

of the hon. member for Peace River, the privileges of this House, have been offended, and we have the right to have that matter discussed in an appropriate committee, and to issue a statement which, I trust, will be completely on the side of our distinguished colleague, the hon. member for Peace River.

Mr. Speaker: The hon. member for Grenville-Carleton (Mr. Baker) will have the floor in just a moment.

In examining the transcript of the remarks which the hon. member was good enough to provide to the Chair in giving notice of his intention to raise this today, there is one matter I should mention, that is, that some argument has centred around the second paragraph which reads:

Some members of parliament, under the protection of parliamentary privilege, have taken the liberty of questioning—

The phrase “taken the liberty of questioning” has come under considerable attention until the present time.

The French text is as follows:

—certains députés, sous le couvert de leur immunité parlementaire, se sont permis de questionner—

[English]

I think most hon. members would agree that a possible translation of that would be “have taken the liberty”, but another translation of it would be that members, under the protection of parliamentary privilege, have allowed themselves to question.

Mr. Knowles (Winnipeg North Centre): La même chose.

Mr. Speaker: It is not quite the same thing, because there was some argument as to whether or not this could be described as a liberty when in fact it may be not only the right of a member but his duty. I only put that on the record because so much has been made of it. If privilege is going to be found—and, as I have indicated earlier, it will not be without some difficulty—it seems to me that the far more serious words are those which are translated very accurately. Those are the ones that say:

In the name of the respect of judicial independence, we cannot tolerate the remarks of Mr. Gerald Baldwin, M.P.—

That was a direct translation, and those words are far more serious than the oblique references as to whether we are doing it by liberty or by right. I would think there would be further discussion and consideration of that language, and other hon. members are free to comment on the other language as well, but I thought I should correct the record.

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, in looking at the statement—and I am not unhappy you interjected—I should like to say, first of all, that frankly I am just a little disturbed that the Minister of Justice (Mr. Basford) decided today he does not agree to what I thought was a perfectly reasonable and perfectly acceptable suggestion that the matter go to committee where it can be dealt with. Frankly, I think that upon reflection, as he looks back upon his career in parliament, the Minister of Justice is going to count

Privilege—Mr. Baldwin

that decision among the most regrettable he has made in the exercise of his duties, because it would have been an appropriate, quiet, and dignified way of handling the matter, to look at it from the point of view of the position of the House of Commons, on the one hand, and the question of the importance and integrity of the judiciary on the other, to which he directed himself on Tuesday. It was a regrettable decision. I commend you, sir, for having advanced it, and I condemn the Minister of Justice for having rejected it.

The second matter is with respect to the translation of the words you brought forward. I think it is a very dangerous thing, and I say this with respect, if we look at the document paragraph for paragraph, word for word, or phrase for phrase. We have to look at the whole tenor of the document.

● (1552)

The tenor of the document, while it did not intimidate the hon. member for Peace River (Mr. Baldwin), or the right hon. member for Prince Albert (Mr. Diefenbaker), is the main point. The point is in respect of the nature of the words that appear in the document, and the tone of that document. The point is, could the document be considered to intimidate anyone, not specifically hon. members, but rather the position of parliament in the scheme of things and its relationship to the courts? If there ever was any doubt about the whole purport of the document, that doubt should be resolved in favour of parliament. I do not think there can be any doubt, and there is certainly no doubt in my mind, and I say that with respect. The doubt ought to be resolved in favour of what you must decide at this point, sir, and that is whether there is a *prima facie* case.

This does not mean, Mr. Speaker, that you have to try the issue and decide whether there was a breach of privilege, and whether that has been proved to the degree required. What you have to decide is whether there is a *prima facie* case, and whether there is enough in the document itself, taken as a whole, bearing in mind what the authorities have said, to warrant sending the matter to the committee in order that the committee can deal with it, following an appropriate motion having been dealt with by the House.

I suggest, with the greatest respect to that learned judge in Quebec who made the statement, that this is far more than merely an unwise statement. I suggest to you, sir, with respect, that the matter has to be resolved by this House in favour of protection of the privileges of the members of this place. I am not suggesting that they were threatened, *per se*, but rather whether they could be threatened by this statement. That is the issue which has to be dealt with in respect to a *prima facie* case. I think that *prima facie* case has amply been made out by the hon. member for Peace River.

It is important that we consider the position of the judiciary, but it is equally important that this House considers its own traditions, its own privileges, and its own place in the scheme of things. If we do not deal with the matter, then what will happen is something the right hon. member for Prince Albert suggested the other day; a travelled part can become a high-