

*Supply—Justice*

This article appeared in the February 1, 1966, issue of the *Globe and Mail* and was written by Mr. George Bain. I think it should be placed on the record. It continues:

Surveillance of a person believed to have formed an intention to commit a particular crime may be reasonable and essential to law enforcement, as the justice minister says. Never-ending surveillance to satisfy some generalized suspicion that a person might at some time commit some crime is a device of the police state.

Those are strong words. They are not my words; they are the words of the *Globe and Mail*, one of the leading national newspapers of this country, written by Mr. Bain. Then the article says:

Mr. Cardin is on shaky ground—

Well, Mr. Chairman, I have often wondered about that but I shall not go into it now:

—too, when he argues against even an in-camera hearing of Spencer's alleged offences on the ground that counter-espionage methods would be disclosed, and argues at the same time that the man got a fair shake in the firing proceedings because "the Civil Service Commission was asked to make a full examination of the case . . ."

This suggests either that Mr. Cardin believes the Civil Service Commission can be entrusted with a matter which could not safely be entrusted to a judicial committee, or that the Civil Service Commission rendered its "independent and objective advice" on the basis of less-than-full knowledge of the case.

That is strong language but it is language I put to the government and ask them to reconsider their position. I ask the Prime Minister the same question. It is not the first time this government has had to retreat on matters. I am sure their pride will not be punctured if they have to retreat on this matter, because we are dealing with a question of civil rights. Then the article says:

He was then accused—and from that, the natural processes of justice should follow, or should be altered only for some much better reason than the government has seen fit to offer.

I could go on reading these quotations, Mr. Chairman. Newspapers throughout the land take the same position. In 1945 a precedent was set when we had a spy case under investigation. I am speaking from memory now and my reading of some years ago, but I believe 11 people were involved in that case. I may have to correct that figure. A commission was set up because men like Mr. Diefenbaker, Mr. Coldwell and Mr. Powers set out the argument in favour of a commission far more ably than I can this afternoon.

A similar situation was being dealt with at that time and a hearing was held in the case. The Minister of Justice at that time is, as the

Prime Minister knows, a very distinguished Canadian, Mr. St. Laurent. The precedent was set at that time. The Prime Minister said he has reviewed the cases in this respect. I am not being critical but I think he missed this particular case. There is precedent in this regard, and as there is precedent, and the argument advanced by the government, is that there is not, let us follow precedent and give this man a hearing. The *Saskatchewan Bar Review* of December, 1946, had this to say:

It should further be noted that a commission composed of Justices Taschereau and Kellock was appointed under the Inquiries Act to investigate the ramifications of the alleged spy ring. Mr. E. K. Williams, K.C., President of the Canadian Bar Association, along with two other legal gentlemen, was appointed commission counsel. In mid-February the people of Canada first heard of the matter when the suspects were gathered in under rather dramatic circumstances, pursuant to the order in council just referred to. On February 15 the Prime Minister made a public statement and from then until parliament met on March 14 the newspapers and all the rest of us had a good time speculating and accusing.

That is what we are doing now, speculating and accusing Mr. Spencer. He is under surveillance for the rest of his life. Let us get off his back. Let us give him a hearing that the rule of law allows any citizen of Canada. I cannot make my point any clearer than that, Mr. Chairman.

I wish to digress from this subject for a few moments. When the estimates of the Department of Justice were placed before us the Minister of Justice made a statement. I would ask him how we are to handle the old estimates because there is now some confusion and a divisive element with regard to ministerial responsibility. We on this side of the chamber were not sure, when we prepared our remarks for these estimates, what branches some matters come under. I would ask the minister to reconsider his position in this regard because it seems to me this government has taken the position that when they appoint a minister in whom they have not absolute confidence they delegate part of his department to somebody else.

I will give the committee an illustration. Consider, for example, the positions of the Minister of Agriculture and the Minister of Trade and Commerce. The Minister of Trade and Commerce lost responsibility for the Wheat Board and it was given to the Minister of Finance. Now we have a Minister of Justice half of whose work is given to the Solicitor General and some to the President