

Privilege—Mr. Crosbie

Mr. Pinard: Ridiculous.

Mr. Epp: If that is so, what are we debating when the government brings forward a bill which, as I understand it, is a motion based on a cabinet decision? At what stage does it become a decision? Up to that time what is it, only an opinion?

The minister had a choice other than the one suggested by the hon. member for Mission-Port Moody. The hon. member for Mission-Port Moody correctly stated that the minister could have said it was a conditional decision, that it was not finalized or whatever, but no conditions were placed before the word "decision". The minister could have chosen another action; he could simply have said he would not answer the question or that he had no answer.

Mr. Nielsen: Or he could have apologized.

Mr. Epp: That is right. He has the right in this House simply to give no answer, but he did not choose to take that route. The route he chose was to say there had been no decision. Now he lives with it and this House has to live with it.

● (1630)

I do not want to burden you any further by getting into what I feel is another natural point in this argument, Madam Speaker, and that is the federal-provincial argument and what it means in terms of the extension of truth from this place to the partners of the federation. That is another issue and I know you have narrowed this to the issue that I believe I defined; it is not a matter of the conduct of the hon. member for St. John's West but the word of the Minister of Justice. I believe the chronology has been put forward very well by the hon. member for St. John's West and it has been confirmed by the hon. member for Mission-Port Moody.

As an individual member, as I see it the question is on the word "decision" without qualifiers, without conditions, and what members of the House would naturally draw from the use of that word by a minister. When the minister used the words "no decision" and later found out that a decision had been made, I can come to no other conclusion but that, in the chronology of the use of the minister's words, a decision had been made and that it had been made prior to his rising in the House to deny it.

Mr. David Smith (Parliamentary Secretary to President of the Privy Council): Madam Speaker, I should like to submit to you very strongly that we do not have before us what amounts to a prima facie case for a question of privilege. What has been suggested to you yesterday and today is that the words used by the Minister of Justice (Mr. Chrétien) amounted to deliberately misleading the House. I think the key word is the word "deliberately".

What we have to do is look at how the phrase "deliberately misleading the House" entered parliamentary precedents. It will be found at page 142 of Erskine May in reference to the well known Profumo case in England in 1963 in the following statement:

The House may treat the making of a deliberately misleading statement as a contempt.

In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former member had been guilty of a grave contempt.

In order to come to the conclusion that the House has been deliberately misled, that has to be established as a fact. In the Profumo case it was quite clearly established as a fact when the former minister stood up in the House—and it was almost unprecedented in parliamentary history—and said that he had lied to the House. Is that the case we have today? No, we have the exact opposite. We have the Minister of Justice standing up in the House just a few minutes ago and saying that he did not intend to mislead the House; he did not mean to mislead the House. He said it exhaustively, he said it repeatedly, he said it clearly, and he could not have been more specific about it.

Let us see what Bourinot has to say about the matter. Bourinot is not often referred to these days but at page 351 of the fourth edition there appears the following statement:

A member's words, in explanation or relating to the meaning of his speech or in a statement of fact as to his own position or intention, are to be taken as true and not afterwards in debate to be called in question. The words which he states himself to have used, are to be considered as the words actually spoken; and the sense in which he says they were uttered, as the sense in which they are to be taken in debate. If a member disavows the use of words attributed to him, and objected to, the matter must end.

It has frequently been formally ruled by speakers in the Canadian Commons that a statement by an honourable member respecting himself and peculiarly within his own knowledge must be accepted but it is not unparliamentary to temperately criticise statements made by a member as being contrary to the facts; but no imputation of intentional falsehood is permissible.

What are we dealing with here? Are we dealing with someone who was elected to this House last week in a by-election? No. We are dealing with a man who has given 19 years of his life to this House. We all know this man. Hon. members opposite should be fair; they know this man and what the House of Commons means to him, what Canada means to him. No one fought more valiantly for Canada in the referendum in Quebec than the minister. He stood in this House today and said that he did not mean to mislead the House, but hon. members opposite doubt him. I accept his word and anybody in this House with guts and integrity will accept his word.

Some hon. Members: Hear, hear!

Mr. Smith: Once he has clarified the situation, that is the end of it. We have a tradition in this House that we accept the word of an hon. member, and if there is anyone in this House whose word I am glad to accept, it is that of the Minister of Justice. He has proven himself as a man of integrity in over 20 years in this House.

Some hon. Members: Hear, hear!

Mr. Smith: Today we have a dispute about the facts. I suppose you might say that. We all know the reference on page