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Chair

Mr. Joe Preston

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•(1105)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): I call the meeting to order. We're meeting today in public pursuant to the order of reference of Monday, November 30, 2009, a question of privilege relating to mailings sent into the riding of Mount Royal.

Before I introduce our witness, I have a couple of quick things.

We've had discussions, and I'd ask for the consent of the committee to designate Guy Lauzon the acting chair for this meeting.

Mr. Guimond, perhaps you could help us out.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Yes.

Mr. Chair, perhaps my Liberal colleagues were not told by their whip, but at the whip meeting, I asked about whether a chair who leaves the committee chair is replaced by another Conservative member. To reflect the government's minority status, however, the Conservative member who takes the chair will not be replaced. That has happened in other committees, namely, the Standing Committee on Agriculture and Agri-Food.

In this case, Mr. Chair, I think you are making the right decision, because your name, apparently—and that is why I deliberately use the word “apparently”, the investigation will prove it—you are being extremely wise by taking your retirement.

As far as I am concerned, I have no problem supporting Mr. Lauzon as chair, but we need to make sure we comply with the agreement reached with the Conservative Party whip, which states that Mr. Lauzon will not be replaced.

In terms of the numbers, you realize this means that if my colleague, Marcel Proulx, first vice-chair, or myself, second vice-chair, take the chair, the Conservatives would have the majority in the committee, which would not reflect the reality in the House.

[English]

The Chair: Mr. Proulx.

[Translation]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chair.

At a previous meeting, Mr. Lukiwski made some comments in camera, but was the intention not to do things differently than what

is being proposed now? Through you, Mr. Chair, I put the question to Mr. Lukiwski.

[English]

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): I'm sorry, Marcel, could you repeat that?

Mr. Marcel Proulx: I was saying that in a previous meeting when this was discussed indirectly, I appreciate that it was in camera, but was it not your interpretation, Mr. Lukiwski, that there was another way of handling this situation?

Mr. Tom Lukiwski: I want to choose my words carefully so that we don't break an in camera confidence. The main objective I was trying to convey, or I want to make sure that I convey and the whip has conveyed, is that we would not try to gain a majority on the committee. So if there was a replacement at the chair level for whatever reason, we would still maintain the integrity of the opposition having more voting members than the government.

We did talk about types of replacements of the chair, if that were to take place, but at the latest whips' meeting, as Mr. Guimond has just indicated, the whips had agreed that if there was to be a change of chair, Mr. Lauzon would take the chair.

Mr. Marcel Proulx: In other words—if I may, Mr. Chair—the intent was that the Conservative Party would not gain a majority by the recusal of the existing chair being replaced.

Mr. Tom Lukiwski: Correct.

Mr. Marcel Proulx: Thank you.

The Chair: Monsieur Guimond, we'll see if we can wrap this up.

•(1110)

[Translation]

Mr. Michel Guimond: Mr. Chair, do you intend to remain a committee member, or will you step down from the committee?

[English]

The Chair: I think I'll sit and watch. I'll stay a member of the committee.

[Translation]

Mr. Michel Guimond: Fine.

[English]

The Chair: Madam Jennings.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Just as a clarification, once you recuse yourself, should you recuse yourself from your seat and say you'll sit and watch, do you have any intentions at any point during the proceedings of this committee to take part in a vote, should there be an issue that has to be voted on? Or does your recusal include being one of the voting members for any issue directly dealing with the breach of privilege, the reference that has been made to this committee?

The Chair: My intention is to recuse myself as the chair, but I would certainly vote on any issue we had.

Hon. Marlene Jennings: You would not?

The Chair: I would.

Hon. Marlene Jennings: You would.

The Chair: We're not taking over the majority of the committee.

Hon. Marlene Jennings: I would just make the point that, given that the mailing—at least one of the mailings—into the riding of Mount Royal was authorized by you, you could possibly be in a conflict of interest, not just as chair but as a voting member of the committee that is seized with the issue.

The Chair: Madam Jennings, I might as well then share with you that at no time in 2009 have I ever sent a mailing into Mount Royal.

Hon. Marlene Jennings: Are you prepared to testify as a witness to that?

The Chair: I'm not certain I'll have to, but if that were the case, I've certainly done all the research I can do from a post office and mailing point of view. The document provided to the Speaker certainly did have my name on it, but I'm certain it must have been a document that was sent into Eglinton—Lawrence. That is the only riding I can find that I have sent any mailings into during this period of time.

Hon. Marlene Jennings: But it's the identical mailing—

The Chair: But this is a matter of privilege—

Hon. Marlene Jennings: I'm asking you a question. It's the identical mailing, but you state that it went to another riding.

The Chair: Having not seen the mailing from Mount Royal, I couldn't answer whether it was identical or not.

Mr. Poilievre.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): I have nothing further to add.

The Chair: Thank you.

That being the end, do we have consent for Mr. Lauzon to take the chair?

Then I will recuse myself and allow Mr. Lauzon to do so.

The Acting Chair (Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Thank you very much, ladies and gentlemen.

[*Translation*]

Thank you for putting your trust in me as chair.

[*English*]

I understand that according to our agenda we have until 12:30 to deal with this matter, and then we're going in camera at 12:30 to deal with committee business.

Please forgive me; it's been a long time since I've been chair of a committee, but I do appreciate the honour of having this opportunity. When I was a chair, as some members will know, I was rigorous with time allotments. If the decision is for seven-minute rounds, and it is, it will be seven minutes both for the member and for the witness to answer. I'm going to hold to that, and I'll try to be as fair as possible through this whole process.

I welcome the Honourable Irwin Cotler. I understand you have an opening statement, and we'll invite you to make that statement now, please.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

The Acting Chair (Mr. Guy Lauzon): You have a brief statement, I'm assuming.

• (1115)

Hon. Irwin Cotler: Mr. Chairman, my statement is along the lines of others who have appeared before you. It may be a little more than 10 minutes, because I want to refer to certain precedents and principles. Citing those precedents and principles takes a bit of time.

The Acting Chair (Mr. Guy Lauzon): What kind of time are you suggesting?

Hon. Irwin Cotler: I think the initial presentation will be done, I trust, in 15 minutes.

The Acting Chair (Mr. Guy Lauzon): Okay.

Madam Jennings.

Hon. Marlene Jennings: Just for your clarification, you may not have been here when we had other witnesses, including one specifically on another reference on breach of privilege, but the witness was not held to any timeline. The witness was allowed to make the statement to the fullest—

The Acting Chair (Mr. Guy Lauzon): I think Mr. Cotler has agreed to 15 minutes.

Hon. Marlene Jennings: No, that's not what I understood. I understood Mr. Cotler to say that he believes his statement might take 15 minutes; it could take longer.

The Acting Chair (Mr. Guy Lauzon): Would 15 minutes be...?

Hon. Irwin Cotler: Mr. Chairman, as I say, I have not timed the referencing, but I—

The Acting Chair (Mr. Guy Lauzon): How about you do your best?

Hon. Irwin Cotler: I will do my best.

The Acting Chair (Mr. Guy Lauzon): Thank you very much.

Please begin.

