

Question of Privilege

Right Hon. J. G. Diefenbaker (Leader of the Opposition): Mr. Speaker, on this occasion I am thinking of the prerogatives of parliament. I was unaware when this matter was raised the other day that it was going to be raised. In so far as Mr. Pepin is concerned, he is one of my personal friends and has been for a very considerable time.

Some hon. Members: Oh, oh.

Mr. Diefenbaker: I do not know whether you over there think you alone have the capacity for friendship. It is an interesting revelation to hear this attitude displayed by hon. members who remain unidentified and incognito. I was about to point out that one of the most important rights and privileges we have as members of parliament is that our privileges shall not be impugned. I have taken no part in any of the arguments up to this time. Since Your Honour, in a most careful manner, reviewed the principles which constitute the maintenance of the privileges of parliament and decided there in fact had been a prima facie case made out, if we are to follow the principles of the United Kingdom parliament as I have read them, then the matter automatically goes to a committee or is decided in the house as a whole.

In the British parliament, if I am still allowed to refer to this, if it has not yet been expurgated and if it is still permissible to refer to these things in this day of de-traditionalizing those things upon which this country was founded, I would point out that parliament, whatever the individual's politics may be, jealously upholds its prerogatives and rights. If Mr. Speaker in the unchallengeable plenitude of his power had decided the other way, that would have been his right. He decided, however, that a prima facie case had been made out. In these days of reform of rules I thought that the result automatically would be that we would follow what is done in the United Kingdom, namely, allow the evidence to be heard in the committee on privileges and elections rather than rise and say that regardless of the prerogatives and the rights of parliament those rights are impugned. You have declared there is a prima facie case, Mr. Speaker.

An hon. Member: Not at all.

Mr. Diefenbaker: The objective was met. Hon. members rise now and say they are not going to follow this course. I am not one who has risen on questions of privilege. It is interesting to take a look back over the pages of parliament. It also would be of interest to

[Mr. Howard.]

other hon. members to read that maintenance of freedom of speech on the part of members of parliament goes back to the days of the Tudors, to a great extent to the period of the Stuarts and the period of the first two Georges. That is the reason there is nobody in the gallery. We sometimes listen to hon. members refer to the presence of someone in the gallery. I wonder whether they have looked at the history of parliament and have realized that kind of thing does not take place in the British parliament because there is nobody in the gallery as far as parliament can be aware. The reason for that fiction simply is that in the days of Charles I, when Hampden and Pym and those other leaders of freedom rose to speak in the house, Charles I would get someone in the gallery to make a sign, and if the sign was something like a transverse gesture across the throat it had a surprisingly persuasive effect on the freedom of speech of the individual speaking in parliament. It just shut him up. There is no one in the gallery, whether press gallery or other gallery.

● (3:50 p.m.)

Once a prima facie case has been established there is no simple answer to that prima facie case. It is not November 5, Guy Fawkes day, yet, but we do hear explosions from below. Construction work is continuing in the vicinity of the chamber. I say to you, sir, that if we depart from the principles of parliament we will be doing just as effective a job as Guy Fawkes tried to do.

I am in this position. I have been in the house a long while and I have never been the recipient of overwhelming encomiums, yet I have never raised a question of privilege as a result of attacks made on me. I have followed that course during the years. As a matter of fact, I recall Lloyd George speaking in the house when I was in the gallery in the fall of 1916, I think it was. I mention him because he was a great parliamentarian, in fact, the greatest of his day. At that time Churchill was in the opposition. The pictures and photographs of Lloyd George used to be the most deplorable that the *Times* or Northcliffe press could purchase. I have been the subject of some photographs that would win no prizes in masculine pulchritude. I have not complained because I believe in the maintenance of freedom.

When Sir John was attacked—those who attacked him are today forgotten—Sir John used to say: I will not answer such attacks