

*Supply—Justice*

several years. We endeavoured to bring about a system which primarily would preserve to the highest degree possible the safety and security of the state while maintaining the rights of the individual.

My life has been in that field, in the preservation of the individual's freedom. Mention was made of universities. You come to a point when, if you challenge my right to think as I will, you destroy democracy. Freedom is never the right to do wrong: Freedom is the right to be wrong. In other words, no matter whether I am a minority of one within the state, so long as I keep within the law and do not endeavour to undermine the state by overt acts, I have the right to advocate that thinking. That is one of the reasons that when people spoke about outlawry of communism I stated it could not be outlawed. It could be inlawed; but you cannot outlaw a philosophy unless overt acts foul the thought of the individual. If you start outlawing the right to think, no matter how strongly you feel about that, you place everyone who is associated with the communists in the position where they must prove to the court that they are not communists. When I came into the House of Commons we had as a member here one who was afterwards convicted of espionage, a communist. If we had had a law outlawing communists, everyone in this House of Commons at that time would have had to prove that, having been associated with this man, they had not suffered from communism osmosis in consequence. That is the danger of these short cuts.

It would be easy to be critical of the plan that is offered this evening. I believe, on the basis of my experience, that the measures proposed by the Prime Minister go a long way to bringing into alignment the security of the state without endangering the freedom of the individual. I feel, and I have felt, that this matter might have been studied by a committee of the house. I realize the danger in that connection, because no matter how a thing is designated in the various orders of top secret, secret, confidential or restricted, the difference between top secret and restricted is too often simply a question of whether a matter appears in the press today or three weeks from now. It is a strange thing how matters that are designated as top secret very soon find their way into the public press.

I feel, too, that in the measures announced the individual will have an opportunity of making known his defence. The step is taken officially that previously was followed unofficially. The individual has had that right, not in consequence of a declaration made in the

House of Commons but as a result of its being a rule of practice, without which freedom might very well be denied to an individual. The review of the evidence by a separate body, with the individual having the right to give his side of the case, should go a long way to avoiding and preventing injustice. The setting up of a board of review taken from the membership of the security panel—as I understand the Prime Minister's statement—is a step forward; but I do not think it goes as far as it should. Here you have the security panel, the representatives of the various departments of government. They are the ones who actually examined the case as against the individual. They are then going to sit on appeal, as it were, on the same case that they judged or that certain ones of them judged. I have never been particularly successful in the court en banc when the same judge who sat on the trial sat on appeal in the court en banc. Even though there were two others present with him, his influence was fairly effective.

I do not know the degree to which the government has given consideration to this matter. I felt, when we were considering it, that in setting up a board of review to assure that the individual may not only have justice done to him but may feel that justice is done to him, the board of review should have presiding over it a judge of the Supreme Court of Canada or the President of the Exchequer Court of Canada. It will not take up much of their time. It is a contribution that I am sure either judge would be willing to make. There are not many cases; but when justice is the issue, the number is not of importance. The question is, is justice being done?

I think, agreeing as I do with the desirability of the action being taken along the line indicated by the Prime Minister, representing as it does the study that we made in the past few years, the accumulation of information on the subject, discussions with the minister of justice and by the minister of justice with the commissioner of the mounted police and other law enforcement officers, to add a judge would have a great effect, a major effect in assuring that this board of review, in the findings it would make, would have the benefit of the viewpoint of one who would be entirely detached from the membership of the board and would be able to give to that board experience and knowledge which would be beneficial.

Having said that, Mr. Chairman, may I conclude by saying what I began by saying, that I know the weight of the responsibility that is on the Prime Minister in matters like this—this matter above all. He cannot put it