very extraordinary action.

I honestly felt, before becoming solicitor general, during my term in office and since then, because of the gross errors that were made at one time by a previous administration and by others who were our allies, that after 35 years the release of this documentation would certainly show those faults, those errors and that negligence so that this type of activity could be prevented in future by using a little bit of hindsight.

To return to the question of privilege, Madam Speaker, I honestly feel that my rights as a member of this House have been transgressed by the Prime Minister. I hope he will now be big enough to stand up and apologize. He should appreciate now that I made attempts, and that I am still making attempts

Privilege—Mr. Lawrence

outside this House, to obtain the release of those papers. I ran into a brick wall; I was frustrated by bureaucrats and I was also frustrated by the actions of his previous administration. I hope he will be big enough now to stand up and apologize to the House.

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, I do not think that was a question of privilege, but I will let you rule on that. I want you to accept the invitation to stand up and speak on this matter. What I want to do is to try to clarify a little bit the law and the conventions as I see it.

The hon. member keeps saying—

Mr. Andre: Since when do conventions matter to you?

Mr. Trudeau: —that illegally we extended the confidentiality provision by ten years because there is no legal provision to that effect. I indicated in answer to an earlier question that I knew not about the law in this matter but I did know about the convention. After the Taschereau papers were closed, I believe the convention was established—long before my time—that papers so classified would be classified and held by the archives for 50 years. Whether that was by law or by convention I cannot say. But I do know that in response to historians in many parts of the country, and representations from public servants, that I thought 50 years was too long. If the original 50 years had remained the rule, the Taschereau papers would be in the archives until some time in the late 1980s.

I intervened, as I explained earlier, after consultation with the Right Hon. Mr. Diefenbaker and the Right Hon. Mr. Pearson. I said, "Look, can we not agree that 50 years is too long? We could shorten it to 30 years." After some discussion and hesitation I got their agreement to shorten the period to 30 years.

The reason I needed their agreement was the reference to papers that had been classified not only under their administration but under the administration previous to theirs, that of Mr. St. Laurent's. Having received the approval of the surviving former prime ministers, then either in cabinet or by an order—I believe it must have been in cabinet since the hon. member is referring to a cabinet decision—we issued a directive that henceforth the 50 years would be reduced to 30.

The point I was making in my earlier answers is that the right hon. gentleman, the Leader of the Opposition (Mr. Clark), when he was prime minister could have done what I did: He could have said that 30 years is too long or 30 years plus the additional ten that were given by directives in 1970 is too long and that the period should be reduced to 20 years, say, or ten, or five, or one—I don't care. That is the point I am making to the Right Hon. Leader of the Opposition. I am not saying that the former solicitor general could have access to those papers any more than I am saying that my own Solicitor General (Mr. Kaplan) could have access to those papers.

The point I am making is that it is the government of the day, under law or under convention, that decides how long papers will be classified. I am sure the Right Hon. Leader of the Opposition knows that. When the privacy legislation has