

● (1642)

Mr. Huntington: Mr. Speaker, I am very close to that. However, I would like to point out that this is not a civil law suit—I can deal with those—this has political overtones and that is the reason I have raised the matter today. However, the complaint of the union is much less specific, alleging that:

The defendant intended to deprecate the operation of the union and to prevent it from carrying out its lawful activities as a bargaining agent on behalf of its members.

So far I have stated the facts of the case. I come now to my complaint of privilege. I believe that I am the victim of harassment and attempted intimidation by the union in that, by their tactics and the inexplicable length of time which it has taken them to pursue their case, they are obstructing me in my parliamentary duties.

I have been forced to spend a great deal of time and to incur considerable expenses in respect of a law suit which, I believe, is being deliberately drawn out as long as possible, and which may never even come to trial. My lawyers agree that this is strange behaviour on their part. I have no apprehensions about defending myself in court, and indeed I should like to resolve the issue once and for all, but I am deeply concerned at the extent to which this matter is consuming valuable time which, as a busy member of parliament, I cannot spare. I believe also that I am being subjected to a form of pressure the purpose of which is to silence me and to prevent me from publicizing the information I have concerning the activities of the Canadian Union of Postal Workers.

The condition of the Post Office is a matter of grave national importance. Some of the things which are happening cry out to be exposed, and members of parliament have both the right and the duty to speak out on any matter affecting national interest. Should trade unionists, corporate officers, or anyone else, ever succeed in muzzling the elected representatives of the people, it would be the end of parliamentary democracy in this country. I can think of no greater threat to the well-being of this nation than to allow this kind of obstruction and intimidation to succeed.

I recognize that it is the right of any citizen to seek redress if he believes he has been slandered or libelled. But he has to have solid grounds to support his case. I believe that in the present situation there are unusual circumstances because, as a member of parliament, I am being harassed in relation to a stand I have taken on a matter of undeniable public concern.

My complaint of privilege calls upon two principles; first of all a member's right to protection from obstruction in the pursuit of his duty and, secondly, the concept of what constitutes a proceeding in parliament.

Freedom from molestation is an ancient parliamentary privilege which, although it has never been defined, has been very widely interpreted. A former Clerk of the British House of Commons, Sir Gilbert Campion, interpreted molestation as:

... including not only assaulting or insulting members, or challenging them to fight on account of their conduct in parliament, but even attempting to influence them in their parliamentary conduct by improper means.

Privilege—Mr. Huntington

I have taken this quotation from a memorandum by Mr. L. A. Abraham which was submitted to the British Select Committee on Parliamentary Privilege whose report was published on December 1, 1967. The words I have quoted appear on page 93 of that report. The committee devoted four paragraphs of its report to the concept of "freedom from molestation", and described it as "doubtful and unclear". They recommended that the use of the expression be discontinued in order to avoid confusion, pointing out that a member's right to protection against conduct amounting to improper obstruction, which was undeniable, amounted to much the same thing. The relevant paragraphs are numbered 109-112 in the committee's report.

This committee also dealt with the citizen's right to make fair comment on a matter of public interest. It added the following reservation, however:

But if the rights of a citizen, though enforceable in the courts of law, are so exercised as to be likely improperly to obstruct the member in the performance of his parliamentary duty, it must be within the power of the House to restrain him.

This observation appears in paragraph 46 of the report. I submit that the actions of the Canadian Union of Postal Workers are calculated to obstruct me in the performance of my parliamentary duties.

I would like to turn now to the question of what constitutes a proceeding in parliament. This is a term which has apparently never been defined, although it seems clear that there are circumstances in which a matter arising outside parliament may be treated as a proceeding in parliament. There is one important Canadian precedent involving the present Prime Minister (Mr. Trudeau) and a former minister of energy, mines and resources, the present Senator John Greene.

The case, which occurred in 1970, concerned the sale to the Hudson's Bay Oil and Gas Company Limited of certain shares owned or controlled by Mr. Stephen B. Roman and the Roman Corporation in Denison Mines Limited. The Prime Minister and his colleague advised the House of Commons that legislation might be presented to prevent the sale because it would result in a substantial interest in Denison Mines Limited passing into non-Canadian hands. Subsequent to the declarations made in the House, the minister of energy, mines and resources issued a press release repeating substantially what he had said in the House. The Prime Minister sent a telegram to Mr. Roman referring at length to his colleague's statement in the House.

Mr. Roman and the Roman Corporation sued the Prime Minister and the minister of energy, mines and resources for damages arising out of changes in government policy which resulted in the cancellation of the agreement with the Hudson's Bay Oil and Gas Company. The case was dismissed on the grounds that the press release and the telegram were extensions of statements made in the House of Commons and were therefore equally privileged. The decision was upheld by the Ontario Court of Appeal in 1971, and by the Supreme Court of Canada in 1973. In support of his judgment in the Ontario High Court, Mr. Justice Houlden quoted from a 1963