

*Combines Investigation Act*

imagine that if anything like this had happened in the tranquil Victorian days of sixty or seventy years ago—though one could hardly imagine that it could happen then—it would have been difficult to stir up very much interest. People might have said: Yes, that was done; but what is the use of worrying about it? We are living in quiet and peaceful days. There is no real danger to our constitution.

But is that the kind of world we live in today? In this house the other evening we had demonstrated to us the ironical situation of one government department telling us that it could not trust another government department, because the personnel of that other government department had not been "screened" to see whether they were clear of subversive ideas. We approved the necessity of doing that. The minister told us quite frankly that the Department of National Defence was not able to entrust some of its secret work, the making of secret films, to the national film board.

It strikes me there is a certain irony in this screening of civil servants to find out whether they have certain views which might lead them to do something subversive, when this government has itself suspended the execution of the law. I can imagine one of these people saying: Why are you trying to find out whether in certain circumstances I might break the law of this country, when the Minister of Justice, the custodian of the law, has broken it; why ask me what I might do in certain circumstances when he has already done it?

Let me broaden that picture a little. It is impossible to live many hours nowadays without hearing criticism of communism, and the dangers we face. We know those dangers are real enough. Some very wise writers have pointed out that communism, which we regard as bad and diabolical, has in it something that people believe in. One well-known writer in this country not long ago pointed out that we, who confront communism, cannot successfully confront it for long unless we have something to answer it. He said that if we have not some answering faith we are confronting the communist "something" with a "nothing". That was said by a well-known journalist in a speech delivered before the St. Andrew's society in Winnipeg a year ago. I refer to Mr. Bruce Hutchison.

What is our "something"? Well, of course we say that it is Christianity and the Christian way of life. We say that glibly, and I wonder if sometimes in an age of doubt it does not sound hollow to us when we say it. I wonder if people feel so confident, and if they feel that that is a complete answer.

But I would remind the house there is one thing we have which is essentially Christian, one thing which is the very cornerstone of our democratic civilization, and that is the rule of law. It is essentially Christian, because under our system all men are equal before the law, just as the Christian says that all men are equal before God.

We have this principle, and I suggest to the house that it is the very cornerstone of our way of life which we are so fond of talking about. Let me read to the house a few words by a great authority, Dicey, in "The Law of the Constitution", ninth edition, page 193—and I would ask ministers to listen to this, because it applies to them especially. What Dicey says is this:

With us every official, from the prime minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen.

Let me digress to say that that was very different from the condition in some of the European countries. And when Voltaire visited England two hundred years ago his comment was that while the laws were harsh, they were the same for everybody. That was not true in many parts of Europe. I go on:

The reports abound with cases in which officials have been brought before the courts, and may, in their personal capacity, be liable to punishment, or to the payment of damages, for acts done in their official character but in excess of their lawful authority.

Will anyone tell me by what lawful authority it was that this act was set aside? I would ask the ministers to read that passage and to consider what their personal liability might be. I do not know what it is; but it is stated there that when a minister breaks the law he has a personal liability.

Let me remind hon. members that in respect of the ordinary citizen the law moves automatically, and it calls him to account for what he has done. But, so far as I understand the constitution, the only bodies that can move against ministers when they break the law is, first of all, public opinion—and I shall come to that later—and, second, this House of Commons, which rejoices in the title of the High Court of Parliament.

Yet I suggest that in spite of all, in spite of the wise things that have been said here, the public of this country has not yet registered what has happened. I said a moment ago it is hard to believe that men whom we like and meet happily and who have much good to their credit could do this wrong thing. And it may be that in some curious way they did not quite intend to do what was wrong.