Hon. Irwin Cotler: Thank you, Mr. Chair.

I am pleased to meet this committee pursuant to a motion adopted by the whole House, which referred the finding of the Speaker that there had been a prima facie breach of my privileges as a member as a result of false, misleading, prejudicial, and rather pernicious ten percenters targeting the Jewish members of my constituency of Mount Royal and other Jewish residents in urban ridings across the country.

I might add that the specific content in these ten percenters, to which the Speaker referred and to which I'm referring, accused the Liberals of having, and I quote, "willingly participated in the overtly anti-Semitic Durban I", thereby effectively associating the Liberal Party and me, as a member, with identifying with and supporting anti-Semitism. These flyers, as the Speaker determined, damaged my standing and reputation amongst my constituents and impeded thereby my functioning as a member of Parliament, and accordingly was a breach of my privileges as a member of Parliament.

May I in that regard quote the ruling of the Speaker on November 26 as follows. I quote:

...the Chair has no difficulty concluding that any reasonable person reading the mailing in question, and this would, of course, include the constituents of Mount Royal, would have likely been left with an impression at variance with the member's long-standing and well-known position on these matters.

He continues:

Therefore, I must conclude that the member for Mount Royal, on the face of it, has presented a convincing argument that the mailing constitutes interference with his ability to perform his parliamentary functions in that its content is damaging to his reputation and his credibility.

O'Brien and Bosc, in the successor to Marleau and Montpetit, quote Maingot as follows on this point:

The purpose of raising matters of "privilege" in either House of Parliament is to maintain the respect and credibility due to and required of each House in respect of these privileges, to uphold its powers, and to enforce the enjoyment of the privileges of its Members. A genuine question of privilege is therefore a serious matter not to be reckoned with lightly.

So we see here that it is not only the privileges of the member, but effectively, we are talking about the privileges and the dignity of Parliament as an institution.

This committee therefore is now entrusted with investigating this breach and reporting to the full House. Accordingly, I will organize my submission around two themes: first, to present before you the clear and compelling evidence in support of a breach of privilege; and second, to outline the remedies the committee may wish to include in its report to the House for the purpose of...as O'Brien and Bosc put it, and I quote, "to respect and enforce the privileges of its members".

Let me begin with the Conservative ten percenter, which I will table for this committee, that targeted Jewish constituents in urban areas, as I mentioned, such as my riding of Mount Royal. As I attested to in the House, the contents of these ten percenters contain serious falsehoods and misrepresentations that not only—to put it mildly, Mr. Chairman, and as the Speaker found—distorted my true position and created confusion in constituents' minds, which would be bad enough, but they also, as the Speaker determined, had the prejudicial effect of unjustly damaging my reputation and my credibility with the voters of my riding. As such, again as the

Speaker ruled, it infringed on my privileges by prejudicing my ability to function as a member.

Mr. Chair, what was specifically damaging, and wherein the breach of privilege is most evident, is in the false and cruel characterizations of my party and me, and I quote, as "willingly participating in the overtly anti-Semitic Durban I". This is a particularly outrageous accusation for Jewish constituents who are so targeted, because, as I wrote on the occasion of Durban I at the time, and as I have written and spoken about since—and I will table my articles in this regard for the committee as well—"Durban I has emerged for Jews as a metaphor for the most virulent and lethal anti-Semitism"; accordingly, "To identify any political party, let alone a Jewish MP, with willingly participating in such an anti-Semitic event, is the most loathsome and dangerous accusation that one can make against that party and that member." It is particular odious, and, I might add, personally painful in my case, as one who has spoken and written consistently against it. Simply put, Mr. Chairman, I was at Durban not to willingly participate in an overtly anti-Semitic Durban I; I was at Durban to willingly combat the anti-Semitism that took place at Durban I, and I will table testimonies to that effect as well, one of which was set forth in a letter that was published fortuitously *par hasard* today in the *National Post* on that particular point, headlined, at the risk of sounding self-serving, "Cotler's great work at Durban", written by Rabbi Michael Melchior, identified therein as the head of the Israeli delegation at Durban.

• (1120)

But for the benefit of members, I will table as well two articles of mine setting forth the radical anti-Semitic evil that constituted Durban I, and why such an accusation associating me with Durban I is as false as it is absurd and as damaging as it is damning. Here are the two articles I'm going to table in that regard.

Indeed, these accusations, as the Speaker found, have had damaging and prejudicial effects on my reputation and standing in my constituency. The composite of the three accusations in the flyer—I'm not going into the others, though I'll be pleased to do that as well, but for reasons of time I will just deal with the first one—constitute the most damning accusations one could make, a vicious attack on me as a person, as an MP, and as a member of the Jewish community.

If I may cite principle and precedent in this regard, Speaker John Fraser once ruled that, and I quote:

...anything tending to cause confusion as to a Member's identity...[can] impede a Member in the discharge of his duties is a breach of privilege.

In his ruling, he said, and I quote:

It should go without saying that a Member of Parliament needs to perform his functions effectively and that anything tending to cause confusion as to a Member's identity creates the possibility of an impediment to the fulfilment of that Member's functions. Any action that impedes or tends to impede a Member in the discharge of his duties is a breach of privilege. There are ample citations and precedents to bear this out.

For reasons of time, I won't cite any of the others; I'm just citing Speaker Fraser, incorporating, by reference, all those other ample citations and precedents reaffirmed by the Speaker to which reference was made in his ruling.

I bring up the issue of the member's identity as put forward in the previous precedents and citations, in my case because there can perhaps be no greater betrayal for people of the Jewish faith than the portrayal of one of their own as being anti-Semitic. This accusation, as set forth in these mailings, is utterly abhorrent.

Further, these mailings have even been posted by some in synagogues in my riding. Constituents have even reported receiving this mailing more than once. I have, frankly, been excoriated by constituents asking—and indeed some of the members in the House asked that question—how could I remain with a party that is anti-Semitic? How could I willingly remain with a party that is so identified as being anti-Semitic? How, as a Jew, could I be engaged in such self-hatred? I'm pleased to table representative e-mails that I have received in that regard as well.

Accordingly, Mr. Chairman, it is precisely this sort of breach—and this is an understatement to simply call this a breach of privilege, but that is the formal parliamentary language in that regard—that impedes me in the exercise of my duties, with the attending prejudice. For my constituents—and, again, using principles and precedents and citations from previous Speakers' rulings, summing it all up—are misled as to my identity, my record, and even my moral character, analogous grounds to reputation, standing, and credibility that are the benchmarks of a breach of privilege as found in previous Speakers' rulings.

There's another issue that may also impede members in the discharge of their duties and constitute, thereby, a breach of privilege. I'm referring to how the targeting of Jewish residents was compiled, their reaction to being so targeted, and the concern of a violation of privacy in the creation of such lists.

●(1125)

I find it offensive enough, Mr. Chair, that the Jewish community is reduced in a stereotypical way to a single set of Jewish-related issues, to a kind of single-issue voting bloc, without reference in the contents of this flyer to such other issues as environment or health care, etc., which presumably Jewish residents of my riding concern themselves about.

