

Supply—Justice

comment should be made about it. The member suggested, if I read his remarks correctly, that if the opposition would only keep quiet about the Spencer case, perhaps the government would give Mr. Spencer his day in court and then we could go on to other things. This was truly an extraordinary bargain in regard to a man's civil liberties. However, I leave the hon. member for Trois-Rivières to his independent status and hope that this advice will be taken only by himself, because that is about all it deserves.

When the minister made his statement today he used words that are familiar to all of us but they were quite out of fashion in the context in which he used them. I found them extraordinary because in turning down a request for a commission to investigate this matter he used the phrase "due process of law" and the expression "normal processes of government". Well, what are the normal processes of government? Of all the extraordinary gobbledegook, this—

Mr. Cardin: "Administration of government" was the expression I used.

Mr. Fairweather: I thank the minister for that correction. However, "normal administration of government" is still an elusive phrase in the context of a man's liberty. Then the minister finished with a ringing declaration that this decision was made on the basis of long established practice. It is my contention that the minister should be the one person in the cabinet, if the only person, who should be fighting tooth and nail to see that the rights of the citizen in this country remain inviolate. The Minister of Justice is the guardian of the individual in this respect. Surely more than anybody else in this nation he is the guardian of the rights of the citizen.

Instead of protecting these rights, he chooses to throw them away and smother up his action with phrases like "due process". This is a mockery of due process, of course, of "normal administration of government" and "long established practice". But there were brave men of his own party in this debate. They have been mentioned but I will remind the committee of them again. They were the hon. member for York-Humber and the hon. member for Verdun. There was one hon. member who was called in, or perhaps he volunteered. I refer to the Prime Minister's parliamentary secretary, the hon. member for Leeds, who I regret is not present at the moment. I have had the privilege of sitting with this hon. member on various

[Mr. Fairweather.]

meetings of the Canadian Bar Association and on numerous occasions the hon. gentleman has taken part in panels on civil liberties. What an extraordinary apology he made for the actions of the government. Better his very constructive speech on penal reform had been his sole contribution to this debate.

We in the opposition have been blamed because we are spending some time on a person's rights. I think protecting the rights of a citizen justifies the existence of this institution, if nothing else. I believe it is a sorry day when we hear the Prime Minister of this country deny to a person a fundamental and basic privilege which should be that of all citizens. I have a little book here, Mr. Chairman, from which I should like to read two passages. Perhaps the minister would like to read it at the start of his career. Perhaps he has; perhaps he has not, too. His philosophy does not show that he has read very much of it. Sir Alfred Denning, now Lord Justice Denning, in the Hamlyn lectures published under the title "Freedom Under The Law" made the following comments that perhaps the minister would like to reflect upon:

Whenever one of the King's judges takes his seat, there is one application which by long tradition has priority over all others. Counsel has but to say "My Lord, I have an application which concerns the liberty of the subject" and forthwith the judge will put all other matters aside and hear it.

We have an application that involves the liberty of the subject and we in the opposition ask this government to put all other matters aside and hear it. That is our request. It is a request that is founded in the best traditions of the common law. Then, in a dissent—but we in the opposition are used to dissent—Lord Atkin said in a dissenting judgment on a case of arising out of the War Measures Act of the United Kingdom, and I shall put this on the record because it is the philosophy of the minister that disturbs me, this pattern, this denial of ordinary justice:

This power to imprison a man without trial, not for what he had already done, but for what he might hereafter do, was entrusted by parliament to the executive.

By the War Measures Act:

It could not be reviewed by the ordinary courts of law.

The passage continues:

Lord Atkin, in a great judgment, vigorously dissented from this view. He declared that: "In this country, amid the clash of arms, the laws are not silent. They may be changed, but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the