

Supply—Justice

as I indicated then, in the proper discharge of his own responsibility he cannot afford to take any risk whatever as to John Doe, one of his employees. His judgment in that regard will be exercised partly in relation to the degree of vulnerability of the department of which he is head, or it may be exercised in relation to some new responsibility imposed upon the department which makes it vulnerable. Therefore since he cannot, in the proper discharge of his official responsibility, take any chance in the matter, he is under the obligation to remove from a position of great responsibility any person about whose loyalty he entertains any doubt whatsoever. That move may take the form either of letting the individual out of the service altogether, or of securing employment for him in another department of the government where no question of vulnerability arises, at least to the same degree.

I admit that in theory it appears that the possibility for arbitrary action is present in such a situation, but no cases have come to my attention of any injustice in that regard. I think my hon. friend will realize upon reflection that if action is taken in the first instance by the deputy, as it usually would be, although not formally provided there is in the nature of the matter an appeal for John Doe who is suspect and who thinks he is being unjustly treated. He will naturally go to the minister. I think the ministers of the government, all being fairly humane and reasonable men, will take great pains to make sure that there is no injustice in a particular case. That arrangement has worked well so far. Nothing has developed which indicates any need for changing it, but I think it would be safe to say that if anything developed to indicate that the appeal to the minister is not sufficient, the government would be quite prepared to consider such a change.

Mr. Stewart (Winnipeg North): What I am asking is that the stable door be locked before the horse is gone. The minister has told us—and of course I accept his word—that no cases have come to his knowledge of deputy ministers dismissing anybody because of suspicion about loyalty. I think that is true. Nevertheless I think the Minister of Justice may also have some knowledge of a case, for instance, to which there was a dossier attached in which certain allegations were made about events that happened long ago, and because of those events doubt was cast upon the loyalty of the person today.

We are up against the tremendously difficult problem of trying to define what is a subversive activity. I do not ask the minister to do it because I do not think I can do so myself. I am not arguing for a moment about

the right of a deputy minister, or somebody in a position of power, to decide as to a person's capability for work. They have a perfect right to dismiss an employee if he is not capable, but I have the gravest doubts about anybody's ability to decide on the most objective grounds as to what may be doubts about loyalty or subversive activities. I am not asking that security measures should be relaxed; I want to see them maintained; but I also want to see the security of the individual maintained.

The suggestion I put forward is not a new one. The minister probably is familiar with the system existing today in the United Kingdom. If a person is suspected of disloyalty, charges are laid before him, and he is given leave of absence with full pay to appear before a board which only has power to report upon the facts. After having interviewed the person charged, it reports the facts to the minister, and the minister has the final decision. I ask for such a board not because I have any suspicion of our deputy ministers but to protect the individual and above all to make sure that there can be no possible case of injustice to the individual. I am quite sure the minister is broad-minded enough to realize the necessity for safeguarding the individual. I hope he will give my suggestion careful thought and implement it if possible.

Mr. Fleming: I should like to ask the Minister of Justice a question concerning a subject which is not new. When the Judges Act was amended about seven years ago to permit judges at their option to share their pensions with their wives, the provision was not made retroactive to include judges who prior to that date had retired. I have argued previously in the house that an injustice was thus done. It was a form of discrimination for which there was no warrant or justification. As I say, the matter is not a new one. I have raised it several times previously, although, I think, not since the present Minister of Justice took office. I hope the minister will undertake to reconsider the situation and extend to the judges who had retired prior to that change in the law, and whose numbers are shrinking year by year, the same privilege and opportunity as was given to their brethren on the bench when the legislation came into effect.

Mr. Garson: I shall be glad to give the matter consideration. I suppose my hon. friend would bracket with them some of the widows as well.

Mr. Fleming: Pardon?

Mr. Garson: I suppose my hon. friend would bracket with the judges who did not