

as being that he could not face an independent court action against him.

Mr. Bob Brisco (Kootenay West): Mr. Speaker, may I terminate the discussion by putting a couple of simple questions to you? May I suggest that, in the first instance, in the reference that you made to the rights of members being the same as the rights of average citizens, while it is true that we all enjoy the same rights and, I hope, we have no additional rights, it should be understood that the role of Minister of Transport transcends the role of the average citizen, at least in the perception of the public. In that context I ask you, Mr. Speaker, in view of the remarks made by the Acting Prime Minister (Mr. MacEachen) that the actions taken by the Minister of Transport (Mr. Lang) were no more and no less than an average citizen would take, what average citizen would have the opportunity to know in advance of the publication of such an article and, indeed, would have the opportunity to stop the publication of that article at least in the province of Saskatchewan? That summarizes the concern that I, at least, and other hon. members have. I would like now to see us begin the debate on the opposition day motion.

Mr. J. P. Nowlan (Annapolis Valley): Mr. Speaker, I did not intend to get involved in this potentially substantive question of privilege, as was said earlier by the hon. member for Don Valley (Mr. Gillies), and the hon. member for Peace River (Mr. Baldwin), but the last intervention of the Minister of Transport (Mr. Lang)—who was formerly minister of justice—prompts me to put these few points before Your Honour. They are in line with Your Honour's admonition given earlier today and what the hon. member for Grenville-Carleton (Mr. Baker) and the hon. member for Winnipeg North Centre (Mr. Knowles) said, that the only issue is whether or not there is a prima facie case here involving the privileges of members of the House and of the people whom we represent.

I must say that I have not seen the article. I was on the move all weekend and I was not in Saskatchewan. I have not had a chance to read it. In terms of the details of the article, I have nothing to say on that, but I am intrigued by what the minister just said, namely, that he instructed his lawyers and as a result his lawyers made a phone call to at least two papers in Saskatchewan.

Mr. Lang: Not phone calls, letters.

Mr. Nowlan: The minister says his lawyers wrote letters to the papers in Saskatchewan. I would like to know when the minister was first apprised of the article. Was he given an advance copy? When did he give instructions to his solicitor? Were only the two papers in Saskatchewan involved, or were letters written to all the papers where this article would appear. And now that it has appeared, has the minister given instructions to commence a defamation suit against the papers which published the article? If he has not, is he suggesting a double-standard in defamation, that the facts in the article could defame him in Saskatchewan but could not do so in the

rest of the country? I think those are most fundamental questions.

In conclusion, let me say that I think the most fundamental question, because of the weight of office that any minister has, is whether the papers in Saskatchewan—one of them being the Sifton group, F.P. Publications; and I am aware of some of their holdings—are presently involved in any regulatory functions such as share transfers or licence applications. Obviously, the minister did not talk to them and the minister's lawyers might not have known, but in the minds of the papers this might have been inferred as indirect intimidation.

I read in the paper today that Mr. Sifton said that while he did not like the articles and did not think they were good journalism, the straw that broke the camel's back and what decided the papers not to publish was, in effect, the phone call from the minister's lawyers. The inference there could be very invidious, Mr. Speaker, especially if one or both these papers are involved in a chain which has affairs, functions and relationships with some of the federal agencies which govern radio and television. Nothing is impugned against the minister today in a personal way. What is involved is his ministerial responsibility and, coming back to what was said here earlier, whether the weight of his office was used directly or indirectly to suppress the news of this land, and thereby the freedom of the press, which I think is a fundamental privilege of which we are all aware.

Mr. Robert Daudlin (Kent-Essex): Mr. Speaker, it never ceases to amaze me how far we seem to be able to stray in the House from the subject matter at hand. It seems to me that we are dealing rather specifically with a conflict of rights and responsibilities. We are trying to determine whether or not the freedoms that members have so eloquently expressed in terms of freedom of the press, transgress certain freedoms that belong to individuals and to members. I think we have to examine that question very closely.

I think, Mr. Speaker, you have laid to rest doubts about the right of members to have access to the courts, but what hon. members seem to have forgotten is the right of the other party to have access to the courts as well. Hon. members opposite seem not to have respect for the judiciary or the judicial process, and seem not to realize that were the papers themselves to feel aggrieved, they also would have the right of access to the courts for redress of the grievance. It seems to me that both parties have those rights. It seems to me, as well, that the papers, if they were challenged, as they were, had the right to make the decision, if they felt they were on sound ground, to publish the article and to run the risk of whatever action might or might not be taken, regardless of who suggested it; and the reason they elected not to do so is that they felt they were not on sound ground.

To proceed, as hon. members have suggested, and to send the matter to committee, I believe, puts us into an inquisitorial system that finds anyone in the House guilty before he is proven to be so. I do not think that is the way this country is run. It seems to me that the press has certain freedoms which I as a member of parliament and, indeed, all ministers have the