

Jehovah. Here I should like to quote from the remarks of Mr. Justice Jackson in the Supreme Court of the United States when the case of the rights of Jehovah's Witnesses came before that court. He said:

As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be . . . Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the inquisition as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast-failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard.

Mr. Justice Jackson has laid down certain principles of religious and civil freedom which I commend not only to the authorities of Quebec but to those in every province. We see that today certain basic rights are in danger in Canada and, as I said before, the federal government has led the way.

I now refer to a matter that has been brought before this house on several occasions. I should like to remind the house of the espionage trials, and what the leader of my party said about them last year: We regard with revulsion and contempt any Canadian who betrays or attempts to betray his country. I regard with something akin to that revulsion and contempt the conduct of the government in this case. A little over a year ago some thirteen suspects were arrested, were held incommunicado for several weeks, subject all the time to close questioning by the police. They were denied the fundamental right to counsel; they were denied the privilege of seeing their families. By odd irony, there was being held in Europe at that time a trial in Nuremberg, where some of the worst war criminals we have ever known were given these rights which we in Canada denied to our own people. One suspect, Doctor Alan Nunn May, was sent over to the United Kingdom. When he arrived there he was arrested, charged the next day and given the right to see counsel and also to meet with friends. These rights, despite the minister's talk of magna carta and habeas corpus, were denied in the espionage trials. I should like to know where magna carta and habeas corpus were during those months. The answer would be enlightening. Reading the evidence, one can only be struck by the fact that the commissioners emphasize that the procedure they adopted was legal in terms of the statute law of Canada. They justified a great part of their procedure under the Official Secrets Act, the

Inquiries Act and the Canada Evidence Act. I am not skilled in law, but I do say this, that if that legislation permits the government to do what it has done in the past, then I think it is time to bring amendments to the legislation before the house so that rights of the individual may be protected.

But there was also an order in council passed which appointed the royal commission, order in council P.C. 411. Section 3 of this order states:

That the said commissioners may adopt such procedure and method as they may deem expedient for the conduct of such inquiry and may alter or change the same from time to time.

I have heard it said that the government has assumed to itself at times great powers. These are extraordinary powers.

One of my principal quarrels is with the commissioners themselves and with their report. Although we were assured by the Prime Minister that they would be anxious to maintain in every way possible the freedom and the liberty of the individual, the commissioners refrained from telling witnesses that the protection of the Canada Evidence Act was theirs for the asking. In part of the report we read that certain persons did not, so far as the evidence discloses, take an active part in the subversive activities, but would have done so if required. I have not yet seen the evidence which would lead me to believe that that was so. I am compelled to believe that the commissioners deserted fact and law and became, for the time, soothsayers.

The commissioners declared on February 14 of last year that, unless individual rights were set aside and citizens suspected of being spies were held incommunicado, some of the basic purposes of the inquiry would be defeated. That statement is even more extraordinary, for neither the government nor the commission has yet made it good. I have seen no jot or tittle of evidence to suggest as to how this unconstitutional procedure helped the investigation in any way whatsoever. We are entitled to know where the security of Canada was aided by setting aside the constitutional rights of Canadians.

The government may say that it acted on the advice of the commission, but it is notorious that governments accept the advice of commissions only when they want to. The government cannot escape responsibility because of what the commissioners said. The government must be held accountable on several scores. In the first place, they permitted and, I maintain, permitted wrongly, the publication of evidence which was obtained by the commission in advance of the trials of suspected persons, and so in the minds of people at large the case was prejudiced. But