

*Supply—Justice*

It has been suggested, I think by the hon. member for York South, that members of the government never admit that they ever make mistakes. I do not think he can accuse me of that strength, or that weakness, whichever it is. I have in the past admitted that there have been mistakes, and I will admit that in the future, when we make mistakes.

I believe that we have handled this matter, as a government, having regard to the issues involved, in the right way. I believe, however, that in an effort last May to call attention to the dangers to our national security of certain kinds of conspiracies which were developing in this country and of which we had evidence; the relationship of these dangers to civil servants, and to newer Canadians and people who might be exposed to temptation, that in giving the kind of publicity that we did, which was absolutely unprecedented in our security history, we made a mistake; that is, in the way that it was done.

Nevertheless, apart from that, I believe that the procedures which we have followed have been correct, and I believe that they did not inflict an injustice on the man concerned.

Until today, Mr. Chairman, this member of the civil service had never given any indication, so far as I know, to anybody that he himself was dissatisfied with the treatment he had received. It has been suggested that naturally he is not going to talk to security officers and members of the police and say that he is dissatisfied. In any event it might be argued that if he did talk like that, at least we would not hear about it in the government. If you take that position, Mr. Chairman, I would call attention to the fact that Mr. Spencer in the telegram which my hon. friend read this afternoon publicly acknowledged the consideration he had received from the police, which is something I had indicated more than once in this debate, but which was certainly much more impressive in coming from the gentleman himself. So, we had no reason to believe that he was dissatisfied with his treatment.

Nor had we any indication from him that he wished an inquiry. Indeed, Mr. Chairman, we had from him a document signed by himself, which I cannot disclose—it is a long document with considerable security information in it which would be contrary to the national interest to disclose, and I hope and I am sure that hon. members will accept that—nevertheless it was a document signed by him in which he admitted conduct which was

[Mr. Pearson.]

improper for a civil servant of the government of Canada, which justified his dismissal from the civil service. He was so dismissed under the Civil Service Act, under a clause in that act, clause 50, which does not provide for an appeal. When the act was revised in 1961 this clause was kept in. I am not criticizing the previous government for this.

My hon. friend from Carleton (Mr. Bell) may remember, because he took a very prominent part in the debate, that at the time the clause was considered necessary for this kind of security situation. That is the way it has been regarded since that time. I am not at all sure it should have been kept in. I am not sure now in view of what we have run into in this debate that it should still be kept in. The fact is, however, that it was included, and included by a unanimous vote of this house, including members of the New Democratic party. So, we acted under a clause in the act which had received the unanimous approval of parliament when it was being adopted in 1961.

• (4:00 p.m.)

Action has been taken in the past, Mr. Chairman, against civil servants who have prejudiced national security and who have acted improperly and been dismissed, and there has never been an appeal against this kind of decision of the Civil Service Commission. The right hon. gentleman will recall the case of a civil servant—and I am not complaining about this; I think it was the right way to proceed—who was dismissed, not under article 50, because this was before the revision of the legislation, but under article 52, which was practically the same, because he had been faithless to his duty as a civil servant. In that case there was no appeal, nor did he ask for any; and he could not have made an appeal, under the law, had he asked. We took action under this particular section of the act because we thought it was the section applicable to this particular case. The civil servant in question agreed he had done things which justified—certainly in the government's view—his dismissal. He was very ill at the time. He is still ill. In securing information from him—I think I can say this, now, because of his own remarks about the police—he was shown every possible consideration. That is one reason why the inquiry extended over so many months—so that his physical condition would not be prejudiced by the kind of inquiry which was required.

This was the situation until today when the hon. member for York South put on record a