Dealing now with this stereotypical targeting, I'd like to draw attention to this regard to the fact that this targeting may also be a breach to the extent that constituents may become hesitant to communicate with MPs if they feel their personal information is somehow being compiled and manipulated. Simply put, the targeting of specific and identifiable communities on the basis of their religion with respect to issues of pressing importance to them may be regarded by them not only as an abuse of parliamentary resources—which I believe it is—but also as one that violates privacy expectations and also further impedes members in the discharge of their duties.

Let me say, Mr. Chair, that even among the members present at this meeting, I'm not the only one who received an unfavourable ten percenter in his riding. I'm sure that all of us or many of us may have had in one form or another that kind of experience. It is the particular gravity of the accusation and the falsehoods contained in the flyer that compelled me to bring this matter to the House. I want to say again, Mr. Chair, for the record that I rose on a question of privilege for the first time in my ten years as a member of Parliament. I would

not have done it had it not been for the utter scurrilous character and falsity of this accusation. In other words, Mr. Chair, there have been bad ten percenters. If I may, I will quote the words of my colleague Joe Comartin from the NDP on the occasion of debate on the motion to refer:

I have been extremely offended by the tactics and the use of this ten percenter and the content of the ten percenter. Tomorrow, I will be here nine years and this is absolutely the worst ten percenter I have seen. I say that without any reservations. It is absolutely the worst one.

This is a view echoed by other members in the course of this debate. Mr. Chair, the evidence of this breach of privilege and the damage and prejudice to the member is as clear as it is compelling. Let me move now to the second theme, and I'll do this more briefly, because I have to lay out all the principles and precedents.

What is of particular concern to this committee? What then needs to be done? I would have hoped, Mr. Chair, that the Conservative Party or the offending members who mailed the ten percenters would have acknowledged the wrong and apologized even before I rose on a question of privilege. I have to tell you that the pain and anguish that I personally suffered, knowing some of the people who sent those ten percenters, knowing that the ten percenter that I received in my household came not only from a colleague but a person who I regarded as a friend, the President of the Treasury Board.... I would have hoped that those who sent those ten percenters—if not the party as a whole—would have had the decency to get up and apologize, and that would have put an end to it.

I wouldn't have had to get up on a question of privilege. Others have come before this House and said that they were sorry, that they were wrong, and that they shouldn't have sent out a ten percenter. I would have hoped that at least after I got up on a point of privilege and before the Speaker ruled, somebody would have had the decency to get up and say "We were wrong. We made a mistake." I would have hoped that at least after the Speaker's ruling the Conservative Party and its members would have had the decency to get up and say "We were wrong, and now that the Speaker has ruled, we'll put an end to it." No. I would have hoped that after the motion was referred—and we shouldn't even have had to refer the motion—somebody would have gotten up and said that they were wrong and that they shouldn't have done this. This has not only been a breach of the member's privileges, but it has in fact brought disdain to Parliament as an institution. It has breached the privileges of Parliament.

No. Nobody got up at any point when people could have gotten up, when that would have been the issue of decency. That's why we are here now, Mr. Chair. I regret that we have to be here for something that would have just taken a little bit of elementary decency, if someone had gotten up and said, "Sorry. It was a mistake, and we were wrong." No, people got up in the House and continued to compound the felony with continued misstatements in that regard.

●(1130)

The question is, what needs to be done? I want to say, as O'Brien and Bosc noted, that the committee does not have the power to punish. This power rests with the House. But they note that the committee's report to the House "may or may not contain recommendations for action or punishment and, if the Committee so orders, it may also have appended to it dissenting or supplementary opinions or recommendations". Herewith, Mr. Chairman, are a number of specific actions or remedies in that regard.

Number one is directed at the Conservative Party. I say the Conservative Party because the imprimatur on this flyer is unmistakable. It is not the flyer of an individual member, though that would be bad enough. It is a flyer with the imprimatur of the Prime Minister, with his picture on the flyer, and it is set forth in the form an electoral choice between Conservatives and Liberals. It is a party-oriented flyer. In my view, the Conservative Party and the imprimatur of the PM, which almost invites the reader to make an electoral choice, constitute not only an individual MP's recommendation but also the recommendation of a party. Therefore, the party and the individual MPs who sent the flyer should acknowledge the wrong perpetrated and the damage caused by this false and misleading flyer to the members.

The second, following from the first, is the simplest remedy we know: an apology for the wrong. It appears to me that after the grievous and false accusations in these targeted mailings, after the Speaker's ruling, and after the motion to refer, it is not too much to ask for a simple apology requiring those responsible to admit their wrongdoing in the House, on the record, without reservation or qualification. Simply put, these ten percenters are false and injurious on their face, as the Speaker found, and therefore should be apologized for in the same simple and unreserved terms in which the accusation was set forth.

Third, since these false and prejudicial ten percenters were paid out of public funds, since in effect the breach of privilege was accomplished using parliamentary resources, the cost of the production and mailing of these ten percenters, not just to my riding but to the others as well, should be determined and this amount should be paid to the House either by the Conservative Party on the part of those members whose names appear on the ten percenters or by the members themselves.

Regardless of how the Conservative Party may operate, each MP makes a conscious choice to send or not to send mailings in accordance with his or her parliamentary privilege. These members could have said no. They should have said no. They should have said they would not be a party to these flyers. Frankly, it is hurtful to think—

The Acting Chair (Mr. Guy Lauzon): I have a point of order.

Mr. Tom Lukiwski: Excuse me, Mr. Cotler, but at 12:30 we are going to be convening to an in camera discussion on future committee business. I know there are a number of people here who want to have a dialogue with you. I'm just wondering how long—

Hon. Irwin Cotler: I'll be through very soon. Thank you for mentioning that point. I'm concluding on the remedies, and probably within three minutes, I will close.

●(1135)

The Acting Chair (Mr. Guy Lauzon): Thank you, Mr. Cotler. Please try to hold to that.

Hon. Irwin Cotler: Certainly.

In a word, every member's action carries a consequence, and the consequence of using your taxpayer-funded parliamentary resources to violate the privileges of another member should be repayment of these expenses. It's an invalid expenditure. The taxpayer should not bear this burden.

Fourth, the flyer was in the format of an electoral option. Constituents were asked to mark their electoral choice in respect of the parties. I want to suggest to you that the sending of such a flyer in the format of an electoral solicitation outside the framework of the dropping of an electoral writ is, in my view, an inappropriate use of the flyers.

Fifth, there must be accountability. All those involved in the production and distribution of these flyers should be held personally accountable.

Finally, this false, misleading, and prejudicial ten percenter is not only a breach of the privileges of a member; it is also a breach of the privileges of Parliament as an institution. Such ugly allegations, accusing a party and its members of willingly supporting an anti-Semitic festival of hate, are beyond the pale. They demean Parliament as an institution and they demean the discourse of this Parliament. They must be unreservedly condemned by this committee so as to protect the privileges of Parliament as an institution as well as my own privilege as a member, which, as the Speaker determined, these allegations prejudiced and damaged.

Thank you, Mr. Chairman.

The Acting Chair (Mr. Guy Lauzon): Thank you very much, Mr. Cotler.

