

Supply—Justice

section 50, since the house had unanimously passed it and since it was meant to protect what is called the common good and the security of the state. That is how the problem appeared to us.

Is section 50 justified? I do not have to discuss it, since the house unanimously decided that there should be such a section. If a dismissal resulting from the discretion used by the cabinet, in a particular case, under section 50, can be appealed, in spite of what the hon. member for Kamloops (Mr. Fulton) says, all cases can be appealed; there is not a single one that cannot be appealed. If someone endangers the state in a very serious manner, there will always be someone in this house to say: That employee did not enjoy all the democratic remedies provided by our judicial system; there should be an appeal to a judge. I am not saying that this stand is indefensible.

All I say is that, by virtue of the act enacted by the House of Commons, section 50 no longer means anything, if the decisions of the government can be disputed when a problem occurs similar to the one in Spencer's case. Let the R.C.M.P. arrest on the train tomorrow morning someone who is selling out the whole country to Russia, Communist China or another country, let him be fired, and anyone, the member for York South (Mr. Lewis) or any other member can rise and ask for an investigation. I am not saying that this would be a bad thing.

I am merely saying that I wonder why—those who were in the house at that time might know—why was section 50 included in the statutes? If the house feels that no case could occur where an employee might be deprived of his democratic rights, I would like to know it and we can settle the case.

Some time ago, the hon. member for York South seemed to understand me perfectly but we do not seem to understand each other anymore, possibly due to the division in the house. He blamed me for having connected to the facts, for having used an argument related to the formulation of a grievance by Mr. Spencer. I think that, for any other than the hon. member for York South, I would have to make a long speech to prove that he is aware of the situation, due to the fact that it is a problem of employer-employee relations and that he is aware that in industry, grievances are not formulated, that unions object to the formulation of grievances that many people sometimes fail to take the means available under law, for their own reasons, that in the

[Mr. Marchand.]

field of employer-employee relations, we asked that the grievances be formulated by the party involved.

The member for York South is surprised by this; conversely, I am most surprised, because it is normal practice in the field where he spent his life. We usually ask the worker to formulate in writing the grievance he wants to submit, so that we may know exactly what he is complaining about.

I wonder why he was surprised at my remark, because it seemed so matter of fact, especially to someone who has spent all his life dealing with labour and management relations.

Now, in a case like Spencer's, the telegram produced by the hon. member for York South (Mr. Lewis) is undoubtedly a new development for me, that is to say, from the time he stated his grievance. What surprises me is that after a month-long debate in the house, Mr. Spencer should decide voluntarily to state his grievance. It is not up to me to launch an inquiry. I do not know how this grievance was stated and I shall not question the good intentions of the persons who went to examine him or the methods they used.

I do not know this but, in view of the importance given to the Spencer case, I assume that Mr. Spencer is presenting his case before us today and asking that it be reconsidered. But let us not forget, and this was emphasized by the member for York South, that he does not ask to be reinstated; he asks that his name be cleared and that he be given a pension. Of course, Mr. Spencer is seriously ill and does not expect to work on account of ill-health. His telegram is actually an admission of guilt. In my opinion, if a person is dismissed, if he thinks that he has been dismissed unfairly and if, in his appeal, he does not ask to be reinstated, this is strong presumptive evidence against him.

Some hon. Members: Oh, oh.

Mr. Marchand: I think that the only justification for the wording of the telegram would be that Mr. Spencer is ill and no longer wishes to get his old job back. In any case—

[*English*]

● (3:20 p.m.)

Mr. Lewis: Mr. Chairman, would the hon. member permit a question? I should like to ask him whether he did not hear my invitation to the Minister of Justice to make inquiries from Mr. Spencer? He does not have to act on the telegram I received. All I want him to do is act in accordance with the