

Criminal Code

Mr. Woolliams: Because I have talked to some of them. Here I would say to the new members that there is a gentleman's agreement that one never discloses the source of one's information by name. However, let me not be put off the track.

There may be members who would vote for all parts of the bill but those sections in reference to abortion, and they should have that privilege. Others might vote for those sections of the bill if the word "health" was legally defined, and they also should have that privilege. The same problem may arise as to lotteries. To carry the argument to its conclusion, on the one hand there may be members who will not vote for any of the sections dealing with homosexuality, lotteries or abortion but are prepared to support other merited changes and reforms to the Code. The whole package may be good politics but the way in which it is presented to parliament exemplifies rotten procedure and bad reform.

I do not believe I am treading on sacred ground when I remind the government and the minister that various religious groups and bodies differ on what they consider acceptable to their faiths, their religious institutions and their consciences. It is utter nonsense to suggest that members of parliament and indeed Canadians, who were one of the first peoples to be guaranteed their religious freedom by the common law, by the Bill of Rights and by other statutes, can separate their spiritual and the temporal responsibilities. I remember when in July of 1960 the right hon. member for Prince Albert (Mr. Diefenbaker) pointed out in the debate on the Bill of Rights that Canada was the first nation to get its religious freedom by statute. Students of political science will recall the following words from St. Matthew, which have been quoted in many political texts:

Render therefore unto Caesar the things which are Caesar's;

And unto God the things that are God's.

Of course we must differentiate between the spiritual and the temporal. Therefore this bill should be separated and divided so that all changes can be fairly decided upon according to the consciences of members of parliament and the people of this nation. I point out that when the Minister of Justice was campaigning for leadership he realized and appreciated the degree of feeling connected with some of these matters and felt the political pulse of the delegates. He said that this bill would in fact be considered in the manner I suggest today, that it would be

divided to allow us to express ourselves according to our consciences and our feelings. I ask him now, why the change? I ask him in all sincerity, because he knows I respect him as a friend, who runs his department?

Mr. Turner (Ottawa-Carleton): I rise on a point of order, Mr. Speaker. I do not recall ever having said that during the leadership convention. Mind you, I said a lot of things but I do not think I said that.

Mr. Woolliams: I never thought that from the time the convention was called until now the minister had ever stopped running for the leadership. But I will not get into an argument about that. If he says he did not say it during the active part of the leadership campaign, let me tell him he did say it on TV and to the press. I have the clippings. I do not intend to get into an argument in that regard. But since he is rising on a point of order let me ask him: Who runs his department? Does he or does the Prime Minister?

At the end of my speech I shall make some points concerning why I consider my amendment to the main motion to be relevant and in order. Before I leave this point let me make it clear that we in this party did not move that the bill be not read a second time, nor did we move that the standing committee not study it. We merely intend to move an amendment on the substance of the bill, that when it goes to committee it be studied in a certain manner. I submit that this puts the amendment in order.

I will now go on to another aspect dealing with the Criminal Code. The Minister of Justice said that these are the greatest changes made since the Code was enacted in 1892. I felt he downgraded that great Canadian, Mr. Garson, who was minister when great changes were made to the code, and the minister knows it. The present Criminal Code of Canada is at best a haphazard arrangement based on English precedent, historical accident and outdated mythology. The minister has not scratched the surface in this regard. We can trace the foundation of the Criminal Code back to the work of Sir James Stephen. His draft code of 1868 along with Burbidge's Digest, which was really an edition of Stephen's work in a Canadian context by Mr. Justice Burbidge of the Exchequer Court of Canada, became the Canadian Criminal Code in 1892 after being presented