

Oral Questions

Mr. Trudeau: Yes, there is an acting minister and, as I said the other day, there is the excellent parliamentary secretary from Kamloops. Get your questions on line and you will find he can answer them. That is the position.

Mr. Howard: I have a supplementary question, partly necessitated by the noise from the far right which did not appear to have much sense attached to it.

Mr. Crouse: Don't you like your new friends?

Mr. Paproski: Shame on you. That is a terrible statement.

Mr. Howard: Would the Prime Minister tell the House today whether his statement in 1969, which then reflected government policy of rejecting aboriginal rights, still stands?

Mr. Trudeau: The hon. member will recall that spokesmen for his party as, indeed, for the Conservatives approved the government statement which was made in 1969.

Mr. Baldwin: No.

Mr. Trudeau: If hon. members look up the record of what they said in *Hansard*, they will see that the only comment they had to make about the minister's policy was: "Too little, too late".

Mr. Baldwin: Not on that issue.

Mr. Trudeau: There will, no doubt, be a debate on the minister's estimates and it seems to me the matter can be brought up at that time.

Mr. Speaker: Order, please. It seems to me that both the question and the reply by the Prime Minister are debate. Is the hon. member for Skeena rising on a point of order?

Mr. Howard: Yes, Your Honour. My point of order is that the statement to which the Prime Minister refers is the one that was issued in the House on June 25, 1969. The question I asked related to a statement the Prime Minister made in September, 1969, in which he called the Indian people historical might-have-beens and rejected the notion of aboriginal rights. Perhaps the right hon. gentleman did not appreciate the force of my question. I want to know whether that September statement still stands.

Mr. Trudeau: It may be the hon. member was part of the riff-raff outside the hall when I was talking inside. He perhaps does not know—

Some hon. Members: Oh, oh!

Mr. Speaker: Order, please.

Right Hon. J. G. Diefenbaker (Prince Albert): Mr. Speaker, apparently neither the hon. member for Skeena nor the right hon. gentleman know what happened today in the Supreme Court of Canada, because three judges decided to allow the appeal, three were in favour of dismissing it, and Mr. Justice Pigeon decided that since there had not been a petition of right the matter could not be

[Mr. Trudeau.]

heard. In view of the fact that no judgment has yet been formally—

Mr. Speaker: Order, please. I apologize to the right hon. member. He knows I always hesitate to interrupt him, but he should ask his question. I am sure that the House will appreciate the information but, this information having been conveyed, the right hon. gentleman might ask the question.

Mr. Diefenbaker: Mr. Speaker, I found it necessary to give the hon. members some information. In view of the fact that only seven judges sat on this case and there are nine judges in the Supreme Court, would the Prime Minister give consideration to having the matter re-argued before nine judges to the end that a judgment could be secured which would determine once and for all the aboriginal rights of this particular tribe of Indians? In this way justice could be done by simply reconvening the court and having the nine judges present.

An hon. Member: Not before that court.

Mr. Trudeau: I can only say I lack the rapidity of the right hon. gentleman, who seems already to have read the hundreds of pages of the judgment which only came out yesterday.

Mr. Diefenbaker: It was today that it came out. The Prime Minister is wrong again.

Some hon. Members: Oh, oh!

Mr. Trudeau: I was wrong again. I underestimated the rapidity of the mind of the right hon. gentleman. I can only say that the Minister of Justice has the judgment in his hands. I will flip through it, just as the right hon. member did, and try to say something about it.

Mr. Erik Nielsen (Yukon): In view of the fact that the judgment is only 104 pages long and that a deadlock has been reached, would the government give consideration to referring the question of aboriginal rights to the Supreme Court in full bench?

Mr. Diefenbaker: That would be it.

ABORIGINAL RIGHTS—REQUEST THAT GOVERNMENT
ACCEPT AS ITS OWN MOTION PROPOSING
ESTABLISHMENT OF COMMITTEE

Mr. Wally Firth (Northwest Territories): Mr. Speaker, my supplementary question is directed to the government House leader. In view of the recent judgment of the Supreme Court of Canada I should like to know whether the hon. gentleman would now be willing to accept the motion I have on the order paper, No. 49, to set up a House committee to look into all aspects of the aboriginal rights of native peoples?

Some hon. Members: Hear, hear!

Hon. Allan J. MacEachen (President of the Privy Council): I promised the hon. member that I would consider the matter with the minister. Unfortunately, I have not been able to do that. But I will do it, and I will consider that