Such matters as education, health care, and manpower job training can be dealt with through administrative agreements or through constitutional changes, if the parties so desire. As well, it is possible that negotiations would touch on areas of overlapping jurisdiction such as environmental regulation, forestry, tourism, mining, and regional development. The view here would be to eliminate federal participation.

The genius of our federal form of government is that it can respond to various stimuli for change. It offers us the structure within which we can reform and renew our system of government.

As I said at the beginning, before we embark upon this journey of change, we must determine what is in the hearts, minds and souls of Quebecers. We must immerse ourselves in their culture, because only in that way can we truly begin to understand the sense of frustration, alienation and grievance which has led us so recently to the brink of splitting up this great country.

Therefore, I conclude, honourable senators, with a plea to our leadership; a plea to establish an all-party committee of senators to go to Quebec, and in particular to Quebec City, to look into the real needs of Quebec and to explore them with a view to resolving those needs.

On motion of Senator Gauthier, debate adjourned.

SUPREME COURT OF CANADA

DECISION ON PRIVILEGES OF THE COURT—
INQUIRY—DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of Thursday, November 2, 1995:

> That she will call the attention of the Senate to a decision of the Supreme Court of Canada, privileges of the Court, and the learned judgment rendered by the distinguished Justice, the Honourable Mr. Justice Peter Cory.

She said: Honourable senators, for generations, Canada was governed by persons of high moral standing and high personal moral fibre, many of whom learned these moral standards through Christianity. Canada's national propensity for this high standard was internationally renowned and respected. A notable example was the late Right Honourable Lester B. Pearson, whose success during the Middle East crisis in 1956 was largely attributed to the exceptional regard and esteem held by all sides for Mr. Pearson's personal moral stature and strength of character. Sir Lyman Duff, Chief Justice of Canada from 1933 to 1944, was another example of a Canadian with such well-regarded personal character.

Honourable senators, for some years now, much public evidence has highlighted the enormous problems within the legal profession and within the Law Society of Upper Canada. These problems have their origins in the collapse of the moral and professional standards of an earlier age and are largely centred in the abuse of process, abuse of legal and judicial privilege, and the commercialization of their positions as officers of the court.

Today I wish to draw the attention of the Senate to the Supreme Court of Canada's decision in the case of Casey Hill versus the Church of Scientology and Morris Manning. This case is an appeal from the Ontario Court of Appeal, and the civil litigation lasted eleven years, from 1984 to 1995, and involved many prominent lawyers from Toronto. The distinguished Mr. Justice Peter Cory, in an exhaustive judgment, dismissed the Church of Scientology and Mr. Manning's appeal, affirming the judgment of the Court of Appeal. In addition, Mr. Justice Cory declined to adopt the "actual malice" rule, as in the *New York Times v. Sullivan* decision, upholding the adequacy and sufficiency of Canadian common and statute law.

To summarize, Casey Hill was a Crown attorney in Toronto involved in investigating the Church of Scientology. The lawyers for Scientology were Clayton Ruby, Michael Code, and Morris Manning. The issues to be determined by the court were solicitor-client privilege, privilege relating to documents in judicial proceedings, occasion of privilege, libel, slander, defamation, and the Charter of Rights and Freedoms.

Barristers Clayton Ruby, Michael Code, and Morris Manning endeavoured to destroy Casey Hill in a style and manner common in the practice of law and litigation currently. The technique is the employment of false statements to deliver hurt and injury, to impair an adversary, both personally and legally, and to deter him from proceeding. To this end, Barristers Ruby, Code, and Manning made certain false allegations about Casey Hill's reputation and instituted contempt of court proceedings against him, seeking his imprisonment.

To promote this court proceeding, the Church of Scientology and their lawyers held a press conference on the steps of the courthouse. Fully gowned in his lawyer's robes, Morris Manning read to the media from a court document, a notice of motion not yet filed with the court, announcing some poisonous and untrue allegations about Mr. Casey Hill. The media coverage was extensive.

Scientology's — and Mr. Manning's — contempt of court proceedings against Casey Hill was heard by Mr. Justice Cromarty in late 1984. Casey Hill was exonerated, the matter was dismissed, and the allegations by the Church of Scientology and its lawyers about Mr. Hill were judged to be unfounded and untrue. The evidence was overwhelming that the allegations of Scientology, Mr. Ruby and Mr. Manning against Mr. Hill were false, and Mr. Justice Cromarty's judgment was unequivocal.

Subsequently, Casey Hill sued the Church of Scientology and its lawyer, Morris Manning, for damages caused to Mr. Hill's reputation by their impugning his character, competence, and integrity. Scientology and Mr. Manning argued the defence of privilege, claiming that the court documents, their utterances, and