

explanation I have just given I think the hon. member will agree that the issue of a release of a secret cabinet document does not arise in this case.

Mr. Oberle: Would the hon. lady allow a question?

The Acting Speaker (Mrs. Morin): Order, please. There can be no question, point of privilege, or point of order at this time.

ADMINISTRATION OF JUSTICE—SUGGESTED
REPRESENTATIONS TO QUEBEC MINISTER OF JUSTICE
CONCERNING TREATMENT OF DR. MORGENTALER

Mr. Stuart Leggatt (New Westminster): Madam Speaker, this matter arises from a question that I asked the Minister of Justice some time ago in which I requested that he intercede in the case of Dr. Henry Morgentaler of Montreal. In addition, and perhaps more important, I asked that consideration be given under section 680 of the Criminal Code to granting a full pardon, or that at the very least exceptional parole be granted in the case of Dr. Morgentaler.

● (2210)

I raised this point not out of any sense of partisanship or out of any differences we may have in this House over the question of abortion. I raised it because of the minister's admission—through the amendments which were introduced in the House today and promised a short time ago, amendments on which I congratulate the hon. gentleman, removing, as they do, what he calls an anomaly in the Criminal Code which allows a court of appeal to superimpose its own verdict over that of a jury without referring the case back for trial—that there was a situation which needed to be remedied.

The fact is that Dr. Morgentaler, regardless of the view one might take about the case, continues to sit in jail in Quebec as a direct result of this anomaly. And when the Minister of Justice (Mr. Lang) says to the House that he is guilty, the hon. gentleman—I say with the greatest respect to him—shows a misunderstanding of the traditions of English justice. When a jury of one's peers, not once, but twice, acquits someone who comes before it, it has rendered a judgment in that community, and the person concerned is not only entitled to the benefit of that verdict, he is entitled to the position which it gives him among the rest of the citizens.

In this particular case, such was not to be. No special consideration has been given to the fact that in spite of the government's admission that there is an anomaly in the law, and that we cannot permit a situation to prevail in which a court of appeal is able to superimpose its own judgment as to facts over that of a jury, no provision has been made for exceptional parole, or a pardon, or a new trial under Section 617 of the code.

This, I think, is tragic for all of us who respect the law, who respect the ancient democratic process which has been so important in British and Canadian jurisprudence, namely, that one can be tried, not by one's superiors, not by the elite, not by judges, but by 12 good men and true who can decide on the facts. This is what is being denied in this case, and it is fundamental to our system of justice

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that the situation should not prevail. As long as we allow this man Morgentaler to remain in jail we are denying our democratic heritage, and that is a mark of shame upon this government.

Mr. Gilles Marceau (Parliamentary Secretary to Minister of Justice): Madam Speaker, rather remarkably the hon. member's question seems to indicate that he is completely unaware of the fact that the provincial attorneys general are responsible for the administration of justice. That responsibility, of course, includes all matters relating to investigating breaches of the criminal laws, the laying of charges, and appeals by the Crown. I can only suggest, therefore, that if the hon. member is in fact serious in asking his question, he should not try to confuse this issue in the minds of the public by suggesting the federal government is in any way involved in the case, but should direct his query to the attorney general of the province concerned.

The hon. member also seems to have some difficulty in remembering that, in keeping with the traditions of this House, cases before the courts are not discussed. The reasons are clear and hardly need elaboration, even for the hon. member opposite. But I would suggest to him that, in the interest of justice he keeps them in mind.

[Translation]

I should like to add for my hon. friend, and this is the first time I have the opportunity of saying this, that the people of Quebec have had their fill of those who intervene in the administration of justice. I can say that in the minds of the majority of Quebecers, Dr. Morgentaler defied the law. He bragged about have done do; he paid a just price for having thus shown contempt for our laws, as he boasted of doing. My hon. friend forgets that thousands of human beings disappeared because of the illegal acts of Dr. Morgentaler. May I bring my excellent friend to his senses and tell him that Quebecers feel that the administration of justice is a matter for the Quebec government; the vast majority approve that decision, though I recognize that it may not coincide with the opinion of my hon. friend, whom I respect; but I must say I also respect the opinion of the majority of the Quebecers I represent here in the House of Commons, as well as all Canadians.

[English]

ROYAL CANADIAN MOUNTED POLICE—SUGGESTED
REFERENCE OF STATUS OF SECUREX AND DISCHARGE OF
OFFICERS BRUNET AND McLEERY TO JUDGE MARIN'S
COMMISSION

Mr. Elmer M. MacKay (Central Nova): Madam Speaker, I appreciate the fact that the Solicitor General (Mr. Allmand) is here tonight to take part in this debate. As he is well aware, many questions have been asked in committee and in this House up to this point about the pure injustice in the case of two former policemen, namely, Don McCleery and Gilles Brunet.

I understand that the Solicitor General has been preoccupied with other issues these days, including capital punishment. However, I am becoming annoyed with the apparent inability in this particular instance to take control over the situation and find out from the responsible officials of the RCMP the truth of the circumstances,