

*Oral Questions*

Last week the federal cabinet adopted another measure concerning water supply in the west, and I think in the next few days we will announce other measures also.

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**NATIONAL SECURITY****DANGERS POSED BY BLACKMAILING ACTIVITIES OF SOVIET OFFICIALS**

**Hon. Allan Lawrence (Durham-Northumberland):** Madam Speaker, the Solicitor General last week outside the House confirmed that Sir Roger Hollis had been one of the interrogators of Gouzenko, that he had taken away Canadian security secrets at least twice from this country, and also that the British government had later warned the Canadian government of the suspicions, at least, respecting him. On February 24 of this year, as reported at page 7609 of *Hansard*, I asked the Solicitor General to report to the House:

—some of these situations which have been hidden in the past on the grounds that these circumstances would endanger the security of those self-same allies?

The Solicitor General replied that he would be glad to look into that matter to see whether there are any such matters which could be made public at this time. My question to the Solicitor General now is, has he been briefed by his officials and can he now report some of the circumstances of some of these matters to which reference has been made?

**Hon. Bob Kaplan (Solicitor General):** Madam Speaker, I have indeed been briefed on some matters touching our national security over the past few decades in respect of which countering and deterring action was recommended by the security service. Perhaps as was the case for my hon. friend when he held this office, I am not prepared to disclose any details of them which have not already been made public.

**OPERATION "NAIL POLISH"**

**Hon. Allan Lawrence (Durham-Northumberland):** Madam Speaker, my supplementary question to the Solicitor General is simply this. Why can he not tell the story, for instance, of the two Canadian traitors and the other blackmailable activities which took place in the Canadian mission in Moscow which are code named in his own files under the code name of "Nail Polish"?

**Hon. Bob Kaplan (Solicitor General):** Madam Speaker, I am familiar with the operation which is known under the code name "Nail Polish", but I will not comment to indicate whether the Nail Polish operation was accurately or inaccurately described by my hon. friend. I have no comment to make on it.

**POINT OF ORDER****MR. CLARK—THE CONSTITUTION—APPEAL TO SUPREME COURT—PROPRIETY OF PARLIAMENTARY CONSIDERATION OF RESOLUTION**

**Right Hon. Joe Clark (Leader of the Opposition):** Madam Speaker, I am rising to pursue a point of order I raised for the first time late in the day on Friday having to do with an exchange during the question period on that day in relation to a matter which has been before the House for some time. It has to do with the appropriateness of this House of Commons dealing with the government's constitutional resolution at a time when that matter is under consideration by the Supreme Court of Canada.

On Friday Madam Speaker made a ruling in relation to a similar question but on a very different point. Her ruling at that time had to do exclusively with a citation in an earlier argument I had made, Citation 338(4) of *Beauchesne's* fifth edition. Let me quote that citation for the record:

The reference of a bill to the Supreme Court of Canada withdraws that bill temporarily from the jurisdiction of Parliament. If the constitutional situation of human rights is submitted to the Supreme Court, it thereby becomes sub-judice and cannot be considered by a committee of the House until the Court has given its decision. The question cannot be before two public bodies at the same time.

In making her ruling on Friday, Madam Speaker indicated this particular citation referred specifically and narrowly to bills and not to motions.

I want to distinguish the situation I am raising now from the ruling that Your Honour made on Friday. I can do that initially by referring to an earlier subsection of Citation 338, namely, 338(3), which states:

The convention applies to motions, references in debates, questions and supplementary questions, but does not apply to bills.

The reason it does not apply to bills—and I will not dwell on this at any length—is that there never has been the intention to preclude Parliament from taking legislative action on a matter which happened to be before the Supreme Court. In other words, our ability to be the highest court of the land was not intended to be limited by the rules of the House. There have been precedents in relation to motions, references and debates, and other matters of that kind.

I want to make specific reference to another element of Citation 338(4), because it refers to a reference by the federal government. That is an important point and it is a point on which I wish to dwell for a moment in making the case I want to bring before Your Honour; that is, that we should not be properly dealing with a matter, the legality of which is under consideration by the Supreme Court of Canada. I will be arguing that later.

The federal government had the option—I will get into the citation evidence available to us as parliamentarians regarding proof of the option that exists for the federal government—knowing that there was question about the legality or constitutionality of what it was proposing, to make a direct reference of that question to the Supreme Court of Canada. The government had a precedent for doing that.