

*Privilege—Mr. Diefenbaker; Mr. Trudeau*

the difficulty when one member complains about remarks by another is that if it were to be accepted as a prima facie case of privilege and voted to the committee, when the committee assembles, in fact no one clearly has the onus of proof upon him and no one has the responsibility of carrying the specific case or charge before that committee, and accordingly if any hon. member concerned desires not to appear there as a witness the function of the committee becomes a nullity and a bit of a farce.

Accordingly, there is some wisdom in the process that if one wishes to complain about what another member has done or said, it should be done in the form of a complete charge rather than by way of an alleged question of privilege. That, however, is a very strict view but, again, I might be tempted not to set aside the proposed question of privilege in those circumstances and rely on the precedents to say that if it is not in the form of a charge, it ought not to be considered at this time. However, citations were cited, notably citation 108(3) of Beauchesne which says that libels upon members have been considered as questions of privilege or grounds for them. The fact of the matter is that in looking behind that citation, it turns out to be a situation in which a member of the United Kingdom Parliament placed placards around the county of another member decrying him and calling his conduct degrading and inhuman. That, thankfully, is different to the situation we have here today.

I must also indicate that citation 113 of Beauchesne says that libels upon members and aspersions upon them in relation to parliament have been considered questions of privilege. In light of that, I have, I believe, to address myself to the question of whether or not that is the case now. I certainly do not pretend to speculate on what sort of remarks might constitute a question of privilege or get into a hypothesis of what they may be, but I refer directly to the particular instance that is before us at the present time.

It seems to me that in this particular instance the complaint that is sought to be made the subject of a question of privilege would need to be at least, as a minimum, an allegation of some wrongful conduct or some wrongdoing on the part of the member complaining. That is why the allegation in this case would have to be specifically that the right hon. Prime Minister (Mr. Trudeau), in describing the conduct of the right hon. member for Prince Albert (Mr. Diefenbaker) in his former capacity as prime minister, had accused him of doing something wrongful.

Surely, the motion of the right hon. member which is before me now indicates that slanderous and libellous remarks or allegations were made by the right hon. Prime Minister, and surely slanderous remarks would have to refer to some wrongdoing. That is, of course, the essence of the difference of opinion that is before the House. The right hon. member for Prince Albert says that is exactly what was implied, if not said, by the right hon. Prime Minister; but the right hon. Prime Minister, on the other hand, said it was a criticism or reference to the conduct of the former prime minister but not in any way an allegation of wrongdoing.

In order to come to a conclusion about that, I have to look at the context. The fact of the matter is that the context of the remarks involved an exchange, not only the

[Mr. Speaker.]

second but perhaps, if one goes back far enough, the third instalment of a continuing debate which has continued over several weeks in the House between those very distinguished and prominent members. Unfortunately, on the particular occasion when these remarks were made, a direct confrontation between the two of them could not be carried on. I say that very seriously and wish to make it absolutely clear that I do not say it in criticism of either member. All members of this House realize that both right hon. members involved have tremendous obligations about the country, on behalf of this country, in their capacity as leading and prominent members and it simply is not possible for them to be here confronting each other every day, much, I am sure, to the chagrin of the press gallery and other hon. members who find it entertaining.

In any event, I am convinced, in looking at the context of the case, that had that confrontation taken place, probably the remarks upon which I am asked to deliberate now would have been the subject of questions, of points of order, of rebuttal, of reply and the kind of cut and thrust of debate that has made this chamber the very distinguished place it is. Unfortunately, however, that did not take place.

The remarks involved fall into three categories. The first had to do with the stocking of fish in Harrington Lake. The result of that intervention has caused the Prime Minister to come before the House to apologize to the House and withdraw the remark. That obviously had its effect. Surely, now, there can be nothing to go to the committee in that regard. Another dealt with the bomb-shelter at 24 Sussex Drive. It has been pointed out that there is a considerable dispute as to the extent of the expense. The significance of that whole issue is a matter of opinion; it is a subject of a debate in which the listener should judge.

● (1510)

In the final analysis, the remarks that are the most significant have to do with the acquisition of Harrington Lake. In that regard, I think it is not appropriate to listen now to the words of those who say that the words were not intended this way or that way; I think that would be extending leniency beyond the point to which I should go. If I were to accept only now the expression that these words were intended to suggest wrongdoing, it might be better for me to put the question to the House and let the House decide. Instead of doing that, I have gone back to the original remarks of the right hon. Prime Minister, which I will now quote. The Prime Minister said:

In the same speech, the right hon. gentleman talked about Harrington Lake. I think that was another unfortunate reference, because I suppose he made the largest land grab when he was in office that was ever made by any private citizen of Canada. He did so when he decided that Harrington Lake and the buildings on it should be the country residence of the prime minister. I do not think anybody then sitting on my party's side of the House criticized that decision. He was adding thousands of acres of land for his private enjoyment. I think it was a justifiable gesture, one from which I personally have benefited. In the same way I hope the next prime minister will benefit from the swimming pool at 24 Sussex Drive.

It is for the House and for the public to judge, in so far as they are interested, the wisdom or nicety of those remarks but that is not the question which is before me: the sole question before me is whether those remarks