

Supply—Justice

At the present time the Leader of the Opposition is trying to make this a political and partisan issue. In other words, the Canadian public is being asked to believe that in this matter of civil liberties there is an official Liberal party view and an official Conservative party view. It seems more proper to say that there is an official government view, and a view that does not substantially change whether there is a Liberal or a Conservative administration in office. In fact, with one or two exceptions, I have not been very much impressed by the arguments brought forth by official opposition spokesmen on this matter, because I think basically the difficulties involved in this kind of case are well known to them, and when they were in office they had no choice but to act in the same way. Perhaps they may have been worried about such things, as anybody in a democracy is, because this is the kind of thing which is very difficult to handle in a democracy; and it is interesting to note that a former Conservative minister of justice to date has not commented on all of this.

As I have said, Mr. Chairman, I am sure there are hon. members in all parties who share my concern about the general principle of doing things in this way, and I do not think that this is, therefore, in the ordinary sense a party view. The matter of civil liberties, it seems to me, must be determined by the individual himself, by his own conscience, his own philosophy and his own concepts of justice. It is totally unrealistic—and this is one of the weaknesses of the parliamentary system—to say that 131 Liberals on one given subject have one view and 27 Conservatives share the opposite view.

● (8:20 p.m.)

It seems to me, I think, to undermine the credibility of the institution itself and that we could discuss these matters with more regard to the fundamentals involved rather than with a regard to party position. This is a fundamental matter which goes to the roots of democracy and is much too vital to the well-being of the nation to be reduced to political expediency. I think this is an example of the weakness of our position. In this particular case I think the Prime Minister and the government have acted in good faith and that in the administration of justice today, so far as civil liberties are concerned, they are consistent with the Canadian way of doing these things.

I do question the fact that Mr. Spencer was unfairly treated. I accept therefore the words of the Solicitor General, the Minister of Justice and the Prime Minister, these men whose sense of fairness and justice is beyond question. I know that all of them, and anybody in any administration which has to deal with this kind of problem, must go through difficult moments. What in fact I disagree with is the Canadian way of handling these security cases. I have read very closely the words spoken in the house on October 25, 1963 by the Prime Minister.

Mr. Orlikow: Mr. Chairman—

Mr. Cashin: The hon. member for Winnipeg North had his chance to make a speech. I agree with the sentiment he expressed that he probably never would be a privy councillor; that was one of the most magnanimous statements I have heard in this House of Commons.

As I indicated at the beginning of these remarks the views of the Prime Minister represent a step forward.

Mr. Knowles: Mr. Chairman, would the hon. member permit a question. Is he referring to the speech of the Prime Minister of October 25, 1963, when he promised that in cases such as this an employee would be given a full opportunity to resolve any doubt and also that there would be a second look taken by a separate body before dismissal was finally decided upon. Is that the speech to which the hon. member is referring? I hope his nod can be recorded on *Hansard* as a yes. If so, does he think that the conditions laid down by the Prime Minister have been met in the Spencer case?

Mr. Cashin: So far as I know I think they have been.

Mr. Knowles: Mr. Chairman, may I ask another question. Would he tell us when the second look was taken at this case, by whom, and what was the separate body that took that look at it.

Mr. Cashin: The separate body to which the Prime Minister referred was a body within the administration itself. 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.

Some hon. Members: Hear, hear.

Mr. Woolliams: That is our point.