There are just a couple of points before we start our question round.

You mentioned a couple of articles that you have submitted. We have to get them translated, and then they'll be distributed to the members.

I will remind you that we are going to be very rigorous with the distribution of the time. We will try to keep the comments civil and keep to the facts wherever possible, and I am going to try to preside in such a manner.

Let's begin our first seven-minute round with Madame Jennings.

Hon. Marlene Jennings: *Merci beaucoup, monsieur le président.*

Thank you very much, Mr. Cotler.

I do have a couple of questions. My first question is in regard to an article written by John Ivison, in which the Honourable Alan Baker claimed he was the head of the Israeli delegation and that as such either he or the delegation had specifically asked the Canadian delegation to leave Durban I.

Could you respond to that?

Hon. Irwin Cotler: Yes, I can respond, and I will table as well the letter of Rabbi Melchior in today's *National Post*.

As I conveyed to John Ivison when he called me at the time and said, "Alan Baker, the head of the Israeli delegation at Durban told me—and I'm telling you—that he asked the Canadian delegation to leave", I said, "Mr. Ivison, I have to tell you that Alan Baker was not the head of the Israeli delegation at Durban, it was Rabbi Melchior." I said, "You don't have to believe me. You can go and check with Rabbi Melchior."

Mr. Ivison called me back—you can check this with him. He said, in his first response, "I checked with Mr. Baker, and Mr. Baker said yes, he was not the head, he was the deputy head, but he took his instructions from Rabbi Melchior, and Rabbi Melchior instructed Mr. Baker to tell the Canadians to leave Durban."

I said, "Why don't you call Rabbi Melchior?" And Rabbi Melchior told Mr. Ivison—it's in today's letter to the editor—that, number one, he was the head of the delegation at all times; and number two, the deputy head and the person on the ground was not even Mr. Baker; it was Mordecai Yedid.

Rabbi Melchior, as the head of the Israeli delegation, never asked of Mr. Baker nor did anyone on Rabbi Melchior's behalf ask the Canadian delegation to leave. On the contrary, Rabbi Melchior writes that they commended the Canadian delegation for remaining. In his letter, he describes the work of the delegation, saying:

...after the Israeli delegation had left, I requested from the Canadian delegation that they lead and coordinate the work at Durban to combat the dangerous anti-Semitic language in the final resolution. The Canadian delegation, with its fine record on issues of human rights and combating anti-Semitism and xenophobia, made a remarkable contribution in rallying an unprecedented majority—in UN terms—to remove the hate language from the final official resolution.

• (1140)

Hon. Marlene Jennings: Thank you.

Subsequently, what have you experienced directly from the content of Mr. Ivison's letter? Has anything happened outside the House or inside the House following the publication of that letter, which now, according to Rabbi Melchior's letter in today's *National Post*, was completely erroneous?

Hon. Irwin Cotler: Well, I can tell you, and you can look at the talkbacks on the *National Post* after Mr. Ivison published his article, and as I told him, there are two kinds of responses. One says, "Ah, since Mr. Cotler lied about what took place in Durban and said that the Canadian delegation was there to combat anti-Semitism in Durban and was commended by the Israelis for it, since he lied, we can't believe him on anything else he said about Durban." So my entire record wherein I combatted the anti-Semitism in Durban has been taken by some to say, "Well, we can't believe Cotler because now we're told that it was wrong what happened; his story was wrong."

Mr. Ivison said my memory might have played tricks on me as to who said what to whom. I don't think my memory played tricks on me. It might have played tricks on Mr. Baker, but certainly not on me, since every single interlocutor who has been involved has come out publicly and corroborated my remarks.

The other part of what has happened is people who say, "Oh well, Mr. Cotler is just a self-hating Jew and therefore he participated in an anti-Semitic hatefest." Either way, I got injured by it, and not only injured by the flyer but, as I said, the fallout since the flyer and the continuing prejudice in that regard.

That's why this committee's meeting is so important, because it is this committee that can finally and unequivocally rectify the prejudice, the breach of privilege, the breach to Parliament as an institution, and do something about this kind of debasing language that is conveyed and targets members of an identifiable minority.

Hon. Marlene Jennings: You've also stated right now the fallout as a result of the flyer and then the subsequent article by John Ivison. In the House itself, what has been the repercussion?

In your statement you talked about how, rather than simply rising and apologizing and admitting that the flyer was wrong, and apologizing unreservedly, members have actually stood in the House and vilified you subsequent to the flyers, subsequent to your point of privilege, subsequent to the Speaker's ruling that there was a prima facie case of breach of privilege, and subsequent to the reference by the House, after debate and vote, to this committee. Could you give us an example?

Hon. Irwin Cotler: I can give you an example of several, but for reasons of time, I'll give you an example of one. The member for Portage—Lisgar in Manitoba—

Hon. Marlene Jennings: You can give her name here.

Hon. Irwin Cotler: Okay. If I can use the member's name, it was Candice Hoepfner who got up and said in effect—I was holding up Ivison's article and the like—that the Liberal Party and the member for Mount Royal have been caught red-handed. In other words, we had been caught red-handed in a lie. In other words, not only did the member willingly participate in an overtly anti-Semitic Durban I, but he lied about the facts when he said Canadians remained to combat anti-Semitism and that the Israelis had commended them for it. There were statements that we have Alan Baker's words, and Alan Baker was the head of the Israeli delegation, and Alan Baker said that he asked the Canadian delegation to leave. That is all false.

The Acting Chair (Mr. Guy Lauzon): Thank you very much. With all due respect, Mr. Cotler, I have to interrupt. There will be further discussion, but I'm going to be very rigorous in adhering to seven minutes for all parties.

We'll go to our second questioner, Mr. Poilievre, for seven minutes.

Mr. Pierre Poilievre: I am going to read from Andrew Coyne on this matter. He says "we", referring to the media, and "they", being politicians:

We are as invested as they in the pretense that, when the Member for Diddy-squat—he is not referring to you or your riding in particular—is observed to be "shaking with rage" or "visibly distraught," he is actually experiencing something like the named emotion.

He goes on to say:

...there is nothing a politician lives for more than to be unjustly accused of something—even if he has to levy the charge himself. The opportunities to play the victim are too tempting.

That puts some of this into its proper context.

Mr. Cotler, can you start by indicating whether or not you are named in the ten percenter in question?

• (1145)

Hon. Irwin Cotler: I just want to answer the first thing you said.

Mr. Pierre Poilievre: No, I asked a very particular question. You've had plenty of time to speak.

Hon. Irwin Cotler: I have the right to respond to the quote—

Mr. Marcel Proulx: I have a point of order.

The Acting Chair (Mr. Guy Lauzon): Excuse me, there is a point of order here.

Mr. Marcel Proulx: There was a question asked of the witness. The witness—

The Acting Chair (Mr. Guy Lauzon): Yes, but the witness has to answer the question.

Hon. Irwin Cotler: I wasn't even allowed. I opened up my mouth and he already stopped me.

The Acting Chair (Mr. Guy Lauzon): I think he wants a direct answer, Mr. Cotler.

