

Inquiries of the Ministry

Mr. Chrétien: There will be no such law; the sections will be removed. There will be a new act, the Indian Lands Act. It will cover—

Mr. Speaker: Order, please.

Mr. Chrétien: —the lands of the Indians, and not—

Mr. Speaker: Order, please.

Mr. Frank Howard (Skeena): Mr. Speaker, I wish to direct a supplementary question to the Minister of Justice. Intrigued, of course, by the answer of the Minister of Indian Affairs and Northern Development, who obviously is not going to listen to anybody, I ask the Minister of Justice whether he will be prepared in the interim, until the day mentioned by the Minister of Indian Affairs and Northern Development comes to pass, to refer the Indian Act and all such legislation relating to the Indian people to the Supreme Court for determination of which sections may be contrary to the Bill of Rights?

Mr. Turner (Ottawa-Carleton): I want to echo what my colleague, the Minister of Indian Affairs and Northern Development, said. Under the policy stated by the government, the Indian Act will no longer be on the statute books. This was a very important decision of the Supreme Court of Canada. If I might say so, it was a very creative, judicial decision establishing the primacy of the Bill of Rights in respect of federal legislation. We are looking very carefully at that judgment. I think it is fair to say, from the majority judgment delivered by Mr. Justice Ritchie, that he was careful to limit the extent of the judgment to the particular section, 94(b) I think it was, of the Indian Act.

Mr. Diefenbaker: That is not quite correct.

Mr. Turner (Ottawa-Carleton): Perhaps the right hon. member and I—

Mr. Speaker: Order, please.

Mr. Ritchie: Mr. Speaker, has the Minister of Justice or anyone in his department have made a survey of this matter to ascertain whether any native people are being unjustly held at the present time, in light of this decision?

Mr. Turner (Ottawa-Carleton): I will certainly take that very important suggestion under consideration.

Mr. Paul Yewchuk (Athabasca): A supplementary question to the Minister of Justice, [Mr. Diefenbaker.]

Mr. Speaker. In view of the fact that an Indian convicted of a drinking offence can receive a three months' sentence while for the same offence a white man is liable to receive only one month, what is the minister planning to do about this situation?

Mr. Speaker: Order, please.

[Later:]

PROSECUTIONS FOR SEDITION BY FEDERAL
ATTORNEY GENERAL

Hon. John N. Turner (Minister of Justice): Mr. Speaker, on November 27 during an exchange with the right hon. member for Prince Albert I stated that a search of the records of the Department of Justice disclosed that at no time since Confederation had a prosecution for sedition been undertaken by the federal Attorney General. I regret to say that it has now been brought to my attention by a very senior member of the bar that this statement was based upon what turned out to be a faulty search of the records of the Department of Justice.

Mr. Diefenbaker: That was the point I made.

Mr. Turner (Ottawa-Carleton): A file has been found indicating that in 1919, arising out of the general strike in Winnipeg, one Robert B. Russell and several other individuals were prosecuted for seditious conspiracy by counsel retained by the then Acting Minister of Justice, the Right Hon. Arthur Meighen. The error contained in what I said on November 27—

Mr. Speaker: Order, please. I wonder whether the minister is now answering a question, making a statement or speaking on a question of privilege. I think he should make the answer as short as possible.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, because of the very important exchange I had with the right hon. member, I wanted to do him justice and apologize to him in the House for inadvertently misstating the record. This is the first opportunity I have had during the question period to set the record straight. The error contained in what I said does not, however, change the basic point I was trying to establish, namely, that the prime responsibility for enforcing prosecutions for sedition under the Criminal Code is provincial.