

*Supply—Justice*

I know the Prime Minister can get that way, and when he does I enjoy it. Dean Cronkite said this in December of 1946, in *The Law Society's Gazette*.

I take it that the liberty with which we are concerned today is the liberty of people living in society, that civil liberty is that which Montesquieu defined as the capacity to obey the laws. Back in the Maritimes we used to say that a person with a particular desire for liberty, come what might, was as independent as a hog on glare ice. We are not talking about that kind of unrestrained liberty. We are concerned with civil liberties, with liberties under the law, with the liberties of people living in organized society. That is quite a different thing from the liberty of the man unrestrained by laws, fearing not man, God nor the devil. But granting that we are talking about liberty under the law I doubt very much if the concept of civil liberties as such has ever been comprehensively defined or is capable of definition apart from the ideals of the time and place including the fundamental moral philosophy of the people subject to the laws.

● (4:20 p.m.)

It is just this simple. The reason any one of us as a citizen of this country has the right to assemble here or go to our homes, the reason any of our children have the right to land safely at school and return home, is that we are protected by the rule of law. The rule of law protects individuals; but when we assert civil rights as spelled out by the rule of law, then we are bringing about an understanding of civil liberties as we understand them in this nation.

I want to repeat that this man is under surveillance although he has never been charged. He cannot hold a job in the public service, he cannot obtain his pension and he cannot go anywhere unobserved because he is under observation. We do not know whether he is to be kept under surveillance for one year or for 20 years. In spite of this he has not been given a hearing.

The Prime Minister has stated that this man has not complained, but let me inform the Prime Minister that in my experience I have known of many individuals who have been incarcerated in jails in this country who have not complained. Do you know why they have not complained? It is because they were afraid to complain. Maybe this man is afraid to complain.

I repeat that we all realize the importance of security, particularly in respect of Canada, but we must always realize as well that this nation exists because of the freedom of the individual. Therein lies in a nutshell the weakness of the Minister of Justice and the weakness in the argument put forward by the Prime Minister and his government.

[Mr. Woolliams.]

I should like to remind this government of something that was said by a former cabinet minister at the time the government of that day did something similar in reference to a spy case in 1945. I should like to put on record the words of Mr. Powers in regard to that case. Back in 1945 he referred to something that Mr. Cronkite dealt with, and he refers to arguments presented by A. L. Smith, Mr. Coldwell, C. G. Powers, Mr. Diefenbaker and others. This is what Mr. Powers said, as reported in the *Saskatchewan Bar Review* of December, 1946, at page 68:

As for me, brought up in an atmosphere wherein a framed photograph of Magna Carta was on almost every wall, accompanied with a warrant for the execution of Charles I, and steeped through my reading in the traditions of the martyrs of liberty and freedom, I cannot wish to turn back the pages of history seven hundred years and repeal Magna Carta. I cannot by my silence appear to approve even tacitly what I believe to have been a great mistake on the part of the government. If this is to be the funeral of liberalism I do not desire to be even an honorary pall-bearer at the funeral, and I do not wish by not taking part in this debate to give silent approval to the procedure which has taken place.

I suggest that what has taken place as far as the Spencer case is concerned is on all fours with what took place in reference to that matter when people were being incarcerated, denied counsel and interrogated without knowing whether they were going to be charged or not. Some were charged and some were released without charges being laid. I do not know whether or not they are still under surveillance.

Perhaps the terms of Magna Carta should be repeated at this time, but I think the important thing is that most Canadians would rather have an ounce of freedom than a pound of security. Let me read the pertinent part of Magna Carta, which is:

No freeman shall be arrested, imprisoned, dispossessed, outlawed, banished, or hurt in his person or property, nor will we in person or through our officers lay hands upon him save by the lawful judgment of his peers, or the law of the land.

What is the situation in reference to Mr. Spencer? He is still under surveillance. Perhaps the Prime Minister will reconsider his position and allow this man an inquiry in camera so that he can set out the facts that he has not divulged as yet. Let him indicate who these people in high places are whose heads he says will roll. I know that the Prime Minister does not like to hear that statement but—