

*Supply—Justice*

**Mr. Cardin:** By himself.

**Mr. Fulton:** I had hoped the Minister of Justice would not seek to take refuge in that kind of inconsequentiality. The identity of Spencer could not help but be revealed when he was dismissed from his job. Then the minister got on a television program and named him.

**Mr. Cardin:** He was named before.

**Mr. Fulton:** All I can say is that the minister is impervious to common sense. The minister named him. Spencer is branded as a criminal. He is placed under perpetual surveillance, and he himself has said, "They dare not prosecute me because heads will roll." I say those circumstances place the minister under an obligation to treat this differently from other cases, to have a judicial inquiry and dispose of these issues, else there is a cloud under which he will live for the rest of his presumably short tenure as Minister of Justice.

Sir, I find I am supported in this view by others on the government side, by no less an authority, rising authority, than the hon. member for St. John's West who, as recorded at page 1917 of *Hansard* for February 28, with reference to the Prime Minister's announcement that there should be a separate body to investigate security cases, said:

The point I have in mind is that in the future we should have a separate body which involves at least one judge outside the administration itself.

That is what we are asking for here—a judicial inquiry outside the administration itself, so that the house and the country may know that there was in fact proper support for the actions taken by the executive, and for the decisions to brand Mr. Spencer for life as a criminal, without giving him the right of trial in court, and for depriving him of his pension and all other rights. This was an act of the executive; but now unfortunately we find the government begins to believe that it should be beyond review by the courts.

This morning the Minister of Justice said that sometimes one gets carried away in the heat of debate. I hope he will review his own actions. I trust that the Prime Minister and his colleagues will review their actions and say, "Maybe we got ourselves into an extremely stubborn position. It may now be a little difficult for us to reverse ourselves." But in view of what is at stake, in view of the interests of preserving the integrity of the whole concept of justice, I trust they will be able to make this human gesture in the

interests of civil rights, fundamental freedoms, the institution of parliament, and the integrity of government, and do the right thing even at this late date.

• (3:10 p.m.)

[*Translation*]

**Mr. Marchand:** Mr. Chairman, since I am a member of the cabinet that took the position which led to Mr. Spencer's dismissal and because of my professional background, I am particularly concerned with this problem. I spent part of my life fighting for the right of an employee to be heard in cases of dismissal as well as in others. Therefore I am not indifferent to the arguments brought forward in support of this grievance, on the contrary.

When the Spencer case came up or at least when the case was brought to my attention, the government had not decided yet, if I remember correctly, whether he was to be dismissed under section 50, section 65 or section 60 of the Civil Service Act.

The first section did not provide the right of appeal. The second one did. I suppose there was a reason for including section 50 in the act; otherwise, it would not have been needed, since section 60 provided for the right of appeal in case of dismissal.

The house decided, by passing section 50, that there were cases of dismissal which, for the common good of the state, should not provide the right of appeal. I was not in the house then and several hon. members who took part in the debate were not there either. That section was passed so that there would not be any right of appeal, in order to protect the security of the state.

I take the facts as they are in 1966. I notice that section 50 was unanimously passed by the house. This means that the Conservative party proposed it, the New Democratic Party approved it, as well as the Liberal party, in short all the members of the house agreed that there were cases when, for reasons of security or for other reasons, it is better not to grant the right of appeal, which is quite a normal right under ordinary circumstances, a dismissal or any other decision imposed by the government. There is no doubt that if there is any discretionary power, someone must exercise it, that is to say that the cabinet, knowing certain facts, must give a judgment and know if an employee must be dismissed under the first or second section. In this case, in view of the facts given us, we deemed it necessary to dismiss him under