

Criminal Code

Mr. C. Terrence Murphy (Sault Ste. Marie): Mr. Speaker, I am entering this debate for one reason only, because I have become a little bit sick and tired of sitting on this side of the house and listening to some of the speeches from the other side.

● (4:00 p.m.)

The last speaker, the hon. member for Brandon-Souris (Mr. Dinsdale), started out by saying that the Minister of Justice (Mr. Turner) was being very unreasonable in asking that this bill be treated as an entity and not be broken down into three or four parts. Yet at this very moment he has been taking part in a debate on an amendment to the bill which deals with one of the very parts which would have been dealt with had the bill been broken up. Every member of this house, by voting on this amendment, will be in a position to indicate where he stands on the question of homosexuality and the other acts covered by clause 7 of the bill. As later amendments are dealt with every hon. member will have an opportunity to stand up and be counted in connection with the problems involved in the different parts of the bill pertaining to abortion, lotteries and other matters. As I see it there is no hardship for a backbencher in the bill being dealt with in this way. Every member will have an opportunity to let his voice be heard with reference to all these amendments in the way in which he wants to be heard.

The hon. member for Brandon-Souris made a great fuss about the phrase, "the state has no place in the bedrooms of the nation". I should like to say that that phrase was uttered long before June 25, 1968, by the minister of justice of that day. This bill was publicized long before June 25, 1968, and the people of Canada knew about that phrase; they knew about the man who used it. They knew it was part of his program. The people of Canada returned a majority of that man's party to this house. That is the reason we are sitting over here and you are sitting over there. The hon. member also—

The Acting Speaker (Mr. Béchard): Order. The hon. member for Brandon-Souris on a point of order.

Mr. Dinsdale: I rise on a question of privilege, Mr. Speaker. That statement was first uttered by Omar Khayyam. It was borrowed by the Prime Minister.

Mr. Murphy: I will accept the correction by my hon. friend.

[Mr. Dinsdale.]

Mr. Lewis: Omar Khayyam was not elected.

Mr. Murphy: In any event the present Prime Minister (Mr. Trudeau), the then minister of justice, used the phrase. He might be guilty of plagiarism, but he did use that phrase at the time he introduced what I believe was Bill C-195 in the last parliament.

Mr. Dinsdale: Omar Khayyam was a play-boy too.

Mr. Murphy: The word "playboy" has come up a number of times. The hon. member mentioned that sex without love is immoral. This is *Playboy* philosophy. I agree with him. I could not agree more that sex without love is immoral, but that does not make it illegal. It does not make it a crime for which the person should be punished. Sex with love under the present section 149 is illegal as the law now stands.

If the proposed amendment passes, that law will continue to stand and sex with love between a husband and wife and between a fiancée and her husband-to-be committed in private would continue to be a crime. I believe what this government is trying to do is remove the stigma of criminality from these legal acts between a husband and wife and consenting adults when they are committed in private and affect no one else. One hon. member brought up the question of attempted suicide. It was brought up yesterday by the hon. member for Edmonton West (Mr. Lambert), I believe. I must say that I agree wholeheartedly with what the hon. member said yesterday about attempted suicide. I do not think that should be a crime either. In due course, hopefully during the life of this government, I think steps will be taken to recognize that fact and have that offence eliminated from the criminal law as well.

Some hon. Members: Hear, hear.

Mr. Murphy: I believe, however, that before making his speech yesterday the hon. member for Edmonton West probably went through the Criminal Code with a fine-tooth comb. The only offence he could find in the Criminal Code pertaining to a private act committed in a private place, apart from the acts which are now being eliminated from the code, was attempted suicide. There is no crime under our criminal law other than attempted suicide in respect of which the person accused of the crime does not in some way infringe upon the rights of society, upon the rights of the state or upon the