Hon. Irwin Cotler: I want to give a direct answer, because he—

Mr. Yvon Godin (Acadie—Bathurst, NDP): On a point of order, Mr. Chair, I've known you for a long time, and maybe we're going to have fun in the coming week, but I'll tell you something: when a question is asked, the witness should have the right to answer the question in the way he wants, and not be told by the chair or the person who raised the question. He should have that time, and there should be that respect for the member. That member has gone through pain already, and we should be here to listen to what he has to say. We'll make our decision afterward.

The Acting Chair (Mr. Guy Lauzon): I am going to ask the witness to answer the question directly, please.

Hon. Irwin Cotler: That is exactly what I wanted to do.

The question was prefaced by a quote from Andrew Coyne, and I think I have the right to respond for a moment, because the question was put as if I wanted to play the victim. My entire presentation was that I never wanted to even raise this on a question of privilege. I didn't want to make this an issue.

Let us distinguish between cause and consequence. What caused all this and where it all originated was in that false, accusatory, prejudicial flyer. We wouldn't be sitting here if that flyer had not been sent out. We wouldn't be sitting here if an apology had been made. That is the point. I don't want to play victim. Mr. Chair, I've had enough pain and anguish on this; I don't have to play the victim card.

We have a matter that breaches the privileges of the House in that regard.

The Acting Chair (Mr. Guy Lauzon): With respect, Mr. Cotler, could you answer the question now?

Mr. Pierre Poilievre: Were you named in the ten percenter?

Hon. Irwin Cotler: It was the Speaker of the House—

Mr. Pierre Poilievre: I appreciate that, but I just want to know if you were named.

Hon. Irwin Cotler: Do I have the opportunity to answer your question?

Mr. Pierre Poilievre: You have another opportunity to answer the question.

Hon. Irwin Cotler: I'd like to answer, but I'm not even able to open my mouth before you pounce.

Mr. Pierre Poilievre: Go ahead.

Hon. Irwin Cotler: I'd appreciate the right, as a normal civil discourse, to be able to respond to your question. You can jump in and attack after I finish.

All I wanted to say was that the Speaker determined that I was directly implicated in the false accusation in the flyer, in that it admitted of no doubt as to a flyer sent to the constituents of Mount Royal accusing the Liberal Party of supporting an anti-Semitic conference. I am the Liberal member of Parliament for Mount Royal. The natural deduction is that it's the Liberal member of Parliament in Mount Royal whose party supports anti-Semitism. No other conclusion can be drawn from that kind of false accusation.

Mr. Pierre Poilievre: You were not named in the piece, just to clarify and to answer the question.

You have said that Mr. Ignatieff has apologized for the remarks in which he accused Israel of war crimes. Can you tell me when that apology occurred?

Hon. Irwin Cotler: Yes, Mr. Chairman, that apology occurred immediately thereafter in private, and subsequently thereafter in public at several forums.

Mr. Pierre Poilievre: Where? Can you give citations?

Hon. Irwin Cotler: I can give you citations. Among others, I was present at the Holy Blossom Temple in Toronto when Mr. Ignatieff made a public repudiation. I was present—

Mr. Pierre Poilievre: Mr. Cotler, I have a copy of the speech he made at Holy Blossom. I've just had a colleague provide it to you. If you can't do it immediately, I understand, because you've just been provided with it, but if you or one of your staff can check where the word "apology", "sorry", "mea culpa", "apologize", "apologizing" appears anywhere in that speech... Again, I do respect the fact that you've just received it in front of you now.

I can tell you that I've read through it twice. I've conducted searches of the text of that speech and nowhere in the speech does he apologize for his remark that Israel had committed war crimes.

He does concede, in fairness to him, that it was an error to make that accusation.

• (1150)

Mr. Marcel Proulx: Excuse me, a point of order.

Mr. Chair, I assume the document that has just been handed to the witness is bilingual.

The Acting Chair (Mr. Guy Lauzon): I don't know. I haven't seen it.

Mr. Marcel Proulx: Could you check, please, Mr. Chair?

There's a rule that documents are not to be brought to the table to witnesses or to members of this committee unless they're in both official languages.

The Acting Chair (Mr. Guy Lauzon): Is it in both official languages, Mr. Poilievre?

Hon. Marlene Jennings: Mr. Cotler, the chair asked you a question.

Hon. Irwin Cotler: No, it's in one language.

Mr. Pierre Poilievre: Fair enough. If the witness wishes to disregard it, it can be provided to the committee later on in both official languages.

The Acting Chair (Mr. Guy Lauzon): Just a moment, please.

Mr. Marcel Proulx: On a point of order still.

The Acting Chair (Mr. Guy Lauzon): Yes.

Mr. Marcel Proulx: May I suggest that tricks of that sort not be repeated, Mr. Chair.

Thank you.

Mr. Pierre Poilievre: Okay. Can I continue with my question?

The Acting Chair (Mr. Guy Lauzon): We have the clock stopped. The clerk is not sure whether a witness is allowed to get a document that is in one official language. That's what she's checking on.

We'll continue with the questioning.

Hon. Irwin Cotler: I can reply nonetheless.

The Acting Chair (Mr. Guy Lauzon): Are you ready?

Hon. Irwin Cotler: Yes, I am ready to reply.

I was at that speech. That was not the only time that Mr. Ignatieff said that to imply any false moral equivalence between a terrorist organization like Hezbollah and a country like Israel, acting in self-defence, is an odious slur. He clearly in that speech threw that out. If anybody can't read that as an apology, then they can read other matters.

I have the best evidence, Mr. Chair, and not my words. I will read this into the record today.

The person who first publicly accused Mr. Ignatieff with respect to that statement was none other than my wife. She wrote at that time a letter to the *National Post*. The *National Post* wrote that the former justice minister's wife criticizes the Liberal leader.

It was at that time, if you will, a kind of media event.

Mr. Ignatieff apologized thereafter to my wife, but the Conservatives continued to keep using the fact of my wife's letter against me, against my wife, against the Liberal Party.

Mr. Pierre Poilievre: Mr. Chair. I've never made reference to his wife—

Mr. Irwin Cotler: I'm answering the question.

Mr. Pierre Poilievre: —and I'm not going to make reference to his wife.

The Acting Chair (Mr. Guy Lauzon): It's Mr. Poilievre's time.

Go ahead, Mr. Poilievre.

Mr. Pierre Poilievre: The question was whether Mr. Ignatieff apologized. In the speech that Mr. Cotler identified there was no apology. In fact, in the exact same speech where this alleged apology occurred, he said he should have characterized Israel's actions as, "Israel may have failed to comply with the Geneva Conventions and the laws of war".

The Acting Chair (Mr. Guy Lauzon): Sorry, Mr. Poilievre, your time is up.

Listen, we need to have order here. We're trying to conduct this meeting in a calm, rational fashion. Unfortunately, it's getting...

I would ask the members to please refrain from talking across the table.

[Translation]

I would like us to continue, please.

[English]

Mr. Irwin Cotler: Mr. Chair, could I just—

The Acting Chair (Mr. Guy Lauzon): No, I'm sorry, the seven minutes are up.

