

## HOUSE OF COMMONS

Friday, January 21, 1966

The house met at 11 a.m.

### BUSINESS OF THE HOUSE

**Mr. Speaker:** I understand that negotiations among the different parties in the house regarding the application of the provisional standing orders adopted in the last session are still in progress. If this is the situation the Chair is prepared to wait until Monday to hear arguments on the subject and to determine the position that should be taken in the house.

### ADMINISTRATION OF JUSTICE

#### CONTINUED SURVEILLANCE OF FORMER POST OFFICE EMPLOYEE

On the orders of the day:

**Right Hon. J. G. Diefenbaker (Leader of the Opposition):** Mr. Speaker, I would direct a question to the Minister of Justice and ask him whether in the last few days any order has been passed declaring a state of emergency in this country under the provisions of the War Measures Act.

**Hon. Lucien Cardin (Minister of Justice):** Not to my knowledge, Mr. Speaker.

**Mr. Diefenbaker:** Well then, Mr. Speaker, if there has not, what justification is there, and what authority is there, to keep a man who has not been tried, Victor Spencer—and I have no sympathy for his alleged conduct—under perpetual surveillance? What is the authority under law that allows the government of Canada to interfere with the rights of a citizen in that way?

**Mr. Cardin:** Mr. Speaker, there is no specific law or statute that covers the question of surveillance; it flows from the ordinary administration of the law by law enforcement officers. For instance, if a law enforcement officer suspects that crimes have been committed, even though the suspect may not have been convicted of them, or if he suspects because of previous actions that the man might continue to engage in such activities, then it has been the practice to maintain surveillance. This is in the interests of the public. It seems to me that the right hon. gentleman would certainly not deny that right to the police.

**Mr. Diefenbaker:** Is this surveillance carried on 24 hours a day?

**Mr. Cardin:** The surveillance is done as the situation requires.

**Mr. Diefenbaker:** Does the Minister say that such conduct can be justified in any way under the law? Tell me any law which allows surveillance to continue after a government has decided that there is no offence upon which a court should be given an opportunity of deciding whether or not there is a case.

**Mr. T. C. Douglas (Burnaby-Coquitlam):** I would like to direct a supplementary question to the Prime Minister. In view of the fact that this man has been charged by the minister himself on a national television program and denied any opportunity to prove his innocence; in view of the fact that he has been dismissed and denied the right of appeal, and has lost all his pension rights, does the government contemplate taking any steps which will give this man an opportunity of clearing his name rather than remain for the rest of his life under constant surveillance by the R.C.M.P.? Does the Prime Minister not think that in the interest of justice this man should be given some opportunity to have his innocence or guilt established?

**Right Hon. L. B. Pearson (Prime Minister):** The hon. gentleman has raised another and far-reaching point to which I should like to give consideration. It may be desirable to make a statement on this subject very shortly.

**Mr. G. W. Baldwin (Peace River):** Mr. Speaker, I have a supplementary question for the Prime Minister about the issue which has just been discussed. Does the Prime Minister assert on behalf of the government that a general right exists to scrutinize and keep under surveillance any citizen, on the basis of what the government thinks that citizen may do in the future?

**Mr. Pearson:** The government has a general right to do what is required and what is within the law to provide for the security of the country. I have already said that I think it will be desirable very shortly to make a statement on this whole matter, and perhaps I may leave it at that.

**Mr. Diefenbaker:** This isn't under the law.