

*Supply—Justice*

answered on January 31 at page 434 of *Hansard*. I quote the minister:

Having studied all the facts of this case, I do not feel it is necessary or useful to initiate a judicial inquiry into this matter. The procedures that have been followed by the R.C.M.P. are exactly the same procedures that were followed when my right hon. friend was in the government.

● (3:50 p.m.)

I was asked at that time by, I believe, the right hon. Leader of the Opposition and certainly by the hon. member for Burnaby-Coquitlam whether I would not re-examine this matter myself and give further consideration to it. I said at that time that when a request of that kind is made I will always do my best to accede to it. So I did.

I have examined this situation personally. I have studied all the reports, all the documents concerning this case. I have spent a good many hours, Mr. Chairman, in doing so, because I know that the issues involved are important and I know that they have aroused very real uneasiness in the minds of hon. members. Not only did I study the details of this case and discuss them again with my ministerial colleagues who were more particularly concerned, but I examined other security cases in the last ten years which might throw some light on the justifiability or otherwise of the procedure followed in this instance—certain cases which were of very direct and immediate concern to the government of the day, which was the government preceding this government. As a result of this study and these considerations I wish to confirm the view which has been given by the Minister of Justice that an inquiry into this matter is not necessary and would not be useful.

I should like to put before the committee very briefly the considerations which led me to this conclusion—in so far as I can do so without any violation of security—and I think this is quite possible in the present case.

In the first place, Mr. Spencer himself has admitted, voluntarily admitted, improper activities which in the view of the government made his dismissal from the Civil Service of Canada not only desirable but necessary. In this dismissal for misconduct, which was carried out pursuant to the Public Service Superannuation Act and to section 50 of the Civil Service Act, Mr. Spencer was in my view treated fairly. The fact that he personally has neither complained nor asked for any inquiry is, I believe, evidence of this fact.

[Mr. Pearson.]

In the second place it was Mr. Spencer himself who disclosed his identity as one of those referred to anonymously in the press release of last May dealing with certain espionage activities which resulted in the expulsion from this country of two intelligence officers of a foreign power. Mr. Spencer himself was never mentioned by name in this release or by any spokesman of the government. But he mentioned himself by name subsequently to the press.

Mr. Spencer was dismissed by virtue of a provision of the present Civil Service Act which was passed, I believe, in 1962—a provision which is essentially in the same form as that contained in the earlier act and under which security cases have been dealt with in the past by governments of this country, and under which they are expected to be dealt with in the future. That is section 50. There is no appeal against decisions made under this section of the act, as it was included in the Civil Service Act when it was passed after very careful examination by this house and by a committee of this house.

However, before a final decision was taken to dismiss Mr. Spencer he was given a hearing by a senior official of the Civil Service Commission, at which he had every opportunity to state his case. Neither at this hearing with a member of the Civil Service Commission present—and the Civil Service Commission has an interest in the protection of the rights of civil servants; this is the main responsibility of the commission—neither at this hearing nor at those held by Canadian security officers earlier did Mr. Spencer make any complaint over his dismissal or prospective dismissal, or any complaint about the treatment he had received.

The law officers of the Crown had advised against instituting criminal proceedings against Mr. Spencer and proceedings were not taken. The primary purpose of the investigations in which Mr. Spencer himself was involved—and he was certainly only one of the persons involved in those investigations—was to identify, if possible, and remove a threat to the national security. In this respect, and in the removal of this threat, important and successful results were achieved. Evidence which made this possible was secured by security procedures which were normal, but which would make much of the evidence inadmissible in a court of law. If these procedures could not be used in this way in appropriate circumstances, or if all the details arising out of them must be made public, and