[Translation]

Mr. Guimond, your seven minutes start now.

Mr. Michel Guimond: Thank you, Mr. Chair.

Mr. Cotler, I want to ask you some questions to find out what kind of person you are. Please answer fairly quickly, so I have time to discuss the issue at hand.

Before becoming an MP, 9 or 10 years ago, what did you do?

Hon. Irwin Cotler: I was a professor in the Faculty of Law at McGill University.

Mr. Michel Guimond: What type of law did you teach?

Hon. Irwin Cotler: I taught constitutional law, human rights and international law.

• (1155)

Mr. Michel Guimond: You already mentioned it, but I want to hear you say it again. What is your religious denomination?

Hon. Irwin Cotler: I am Jewish.

Mr. Michel Guimond: How many Jewish people are there in your riding?

Hon. Irwin Cotler: I believe almost 25% of the people in my riding are Jewish.

Mr. Michel Guimond: You represent roughly 100,000 people in your riding, is that right?

Hon. Irwin Cotler: The exact number is 96,000.

Mr. Michel Guimond: And 25% of those are Jewish.

How many synagogues does your riding have?

Hon. Irwin Cotler: There are a lot. There is one on every block in my neighbourhood. I would say there are nearly 40 synagogues.

Mr. Michel Guimond: There are 40 synagogues in the riding of Mont-Royal?

Hon. Irwin Cotler: Yes. Some of them are small, but there are still 40.

Mr. Michel Guimond: How many Jewish people are there in Quebec?

Hon. Irwin Cotler: In Quebec, I believe there are around 90,000 Jewish people.

Mr. Michel Guimond: And the vast majority of those live on the island of Montreal?

Hon. Irwin Cotler: Yes.

Mr. Michel Guimond: You are here today because a document was sent out to your riding that the Speaker deemed a *prima facie* question of privilege, offensive and potentially damaging to your reputation. So you used your parliamentary privilege to be heard. Is that correct?

Hon. Irwin Cotler: Yes, as I said, this is the first time in my 10 years as a member.

Mr. Michel Guimond: Our chair, the member for Elgin—Middlesex—London, did what he was supposed to do, but what is unusual is that he gave up his chairmanship because his name was associated with the incident. However, he made a public statement earlier, while he was still chair, saying that he never sent it.

I have not seen the document that was sent to your riding. Who signed it? Why was the name of the member for Elgin—Middlesex—London associated with it? Was it pulled out of a hat?

Hon. Irwin Cotler: I think his name was involved because the Speaker of the House, Peter Milliken, mentioned it. But I can tell you that, in my riding, the flyer was signed by Vic Toews, the President of the Treasury Board. I received two.

Mr. Michel Guimond: I got 14 at home suggesting that I was against protecting children. They were signed by Conservative members.

Since you are denouncing the document, do you still have any copies? Does the clerk have a copy? Could we see it?

Hon. Irwin Cotler: Yes, I have some here. I received a bilingual one and another in English only. That is another thing, the fact that an English-only flyer was sent to my riding, in Quebec. I wanted to mention that, as well, because I have the right to receive flyers from a federal institution in both official languages. But that is another matter.

Mr. Michel Guimond: Pardon me for interrupting, Mr. Cotler.

Could you submit the bilingual document to the clerk of the committee, so we could have a look at it?

For the benefit of my colleagues, I do not want to go back over its substance or content. A mailing was sent out that the Speaker ruled a *prima facie* case of privilege, offensive.

I still have a few quick questions. In your view, why were you, Irwin Cotler, targeted, in particular? Why was I not targeted, a French-speaking, practising Catholic from Quebec? Why did I not receive a ten percenter from the Conservatives calling me anti-Semitic?

●(1200)

Hon. Irwin Cotler: Because the flyers in question targeted only ridings with Jewish populations. It was directed at Jewish populations. You need to see the kind of language that is used in the flyer I am submitting.

Mr. Michel Guimond: I will have a look at it in a moment.

Are you still a member of the Canadian Parliamentary Coalition to Combat Antisemitism?

Hon. Irwin Cotler: I am a member, but frankly, after these events, I find it very hard to sit alongside those accusing me of spreading and supporting anti-Semitism.

The Acting Chair (Mr. Guy Lauzon): Thank you, Mr. Cotler and Mr. Guimond. The seven minutes are up.

Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chair.

I have the document in front of me. It reads: “On Fighting Anti-Semitism Abroad...” At the top, the Conservatives are on one side and the Liberals, on the other. It is as if they were saying, here is what we, the Conservatives, stand for and here is what you, the Liberals, stand for. That is what it describes.

Led the world in refusing participation in Durban II hate-fest against Israel.

Insisted on banning Hezbollah and led the world in defunding Hamas-led Palestinian Authority.

Strongly backed Israel's right to self-defence against Hezbollah during 2006 conflict.

That is what it says on the Conservative side.

On the Liberal side, it reads:

Willingly participated in overly anti-Semitic Durban I.

Opposed defunding Hamas and asked that Hezbollah be delisted as a terrorist organization.

Michael Ignatieff accused Israel of committing war crimes during 2006 conflict.

Below that, it asks the following question:

Who is on the right track to represent and defend the values of Canada's Jewish community?

Then, it lists the names of the leaders of the four political parties.

Would you say it is more a flyer from a political party's organization?

Hon. Irwin Cotler: When I received the flyer, I was stunned. I will start with the first point. You need to see the type of language used in the flyer you just quoted, because it is very important. It says that the Liberals “willingly participated in overly anti-Semitic Durban I”.

That sort of statement is shameful. It is false, prejudicial and slanderous. Not only is it a clear breach of members' privileges, but it is also a breach of House of Commons' privileges. It claims that the Liberal Party supports anti-Semitism and associates myself and the other Liberal members with those who endorse anti-Semitism. As I said before, it is shameful.

Mr. Yvon Godin: Okay.

I have the flyer; I will show it to you. Who is the person on the flyer?

Hon. Irwin Cotler: It's Prime Minister Stephen Harper.

Mr. Yvon Godin: Okay.

Normally, if an apology is given before Parliament, CPAC would broadcast it. Do you think the 25,000 Jewish people in your riding will have a chance to see the government's apology?

•(1205)

Hon. Irwin Cotler: If the Conservative government wants to tell people what it has done to support Israel in the Middle East, I have no problem with that. If it wants to distribute a flyer in my riding telling people that the Conservative Party has always supported Israel, I have no problem with that. What I have a problem with is the false information.

Mr. Yvon Godin: Okay. You say the flyer contains false information. The government may not agree with you. It may think it is telling the truth, since it is attempting to defend itself rather than apologize.

The way I see it, 25,000 people, even more actually, received the ten percenter with the Prime Minister's picture on it. If you say it contains false information, should the same method not be used to correct it, in other words, should the Conservative government not use the same method to convey its apology to those people?

Hon. Irwin Cotler: Yes. As a party, it is incumbent upon the Conservatives to correct the flyer, which contains false information, in a way that reaches every single person in my riding who was on the receiving end of the flyer.

