

*Supply—Justice*

evidence to substantiate a charge being laid, normally a charge is not laid.

However, Mr. Chairman, I ask the minister this question. The person being investigated by the authorities is known, but as soon as the legal officers have advised the minister, who has determined that a charge shall not be laid, the surveillance ends and the man is as free as any Canadian in this chamber; he may enjoy that freedom and liberty of the subject that is spelled out in our civil rights.

In an espionage case the individual is not normally named. Therein lies the difference. In this case the individual is known, he has been named; and because he has been named we ask, not that there be held an inquiry wherein all the facts would be made public and the security of the state might be threatened, but that the inquiry be held in camera. Nobody on this side of the chamber has gone as far as asking that this matter be inquired into in open court. The hon. member for St. John's West has said that this procedure should be adopted in the future, but not in this case because it would be giving in to the Conservatives. If it is giving in to the Conservatives it is because we stand for the protection of the civil rights of the individual. I believe that any fair, good-minded Liberal would be prepared to agree with this.

• (8:50 p.m.)

The difference between this case and another kind of spy case is, and I repeat it, that the individual in the other kind of case is not named. This is a different type of thing. Here, this person is named. They say he has had a hearing. I listened very carefully to what the Prime Minister said, and when I reread his words I find he said this man had been treated justly. Before I mention that, I want to say it is not only the individual Spencer with whom we are dealing. We are dealing with the civil rights of all Canadians. If it is right to debate this case tonight, it is right because we are dealing with the future justice, the future civil rights of all Canadians.

Now, the Prime Minister said this man was treated justly. As one hon. member pointed out, and it bears repeating, what kind of trial did this man have? He was tried by the Prime Minister; he was tried by the Minister of Justice; he was tried by the legal officers of the Prime Minister and the Minister of Justice. These people do not form an independent judiciary. They represent a political machine and they say: We are not going

to give Spencer a fair trial, a fair hearing. What have you got to hide? What harm can come if he is given a hearing in camera? Therein, I say, lies the difference.

I am going to repeat what I said earlier, that I hoped this Minister of Justice, steeped in the traditions I mentioned at the outset, would be the kind of man who would say: I am going to stand on these principles; I am a member of the bar and I took a certain oath as a member of the bar and as a member of parliament. I hoped he would say: Since I took those oaths, since I am steeped in those principles, I am going to say to my Prime Minister that either this man gets fair treatment, the kind of treatment every Canadian expects, or I am going to resign my portfolio. I am not asking for your resignation, but I am saying this: Do not be a pawn in the hands of the Prime Minister. After listening to the minister this afternoon, sir, that is what he appeared to be.

Now, what did the minister say this afternoon? He said it seemed to be standard practice or a standard rule of law that where somebody was a squealer—I could tell you a story about that but I will not—then he is not charged, he does not have any punishment. I have never heard of a rule of law like that. I have heard of a case where a man is involved in a certain conspiracy, where people are conspiring to commit a crime, and gives information about the crime. However, this does not mean that a police officer says to him: Sure, as a Canadian, because you are a squealer, you are not going to be charged. This has never been a principle of law.

The principle of law is this: A man may stand charged, and even if there is a voluntary statement given to a police officer, then the proper rule of law is that the statement is admitted as evidence and may be used against that person at his trial. When it comes to punishment, then you decide on what kind of punishment to mete out to such a person, and mitigation is the letter of the law. If you say it is a standard principle of law in Canada that a squealer is not charged, then I am sure you are carrying the rule of law in a different direction than the one inculcated into the Minister of Justice when he graduated from law school and when he was steeped in the principles of a legal family.

The point I want to mention is that when the minister was asked a question he said he