

Privilege—Mr. Baldwin

interferes with the due process of justice, be it even a mere request for information to know the status of the case, this action on the part of the member or his lawyer could be interpreted by the judge as an attempt to interfere with the due process of justice. When a member or a minister, directly or through designated persons, his lawyers, put pressure on the management of newspapers or other media to prevent the publication of some articles, I consider it as interference with the freedom of the press and particularly as a direct threat to the right to information of the Canadian public. And the situation is even worse if those articles are not favourable to the person who exerted indirectly that pressure.

The hon. member for Maisonneuve-Rosemont (Mr. Joyal) severely criticized the actions of the whole Liberal party and I consider that it legitimizes the proposed motion. In any event, in this country we shall study the right to information of the Canadian public which is obviously more and more restricted by interference and political interests.

Mr. Speaker, particularly in the province of Quebec, we just need to witness a growing trend toward concentration of powers by the press as in the case of Power Corporation which as you know is very close to our Liberal friends to understand that what occurred in the case of the minister has probably been happening for a long time and very often and it demonstrates that when you are in power you seem to have all rights.

[English]

Mr. Rod Blaker (Parliamentary Secretary to Minister of Supply and Services): Mr. Speaker, having spent a couple of years in the chair of the privileges and elections committee does not make me any more competent than any other member of the House to make a contribution on this subject, but I did bear a couple of scars in that process and perhaps I can comment briefly on the matter which is before us.

The first point I want to make is that Your Honour seems to have made very clear to the members of the House that in no circumstances does becoming a member of parliament, a minister, the leader of the opposition or the prime minister in any way reduce the civil and legal rights of any citizen. I thought I had been hearing arguments which were extremely close to that proposition, and I was very glad to hear Your Honour indicate to members of the House that that was absolutely ludicrous.

A second proposition which might be made, as was made by the hon. member for New Westminster (Mr. Leggatt), namely, that an action by a member of parliament in which he threatens the use of civil procedure might in some way be wrong, illegal, immoral or in some fashion be a defence of the minister's position or his office, also falls by the wayside very rapidly, for the same reason that Your Honour gave from the chair, namely, that the right to take an action is not diminished by becoming a member of parliament or a minister. That is, of course, precisely what the hon. member for New Westminster has been arguing, that once you become a member of this place you are somehow prohibited from recourse to your civil rights.

[Mr. Fortin.]

The hon. member for Winnipeg North Centre (Mr. Knowles) made a worthy contribution, and I should like to endorse what he said. Every time a matter of privilege comes before this House for debate we go into a kind of song and dance as to whether or not a member who makes an accusation automatically puts his seat on the line. He does not.

Mr. Speaker: I might ease the hon. member's mind on that. There is no confusion on that point; that question is clearly settled. The question whether or not a charge has to be laid in order to get a matter before a committee is a totally different question; but there is no precedent at all which supports the thesis that a member, by making such a charge, puts his seat on the line or that he has to put his seat on the line in order to make such a charge.

Mr. Blaker: I apologize, Mr. Speaker, for making that point again, but I thought that since it comes up consistently and repeatedly, it was worth making. Another point I wanted to make is—

• (1630)

An hon. Member: Sit down.

Mr. Blaker:—related to a prima facie case as to whether or not this is a question of privilege. To the best of my knowledge—and I am forced into the position of making a negative argument—I have never seen, in the two years I have had cause to look into precedents in this matter, any instance where the taking of a civil action by a member of parliament, a minister or other person of similar rank in the House of Commons, in any way constituted a diminution of the rights or privileges of any member of parliament. So far as I am aware—and I say this with great humility—the law of privilege makes it clear that it is in addition to those rights which we share with all other Canadian citizens.

The last point I want to make—it has been made by other members, but it deserves repetition—is that since the matter is raised in connection with the freedom of the press, I want to draw a comparison between the journalist or the editor who sees fit to go ahead and publish and takes the chance of having the case put before the independent judiciary for decision as to whether he is guilty of libel or defamation, and the one who does not publish. The issue is precisely whether or not there is truth and justification which will permit and encourage a free press to go ahead and print.

I gather from the comments made in the House that one of these two editors simply failed to have the courage of his profession, and instead of going ahead and publishing if he thought these accusations were truthful and valid, he showed the less attractive side of the profession of journalism and backed away in face of a threat of civil action. I think that no conclusion should be drawn from that event about the case of the civil rights of the minister, and any conclusion that members of the House want to draw should be drawn about the quality of an editor who did not give as his reason for withdrawing that he had made an error but stated his reason