Mr. Yvon Godin: So, it would have to communicate with those people in the same manner. Otherwise, an apology could be made in the House of Commons, but that does not mean that everyone who received the flyer will hear the apology. In your view, this has affected your political career and reputation.

Hon. Irwin Cotler: Yes. That is one way. Today, I described a few ways to correct this breach of my parliamentary privilege and, I have to say, the privileges of this institution. One solution available to the Conservative Party would be to send out another flyer containing a clear public apology.

Mr. Yvon Godin: Mr. Cotler, a letter was written by John Everson in the *National Post*. Are you prepared to say that the Conservatives should send a retraction letter to the *National Post*?

Hon. Irwin Cotler: Yes. As I said before, it is not just necessary to make a public apology in the House of Commons, but also to send out flyers to my riding, as well as all the ridings where the Jewish population was targeted. At the same time, the Conservative Party should send a letter to the *National Post*.

I think it is up to the committee to decide which methods and remedies should be used to correct this breach of my parliamentary privilege and the privilege of this institution, as well as what the Speaker of the House of Commons, himself, identified as the prejudice resulting from this flyer.

The Acting Chair (Mr. Guy Lauzon): Pardon me, Mr. Cotler, the seven minutes are up.

We are going to begin our second round of questions with Mr. Volpe, for five minutes.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Thank you very much, Mr. Chair.

I had originally intended to do something else, but what troubles me is the position of the government members, who still insist on repeating false information and perpetuating a perception that spreads false information. The Speaker of the House said this, and I am quoting in English, here:

[English]

In his finding he says that “the mailing constitutes interference with his ability to perform his parliamentary functions in that its content is damaging to his reputation and his credibility.”

I also receive these in my riding because I have a large Jewish constituency. I can't imagine any other reason for receiving them. None of my neighbours who have no Jewish constituents receive these. That's fine, but I want to point out to everyone here—and I can't share it with anyone because it's not in both official languages—an item sent by me to my constituents and no one else. It really goes to the issue and says, “Canada-Israel relations Reality Check”. Notice it doesn't say Conservative or Liberal.

I could read it into the record, but I'll leave it for everyone. It asks eight questions, and none of them are tainted with any intention to direct anyone anywhere. For example, I'll read you one. It says:

Which Prime Minister said: “Israel's values are Canada's values—shared values—democracy, the rule of law and the protection of human rights.”

Answer: Liberal Prime Minister Paul Martin

There's another question:

Which government abstained or supported eleven UN resolutions censuring Israel at the 2007 and 2008 Sessions of the United Nations General Assembly?

Answer: Harper's Conservative Government

It went on to say that:

As far as Canada-Israel relations are concerned, you can see that Canadian policies towards Israel have been consistent and the main political parties are strongly supportive of Israel. This is a reason for celebration, not senseless partisanship.

On the issue of senseless partisanship, when I say that the Conservative members—and I'm going to ask Mr. Cotler to comment in a moment.... I too read the *National Post* today.

Rabbi Michael Melchior, deputy minister of foreign affairs—eventually he went on to be a minister himself. He was the real leader of the delegation and directed the delegation from Jerusalem. He says in an item:

...I need to add that even in a heated political debate, there should be a limit to the grotesque methods and accusations one could use against political opponents.

Even to indicate that Irwin Cotler

—and according to the Speaker's decision, any member of the Liberal Party in whose ridings these pamphlets were distributed—

would lend his hand to anti-Semitism is a gross distortion of what happened in Durban.

This comes from the man who directed the Israeli position. He even further requested the Canadian delegation to lead and coordinate the work in Durban to combat dangerous anti-Semitic language in the final resolution. To distort that and insist on that distortion, even in today's meeting, is a gross injustice to members of Parliament and their ability to do work. It is a deliberate effort to tarnish their reputation by slander, by calumny, and by taking events and putting them in a fashion that is inconsistent with good, sound political respect. This attacks the individual integrity of members of Parliament and parties.

• (1210)

The Acting Chair (Mr. Guy Lauzon): Mr. Volpe, unfortunately, your five minutes have been exhausted. Thank you very much.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair. I know my colleague was interrupted on a number of occasions during his presentation. I'll cede my time to Mr. Poilievre.

The Acting Chair (Mr. Guy Lauzon): Okay. Mr. Poilievre you have five minutes.

Mr. Pierre Poilievre: Mr. Cotler, we've had occasion to work together in international fora and here at home. I've always enjoyed the spirited exchange of debate in which we have engaged. I've always found you to be very gentlemanly and open to those exchanges.

Today I want to take a look at what I consider to be a legitimate policy disagreement between our two parties. I'm going to quote from Mr. Ivison's piece in which he recounted Israel's request for Canada to leave Durban I. He says as follows:

However, that is not the recollection of Alan Baker, Israel's former ambassador to Canada who was the head of the Israeli delegation in Durban. In an interview from Israel, he said that his government asked Canada, the U.S. and a number of European countries to pull out of Durban but the Canadian delegation was directed by Ottawa to stay.

It all suggests that there is some rewriting of history in Mr. Cotler's assertion that Canada stayed in Durban at the request of the Israelis. The decision to stay seems to have been made before any such request was forthcoming, which validates the claim that the Liberals were "willing participants in Durban".

I'm also going to quote the Canadian Jewish Congress report, the final report on the Durban conference in October 2001. It says:

Canadian Jewish delegates, led by the CJC's President, in a meeting with the Minister and the officials named above, asked that she walk out of the Conference when she came to the conclusion that there was no possibility for a changed document to be negotiated. The delegations stressed, as well, that a document in any way unchanged had to be rejected by Canada...

When the United States and Israel announced their withdrawal from the Conference, CJC thought it especially important that they not have to go it alone, and reiterated a call for Canada to do the same.

Now, years later, the Conservative government did make that decision, to pull out of the Durban II conference. These are two different approaches. Neither of these approaches is inspired by bad motives, but they are different policy approaches. While there is conflicting evidence as to the reasons why the Liberal government stayed at the Durban conference, it really doesn't matter whether or not the government of that day was asked to stay or asked to leave by a foreign government, because every government makes its own

decisions. Here in Canada, under this Conservative government, we left Durban before anyone asked us to. We left the Durban process before Israel, the United States, Great Britain, or any other country left themselves. We led.

Now that is a legitimate policy disagreement. Those are two different approaches to the same issue. I would submit to you that it's perfectly reasonable in the debate about Middle East policy that the distinction would be highlighted. Why do you feel that pointing to a legitimate policy disagreement like this one should be disqualified when your colleague, Mr. Volpe, points to perceived policy disagreements he has identified and sent to his constituents? Is it not fair, if Mr. Volpe is going to send material to the community in his constituency, that other parties would discuss policy distinctions as well?

• (1215)

Hon. Irwin Cotler: Let me reply to you, if I may, as follows. I said earlier that I had no problem with not only policy disagreements. The Conservatives can say and can claim that they are the strongest supporters for Israel. That was not what was in the flyer. That is not what is at issue here. What was in the flyer was a false, misleading, prejudicial, scandalous accusation sent, and targeting the Jewish residents of my riding, to the effect that the Liberal Party willingly participated in an anti-Semitic—

The Acting Chair (Mr. Guy Lauzon): I'm sorry, Mr. Cotler. Your five minutes are up.

