

Supply—Justice

matter of whether he was under custody or not. Surveillance means, in the Oxford dictionary, supervision, close observation, investigation, not trusted to work or go about unwatched.

Today the Prime Minister said that the reason for refusing a hearing of any kind was to protect the individual himself. I might ask, how long will this surveillance go on? In that regard we have some sympathy with the government in reference to matters of security.

On May 11 last year the Prime Minister also said:

In regard to the two individual cases mentioned in the press release, one Canadian mentioned co-operated conscientiously from the beginning with our security authorities. Far from being motivated by "illicit gain and greed", this conscientious and patriotic Canadian reported to our security authorities the very first approach made to him; and this information is not usually made public.

Well, if this is the conscientious and patriotic Canadian, he has now been fired from the public service of this country and has his pension cut off.

In the other case mentioned in the communiqué the circumstances unfortunately were different. The person involved in this case is a civil servant in a very junior position in a non-sensitive department. His place of work is not in Ottawa. The person is at present on sick leave and is in fact gravely ill.

I pause there. The first time questions were put to the Minister of Justice and the government with reference to whether there would be a charge laid against Spencer, their answer was that he was very ill. But then for some strange reason, as we read from press reports, as I shall do in a few minutes, he miraculously recovered. Later when we questioned the Minister of Justice as to whether there was going to be a charge laid, or was the surveillance going to continue, the minister said there was no evidence. Well, if there is not evidence I would say if Spencer is under surveillance it is almost like being in custody. It is almost as the Supreme Court of Canada said in the Sankey case, that if the accused was not under arrest he was practically under arrest while being detained by police officers for questioning.

The question is: Is this individual free? Is he free to go about his work, to go about his way in society according to the rules laid down by the rule of law? Is this surveillance, as the Prime Minister said, solely for the protection of the individual, or to watch this individual so that he may not usurp the state's security? That is a question that has not been answered.

[Mr. Woolliams.]

Mr. Pearson: I know my hon. friend does not wish to misquote what I said. I said that was one of the two reasons he was under surveillance. One was for his own interests, because he stated in November if he told what he knew both he and the reporter who heard him would shortly be assassinated. The other reason was the public interest.

Mr. Woolliams: I thank the Prime Minister for that interruption. I listened to him very carefully. That was one of the reasons given but it is a very weak reason. If that is a very weak reason then the main reason this man is under surveillance is because the government feels he might do something to the security of our nation, and if that is the kind of evidence they have then I say to the Prime Minister and the Minister of Justice—and I say it not in the tone of criticism that might be offered in this regard—it is time that a charge was laid, that this man be brought before the courts, that he be acquitted or found guilty, because it is too important a matter to be left up in the air.

What was the position we took at the time the Prime Minister made his statement on May 11? It is to be found at page 1141 of *Hansard* for that date, and it was set out very carefully by the Leader of the Opposition who said:

Necessarily, as responsible Members of Parliament we do not want to do anything that will prejudice to the slightest degree the investigation that is being made. However, in view of the widespread nature of these activities, I feel that the government should have an investigation by a royal commission, to look into this whole question and ascertain the degree to which espionage is going on within our country. Such a royal commission would not necessarily have to meet in the open. Composed of judges, it could take secret evidence which otherwise ought not to be revealed.

Not only would a royal commission clear up this matter but it would clear up other matters that may be pending in reference to this situation.

• (4:10 p.m.)

Let us look at the facts in their very simple form before I take the position which I shall take, in that I feel this individual's civil rights are, to say the very least, being usurped. What about Spencer; who was he? Spencer was a postal clerk who revealed his identity apparently some months after the government announcement of May 8 that two Soviet embassy employees were being expelled. Spencer, according to statements made by the Prime Minister and according to our own press statements, was a civil servant