

every member, as it is the right of every citizen, to take legal redress in the courts for anything. No citizen loses that right by becoming a member of the House of Commons. It is quite clear, in all of the readings on privilege, that it is erroneous to presume that a member loses any of the rights of an ordinary citizen.

One of the most important foundations of a matter of privilege is that a member enjoys neither more nor less of the rights he enjoyed as a private citizen before coming into this chamber. That has been generally conceded today to apply to all members of the House. The question has become one of two, really. Is the Minister of Transport in some separate position from that of an ordinary member; and, second, in attempting to exercise the legal right of any citizen has the minister used an influence which is not described in the motion but has been referred to?

To suggest the minister has exercised what is no more than a legal right does not meet the point. Surely it must be suggested that the minister has used an exercise which goes beyond legal terms and legal means and has done something by the use of undue influence as a result of his position as a minister. Those are the ingredients which are important if the alleged question of privilege is to succeed on those grounds.

I have not heard much discussion on those points, but I have heard discussion on some other points which were developed before. If other hon. members want to contribute, I hope their comments will be in respect of those points.

**Mr. Stuart Leggatt (New Westminster):** Mr. Speaker, I will try to limit my remarks to the points you have just made. The question before the House is whether the minister has acted beyond what a citizen or even a member of parliament should, and whether his office, in fact, came into play in regard to these events. It is impossible to know that in terms of this debate. That is why I thought the minister would have welcomed an inquiry to determine whether he did abuse his office. Why does he protest so much if, in fact, what happened is as the minister has set forth in the House? It seems to me there is an excellent argument for examining before an objective body this most serious question as to whether a minister of the Crown was not protecting himself but protecting his office, which he has no right to do in terms of telephoning or contacting newspapers.

● (1620)

The second point I want to make is this. There is legal procedure which the minister could have used in the circumstances. He could have proceeded by way of *ex parte* interim injunction.

**Mr. Lang:** I did.

**Mr. Leggatt:** If the minister did get an injunction, no doubt he will tell us which court he went to and which judge granted him that injunction. That procedure was available to the minister and it would have put the conduct of the minister beyond question. A judge would have had the opportunity to

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review the facts upon which the minister was alleging libel, and the matter would not have come before the House as it has if the minister had simply instructed his lawyers to proceed forthwith to obtain an injunction of the court against that particular publication. But that is not, as I understand the facts, Mr. Speaker, what occurred. What in fact occurred is that the minister's representatives contacted the newspapers, and only an inquiry can determine whether the minister's name as minister was used and whether the office of minister was used to control what essentially is the freedom of the press.

The point made by the hon. member for Vancouver-Kingsway (Mrs. Holt) dealt with her own lawsuit, a lawsuit which took place after publication. This matter, of course, took place before publication. I am one of those who has criticized the press on many occasions. But ministers of the Crown, in the way they deal with the press, are in an extremely sensitive position. It is a very fine line as to whether they are protecting their office or their personality. It seems to me, Mr. Speaker, that the only way you can determine in this case whether the minister has, in fact, abused his office is to accept the question of privilege put forward by the hon. member for Peace River (Mr. Baldwin) so that this House and the country can be satisfied that no abuse of the privileges of the House took place, or there was no abuse of the privileges of the press. I would have expected the minister to welcome such an inquiry so that he can be completely and openly cleared.

[Translation]

**Mr. André Fortin (Lotbinière):** Mr. Speaker, I wish to make some very brief comments. When a Crown minister makes a phone call to a judge concerning a case, his action might be interpreted as interference in the due process of justice. When a minister—

[English]

**Mr. Lang:** Mr. Speaker, I rise on a point of order, since both the hon. member who is speaking and the previous hon. member seem to be under a misapprehension of fact and I think it would be useful if I cleared that up for them. There has been no suggestion by anyone that I at any time telephoned any newspaper in this connection. I did discuss the issue with my solicitors. My solicitors approached the two newspapers in question and indicated that a *quia timet* injunction was indeed the remedy which would be sought. Faced with that suggestion on the part of my solicitors, the newspapers reviewed their position and, in effect, settled out of court by agreeing not to publish and thus not to create the issue which would have followed in a court action. I think hon. members should know that that was the procedure that was followed, which I take it the hon. member for New Westminster (Mr. Leggatt) would agree was a reasonable approach in the circumstances.

[Translation]

**Mr. Fortin:** Mr. Speaker, the minister should not think we do not understand the problems. We understood very well. We know all this but I say that when a minister or an hon. member