

*Criminal Code*

we got? We have divorce, abortion and homosexuality. This government has earned the distinction of dealing with divorce, abortion and homosexuality while the economy of the country is drifting extremely dangerously. It has not dealt with much else. I have raised these points in other debates. I am as broad-minded as the next person, but I cannot help wondering whether the Prime Minister (Mr. Trudeau) really knows what he is doing. He has had no hesitation in identifying himself with the provisions of this bill. He did so in March of last year.

The Minister of Justice (Mr. Turner) in his introductory remarks yesterday made it quite clear that he certainly is not the father of the bill and that the Prime Minister is going to be—I think this is what he said—indelibly linked with this legislation as its father. This is undoubtedly legislation of the Prime Minister. He is the father, rather than the Minister of Justice, of all these provisions relating to the permissive society. Now the Prime Minister has thrown the torch to the Minister of Justice, who with his usual elan has hurled himself into the breach in order to usher in that bright, new world in which we will all participate and which we all anticipate will come about as a result of these amendments. This is part of the Magna Carta of the just society.

Let us look at this legislation carefully. In its present form it is a mishmash of revision, amendment and redrafting of the Criminal Code. In this legislation, really the brainchild of the Prime Minister, the government opens the door not on the just society but rather on the permissive society. The question that occurs to me and persons like the hon. member who has just resumed his seat is, just how wide should this door be opened, and how wide is it going to be opened?

Let us consider the breathalyzer. The government has introduced compulsion and regimentation through the breathalyzer test. I speak as one—I do not like referring in debate to my background and do not do so very often—who has spent several years prosecuting as well as defending in criminal cases. What the bill says and what the law will say if it is passed in this form is: Take the breathalyzer test or be regarded as guilty. That is the attitude in this legislation. I take the position that such an attitude has no part in legislation passed by a free parliament in a free country operating on the basis of the democratic process upon which our system of justice has been built and is based.

[Mr. Nielsen.]

In connection with homosexuality I say bluntly that while the Prime Minister may pride himself on his statement that the state has no business in the bedrooms of the nation, he has in these various measures intruded to quite an extent into the bedrooms of the nation. In effect, so far as homosexuality is concerned the bill renders permissible what was previously a criminal offence. To that extent the Prime Minister, through his bill, has taken the government into the bedrooms of the nation. The basis of this legislation is the Prime Minister's belief that homosexuals will behave like gentlemen and that abortions will only be authorized when there is an overwhelming reason. Let me tell the Prime Minister and the Minister of Justice that if homosexuals behaved like gentlemen they would not be homosexuals.

**Some hon. Members:** Hear, hear.

**Mr. Nielsen:** In fact, they would be gentlemen. So far as abortion is concerned, the reasons for permitting it under any and all circumstances will prove to be as overwhelming as the reasons for inducing it at all. One assumes the Prime Minister feels that as a result of this legislation homosexuality can be restricted to the bedrooms of the nation. What guarantee is there of that? I believe the bill does refer to lavatories.

The government holds the distinction of liberalizing divorce, permitting homosexuality in private places between consenting adults, and allowing abortion under certain conditions. How wide are we going to open this door to the permissive society? The Minister of National Health and Welfare (Mr. Munro) has gone on record as favouring a greater degree of permissiveness in narcotics regulation, particularly with regard to marijuana. One is permitted to inquire, or at least to conjecture, what kind of society we will have when all these amendments are in force, if what some of us fear is inherent in statements like those made by the Minister of National Health and Welfare comes about in legislative form.

What manner of society are we producing? Is this the Prime Minister's just society, a society where marijuana smoking, consenting adults, having secured an easy divorce from their previous spouses, childless as a result of repeated abortions, may now be compelled to take breathalyzer tests or be regarded as guilty of drunken driving?

**Mr. Speaker,** may I call it one o'clock?

At one o'clock the house took recess.