

Supply—Justice

talked of restoring the pension. I should like to ask him whether he thought that restoring a pension was always of greater benefit to a person than returning his contributions. In some cases civil servants prefer one over the other.

Mr. Fulton: With respect, Mr. Chairman, in my view the question whether you restore his pension or return his contribution does not arise, if you are satisfied that there is not sufficient evidence upon which to dismiss him. What I am saying is that every step must be taken to restore him so far as is possible to the position in which he would have been had he not been dismissed. You cannot arrive at that decision until you arrive at the decision whether or not there is sufficient evidence upon which to dismiss him. That is why we are asking for an inquiry, and have done so all along.

All I am saying is that the Prime Minister, while seeking to make the best of a bad job, has underlined the fact that the whole thing is just a ghastly mess. Had the government been less stubborn and agreed that the unusual and extraordinary circumstances of this case warranted the setting up of an in camera judicial inquiry, we would not be in the illogical position in which we find ourselves now. Parliament would not be frustrated, the estimates would be almost completed, the government would not be out of money, and we would have got on with the business of the country. We have been prevented from doing this by the wrong, intransigent and stubborn attitude of the government, which has been based upon an entirely false premise.

I certainly wish to record my opinion before I agree to the withdrawal of the motion that, although it allows us to get on with the job, it does not disguise the fact that the whole thing has arisen out of an entirely improper course of conduct which has been followed by the government from the beginning.

There is also the matter of the Prime Minister making a phone call. Why does he not go on television too and let the whole public hear him?

Mr. Herridge: Mr. Chairman, I will be very brief as usual. I want to compliment the hon. member for Kamloops upon his remarks; he has a sense of justice which I admire. He does not want to see partial justice done but complete justice done. I also compliment the minister on his later retreat.

I want to take this opportunity to inquire of the Solicitor General what progress is

[Mr. McIlraith.]

being made with the examination of documents seized by the R.C.M.P. from the headquarters of the Seafarers International Union in Montreal. Are these documents being examined by the law officers of the crown or by other counsel? Second, have the provincial authorities in Quebec been interested in the possibility of charges being laid on the basis of evidence contained in these documents? Third, when does the minister expect a decision will be made with respect to laying charges on the basis of the information contained in these documents?

I have one other matter to bring to the attention of the Minister of Justice. Strangely enough the hon. member for Kamloops was Minister of Justice on June 9, 1961, when I raised this question in the house. It concerns a person known as Mr. Heakes. I dealt with the matter at some length on the basis of the information given me.

In reply to me the then Minister of Justice said, as reported at page 6092 of *Hansard* for that year:

Turning now to the Heakes case, I should say at once we have here a most difficult case in connection with an individual for whom I have a great deal of sympathy. The case has been exhaustively investigated by myself and at least one of my colleagues. It has also been exhaustively studied by senior officials in the government service. I have had a lengthy interview with Mr. Heakes. I referred him to the then assistant deputy minister of justice, who had several lengthy interviews with him. In the course of these interviews the position was fully explained to Mr. Heakes with every regard for the difficult position in which he found himself. Furthermore, I know that at least one of my colleagues has given assistance of a personal nature to Mr. Heakes during the period when he has found himself in difficulty, so it may be said that Mr. Heakes has not found an unsympathetic attitude on the part of the government and its officials.

I want to draw attention to the next part of his speech, which is as follows:

Our investigation has established that at the time the proposal was made there was some confusion as to whether it was the original or amended proposal which was approved by the court. Our investigation also established that there was some error on the part of the trustee who applied later on to have the proposal annulled. But the action of the trustee, so far as I can determine—and at this point I am satisfied of this on the report of my advisers—was in error and not of the nature of fraud or bad intent.

At that time the minister did go extensively into this unfortunate case. Since that date this man has made numerous calls to the house, visited a number of members and has had conversations with legal counsel, and so on. He produced many documents, some of them coming to my office as well as to the