

Supply—Justice

security of Canada, particularly in an inquiry held in camera.

I spoke to Mr. Rankin on the telephone. This is not a court of law so that no one can stop me giving hearsay evidence, which we do all the time. Briefly this is the kind of story I received.

I deliberately did not deal with Mr. Rankin only because I have never met him before. I had heard his name. I determined I would speak with someone whose integrity I can personally vouch for and who would have this conversation with Mr. Spencer to ascertain Mr. Spencer's feelings. I do not know the other chap. I do not suggest anything about his integrity; I just do not know him.

Mr. Rankin tells me that Mr. Spencer has informed him of the sort of thing he told the police. I pause to ask the minister and the right hon. gentleman, can they stop Mr. Spencer telling Mr. Rankin what he did? They cannot. Can they stop Mr. Spencer telling a neighbour what he said? Not unless his doing so is a violation of the law. I am deliberately going to be as unprovocative as I can.

I suggest to the minister that he is inconsistent. It is surely much more harmful to provoke Mr. Spencer and to give him the opportunity to complain to all and sundry in Vancouver, with the undoubted likelihood of its being spread, as rumours spread, like wildfire. It is much more dangerous to the security of Canada to permit that sort of situation than to say to Mr. Spencer: "For the sake of everybody, keep quiet and come down to Ottawa to Mr. Justice so and so. Come with your lawyer and tell your story and see if you can persuade him that we were wrong." I suggest this is much safer as well as more just for the country, the government and the minister.

Mr. Trudeau: Would the hon. member permit a question? Would the commissioner or single person who would judge Mr. Spencer's case have, in the view of the hon. member, authority also to condemn him to some prison or to purge him if he was found guilty?

Mr. Lewis: I do not have that in mind. I have in mind some very simple terms of reference, though I am not drafting them now. The government would tell the justice that they want him to inquire into the dismissal of Spencer and the attendant consequences of that dismissal and to inform the government, and through the government parliament, whether in his opinion the decision of the government was in accordance

with the facts and is supported by the facts, both as to the dismissal and as to the consequences which the government visited upon Mr. Spencer.

I am not saying that the judge thus appointed would be any wiser than the police or the Minister of Justice. What I am saying is that whereas the Prime Minister and the Minister of Justice are part of the management team for whom Mr. Spencer worked and are the employers who dismissed an employee, the judge who would be appointed, or judges—there could be more than one—would be disinterested. The entire life and function of a judge has been the weighing and relating of facts. He would therefore give an opinion which (a) would more likely be objective and fair, not because anyone is being deliberately unfair, and (b), of much greater importance, would be accepted by members on this side of the house and by the people of Canada as being that of a disinterested person, and without there being any suspicion such as is inevitable when the interested party is the only one who has made the decision and has investigated the facts.

In other words, there are two matters. First of all, there is the greater likelihood of justice being done. Second, there is the greater likelihood of justice appearing to be done. Both those things are important to our system.

Mr. Trudeau: Would the hon. member permit another question? I am trying to understand what kind of board this would be. Obviously it would be a board which would not be presiding according to due process. There would be no cross-examination of witnesses, no jury and no real trial. I am wondering what authority this judge would have. Suppose he found that the government had acted rightly. Obviously he would have nothing to do but to confirm the government in its view. But take the opposite hypothesis. Suppose he found the government was wrong. Would he have permission to reinstate Mr. Spencer or would Spencer have to ask for a civil trial?

Mr. Lewis: Of course not. I do not quite understand the hon. gentleman's question. I have known him for many years and I have always had great regard for his intelligence. It seems to me his very great intelligence ought to serve to tell him that any number of royal commissions have been appointed, whether it be the Dorion commission or any