

Supply—Justice

names made public, then the protection of our national security against subversive action would be greatly prejudiced if not made impossible.

The surveillance which has been exercised over Mr. Spencer in his own interest as well as in the public interest has been adapted to the requirements of this particular situation. After the study I have made of the evidence, and the discussions I have had—and I have taken this matter as seriously as I take any matter—I believe Mr. Spencer's dismissal and his loss of pension rights under the law was lawful and just. I do not believe his rights as a person or as a citizen have been violated. On the contrary, I believe he has been treated with scrupulous fairness.

Mr. Woolliams: We have had two reports this afternoon, one from the Minister of Justice and another from the Prime Minister. For the next few moments I intend to direct a few remarks to the report just made by the Prime Minister and to the Spencer case.

Since I may be somewhat critical, I would ask hon. members on the other side of the house to bear with me—I was advised only a short time ago that I would be asked to speak in reply to the statement which the right hon. gentleman has made affecting this nation and the rights of individuals. I mention this in passing because our leader, my right hon. friend from Prince Albert, is unavoidably absent today for reasons well known to the Prime Minister and members of his cabinet. It was the Leader of the Opposition who had been putting the questions and who had been most interested in the matter of civil rights so far as Spencer was concerned.

• (4:00 p.m.)

In starting out it might be well for me to review the *Hansard* record of May 11, 1965. On that day the Prime Minister gave a report to the House of Commons with respect to two members of the U.S.S.R. embassy who had been asked to leave this country for espionage reasons, and stated that certain members of the civil and public service had been connected with the affair. It might be interesting to put on record just what was said by the Prime Minister, and by the Leader of the Opposition who made our position very clear. At that time we asked for an inquiry. Today the Prime Minister has said that Mr. Spencer has been removed from the civil service, has been dismissed from his job and will not get his pension, and he feels in his opinion Spencer has been treated very justly and

fairly because he did have a hearing before the Civil Service Commission, or before the body which deals with those matters.

At the outset I would point out Spencer never did have any hearing. He was never charged with any violation of the laws of Canada. He has never been charged with any offence and has not been found guilty of an offence. He has never been given a fair and just hearing so far as the courts of law are concerned. I am sure, Mr. Chairman, you will agree with that any hearing he may have had with respect to his employment, or with respect to the civil service, is an entirely different kind of hearing from what he might have received if he had been charged with an offence and was found innocent or guilty. The fact is that this man has not been charged with any offence, and in that way I say there has been a miscarriage of justice.

I am sure in some respect all of us are in sympathy with the government in dealing with matters relating to the security of the state and in dealing with spy cases. This is not the first such case and probably will not be the last, but it is always difficult for the government to handle a matter such as this.

Now, let us see what the Prime Minister said on May 11 last year:

The information on which action was taken in this matter came to the security authorities not only from one of the Canadians approached, but also from other sources which I am sure the house will understand must be protected if our counter-espionage efforts are to continue to be successful, as they were in this instance. On security grounds it is not, therefore, in the public interest to give all the detailed information requested in the house yesterday.

I am in full accord with that. It is difficult in these cases to give that information. It probably should not be given at any stage, at this stage particularly, but that does not say we should not have had an inquiry in camera, a judicial inquiry or a royal commission which could have been held in camera to look into the situation to see if this individual's rights were usurped. After all, he has not been charged with any crime. He has not been brought before any court, judged by any judge or jury, and yet he is still under surveillance. What does surveillance mean? I took the time to look up the definition.

Surveillance may mean the same as the Supreme Court of Canada laid down in the famous Sankey case when it was dealing with the questioning of an accused by police officers as to the admissibility of statements made by accused persons to police officers, and the