

because I'm not there—was not the practice of the RCMP to intercept the mail of private citizens or citizens, and I have explained why I make that statement, because of the facts that have been adduced before this commission, showing it was not in fact the practice.

If hon. members refer to the evidence they will find that this is in fact what Commissioner Higgitt said in the same sitting as the sentence which has been picked out and forms the basis of the question of privilege. If Mr. Higgitt is to be believed in this circumstance, he confirms totally the accuracy of the last sentence of Mr. Allmand's letter.

**Some hon. Members:** Hear, hear!

**Mr. MacEachen:** It is not my fault that the evidence of Commissioner Higgitt is contradictory. The hon. member is asking the House to find a question of substance, of privilege, on contradictory evidence before the McDonald commission.

The hon. member for New Westminster (Mr. Leggatt) has said that if the government voted down this motion it would be rolling over on the Speaker. That is a very inaccurate description of the proceeding which is before the House. The Speaker is obliged, under our rules, to find whether there is a prima facie case of privilege. Prima facie means on the first impression, on the surface, or at first blush. Beauchesne goes on to say that it is the responsibility of the House of Commons to find in substance whether there is in fact a breach of privilege.

So today, when the government is saying that it does not propose to support this motion, it is not saying to the Speaker that we have no confidence in his finding. It is saying that Mr. Speaker having done his duty, we have probed beneath the surface and found that there is contradictory evidence, and that you can find Commissioner Higgitt saying, under oath, that the last sentence of Mr. Allmand's letter to the hon. member for Northumberland-Durham, "the second part is that the statement is true." What statement? The last paragraph of Mr. Allmand's letter to the hon. member for Northumberland-Durham. That is Commissioner Higgitt's testimony. It is clear there, if you look at the fragment of evidence plucked out by the hon. member for Northumberland-Durham, that it does not have the unequivocal conclusion which this particular sentence has.

I ask you, sir, and hon. members, is it responsible for this House of Commons to find a question of privilege upon one sentence by a witness, that is totally contradicted by evidence given earlier by a witness who has not completed his testimony, and who has not been cross-examined before the McDonald commission?

● (1632)

I believe it would be a travesty for this House to vote that there is in fact a question of privilege based upon one sentence that is contradicted by the same witness and whose testimony has not yet been completed before the commission.

**Mr. Lawrence:** What are you afraid of?

**Mr. MacEachen:** When the facts come out I do not know which side of the argument will be found to be the factual one

*Privilege—Mr. Lawrence*

by the royal commission. I know it would be interesting to get the evidence from the man who drafted the letter and from other people. All that is before the royal commission. Why do we want a parallel inquiry? All of this is before the royal commission.

We set up the McDonald royal commission at the request of the official opposition. Today, when you strip away all the rhetoric and all the innuendo put forward by the hon. member for Northumberland-Durham, all you find is a plea to close down the royal commission, to set up a committee so that all of this sensitive matter relating to the security of Canada can be made the basis of political attack and that what ought to be the subject matter of a serious inquiry will become a political forum. We resisted that from the very beginning. We have no intention of agreeing to a parallel inquiry, particularly on what I consider to be one sentence of evidence before that commission.

I would say also that it would take a lot of persuasion to get me to vote for this motion. It is alleged that a deceit and deception have been perpetrated. Who has perpetrated the deception? Who has perpetrated the deceit?

**An hon. Member:** That is the issue before the committee.

**Mr. MacEachen:** Who has perpetrated the deception? Mr. Speaker Michener, when he was called upon to rule in a similar case, said that in his view simple justice required that no hon. member should have to submit to investigation of his conduct by the House or a committee unless he had been charged with an offence.

In simple justice, it seems to me that if the Canadian House of Commons is to say there has been any substance of breach of privilege, of deceit and deception, then it is the obligation of the House of Commons to know who the culprit is. The hon. member says it is not the minister. He does not say it is the RCMP. No, no, he would not go that far. He would not have the courage.

**Some hon. Members:** Hear, hear!

**Mr. MacEachen:** It was on this very basis—

**Mr. Trudeau:** What are you afraid of?

**An hon. Member:** What are you afraid of?

**Mr. MacEachen:**—that Mr. Speaker Michener said there is no accused. It is a very important point because it seems to me it relates to what the legal profession calls "the principles of natural justice"—that you say there has been a contempt, a deceit, and that is what the House is asked to find today, and the person or persons alleged to have brought about the deceit are left unnamed.

Mr. Speaker Michener said:

If there is some doubt in the matter, I am clear that the benefit of the doubt should be given to the unaccused.

In this case, we neither have an accused nor an unaccused. I just say we should wait for the commissioner to complete his