Hon. Irwin Cotler: I think you have to allow me to respond.

The Acting Chair (Mr. Guy Lauzon): No, I'm sorry. I've been judicious in five minutes for everyone and I want to maintain that, if you don't mind. Maybe when you answer your next question, if you wish—

Hon. Irwin Cotler: You didn't give me a chance. It took up most of the five minutes.

The Acting Chair (Mr. Guy Lauzon): So did Mr. Volpe. That's the decision of the questioner.

[Translation]

Mr. Guimond, you have five minutes.

Mr. Michel Guimond: Could you finish answering Mr. Poilievre's question? But please do so quickly, as I have other questions for you.

Hon. Irwin Cotler: Yes, thank you. I will finish answering the question.

[English]

This is not a matter of policy differences, of which there can be about Mideast issues. This has to do with a false accusation that the Speaker found as prejudice, *prima facie*, and breached the privileges of a member of this House. That's why we are before you. As I say, it also breached the privileges of Parliament as an institution with the character of its defamatory accusation targeting specifically the Jews.

What is in issue is not only that the Liberal Party was falsely accused of willingly participating in an anti-Semitic conference—as I said, it was the exact opposite, and all the testimonials that I've said here were that the Liberals participated in combatting anti-Semitism at Durban I. That is the fundamental, normative, and factual distinction.

With respect to the specifics of Mr. Poilievre, relying as he is on John Ivison's article, all relying on one person, Alan Baker, who claimed—and Mr. Ivison repeated Mr. Baker's words—that he was the head of the Israeli delegation at Durban, and he, as the head of the Israeli delegation, called upon the Canadian delegation to leave.... As a statement of fact, Mr. Chair, and I say this for the record, number one, Rabbi Melchior was the head of the Israeli delegation at Durban. You can Google it and you'll see who was the head of the Israeli delegation at Durban. It was not Mr. Baker.

Number two, when Mr. Baker seeks to amend his comments to say he took instructions from Rabbi Melchior, Rabbi Melchior says that he never gave him any instruction to ask the Canadians to leave. On the contrary, they were delighted that the Canadians remained.

Mr. Chair, those are the facts, and nothing can change the facts.

• (1220)

[Translation]

Mr. Michel Guimond: Mr. Cotler, do you feel that this mailing attacked you in a direct and personal manner? You touched on it in your presentation, but quickly, in 15 seconds, could you tell us how it affected you? How do you think your reputation was affected, how do you think this document damaged your reputation?

Hon. Irwin Cotler: The reason is that the constituents in my riding received this flyer and know that their MP is a Liberal who is being accused of supporting anti-Semitism. People are condemning the member from the Liberal Party, which is being identified as a party that supports anti-Semitism, and they are even saying that the MP, himself, supports anti-Semitism.

Mr. Michel Guimond: Have you received phone calls, emails, people coming to your constituency office, or have you met with people in synagogues? I assume you go to synagogues. Have people approached you about this?

Let's pretend I am one of your constituents, that my name is not Michel Guimond but Michel Veinberg, that I live in Mont-Royal and that I get this flyer in the mail. Would I be surprised by my MP's change of opinion? Have people talked to you about that?

Hon. Irwin Cotler: Yes. I could read you emails that I received, for instance. I also received phone calls, and people took the flyer to the synagogue. So when I entered the synagogue, I saw the flyer. You can imagine my reaction when I went to the synagogue and saw this flyer, which says:

[English]

“Jewish community of Montreal should turn their back to such bigot and expel him from the community!”

[Translation]

They wanted me not only to step down as MP, but also to be thrown out of the Jewish community. And others are calling for the same. It is the same in the synagogues. Rabbis have even quoted the flyer. I have to say, it caused a major prejudice, which still persists today.

The Acting Chair (Mr. Guy Lauzon): Pardon me, Mr. Guimond, your five minutes are up.

The last question will go to Mr. Godin.

Mr. Yvon Godin: Thank you, Mr. Chair.

You say that a difference in political opinions is normal. But you say that is not the case here, that false statements were made.

As I listen to Mr. Poilievre talk, I get the sense that the Conservative government is refusing to acknowledge that false statements were made. When he was asking his questions, Mr. Poilievre did not seem to be sorry about anything. He still questions the whole thing.

You told us what the false information was. If the government continues to say that it made truthful statements and that it is just a matter of differing political opinions from the two parties, could you give us the names of witnesses we could call upon to testify that the accusations against you are indeed false? You mentioned a few people. Could you give us their names again? There must be witnesses to what transpired at Durban I.

• (1225)

Hon. Irwin Cotler: The people I mentioned today would be the best witnesses. I, myself, was at Durban. So I am even a witness.

Mr. Yvon Godin: Yes, but I would like the names of witnesses who would corroborate what you are saying. Could you give us their names again?

Hon. Irwin Cotler: There is the president of the Canadian Jewish Congress, Keith Landy; a representative of the NGO B'nai Brith, David Matas; members of NGOs who were in attendance; the head of our delegation, Hedy Fry; and the person who led the delegation, the ambassador to the United Nations, Paul Heinbecker.

I should also point out that Allan Baker claimed to have told Mr. Heinbecker to leave Durban, but Mr. Heinbecker said that he never spoke to Mr. Baker. That means that, out of all the witnesses Mr. Baker said he contacted, none of them backs up his story. All the witnesses—

Mr. Yvon Godin: If the government refuses to accept your testimony, which it has done up to this point, would you recommend that we carry on and that we hear from witnesses, in order to restore your reputation?

Hon. Irwin Cotler: I am prepared to give you a list of witnesses. I would have preferred that—

Mr. Yvon Godin: It does not look like things will go that way.

Hon. Irwin Cotler: I would have preferred that the Conservative members admit openly and directly that they were wrong, that the flyer was prejudicial towards me, and that that be the end of it. But if not, I can give you a list of witnesses from Canada or abroad who could corroborate what I am saying.

Mr. Yvon Godin: I would like that list of witnesses, please.

Hon. Irwin Cotler: Okay.

The Acting Chair (Mr. Guy Lauzon): That is the end of our meeting.

[*English*]

Yes, a point of order.

Hon. Joseph Volpe: I know we said we were going to leave at 12:30, and you wanted to head off a little earlier, but there was at least one question unanswered by Mr. Poilievre. He wanted to know

what the date was of the apology by Mr. Ignatieff. It was April 14, 2008. It was in the *Toronto Star*, under the big headline “Ignatieff apologizes for Israeli war crime comment...it was an error.”

But he is not interested in facts; he wants to perpetuate falsehoods.

The Acting Chair (Mr. Guy Lauzon): Thank you for that.

A point of order.

Mr. Pierre Poilievre: Yes, in response to that, Mr. Ignatieff did not use the term “apology”. That was the word in the headline, but it was not the word in Mr. Ignatieff’s—

The Acting Chair (Mr. Guy Lauzon): As the Speaker would say, I think this is debate and I think we should just leave it at that.

I will close the meeting. Thank you.

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