

Oral Questions

Mr. Lang: If the right hon. gentleman will look at the proceedings he will find we did in fact specifically draw the matter of jurisdiction to the judge's attention.

Mr. Diefenbaker: If only the minister would answer the simple question, why was the ordinary course not followed by the government, namely, to state in the statement of defence that this court has no jurisdiction? Then the motion could have been made and there would have been no interference with Mr. Justice Morrow in any way.

Mr. Speaker: Order, please. The Chair will, of course, allow the minister to reply but I am sure it is apparent to all members that these questions and answers are debate. Hon. members will recognize that I have allowed the questions to be asked because of the interest of members in the matter, but after the first questions the supplementaries have tended to develop into debate, which should not be the purpose of the question period. The minister may reply to the supplementary and then the Chair will recognize the hon. member for Témiscamingue.

Mr. Lang: Mr. Speaker, the right hon. gentleman repeated his question and I will repeat my answer. We did indicate as a first ground before Mr. Justice Morrow that there was no jurisdiction in him to deal with anything more than the caveat itself.

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[Translation]

CRIMINAL CODE**PROPOSAL BY SOLICITOR GENERAL TO ABOLISH CAPITAL PUNISHMENT—REQUEST FOR EXPLANATION**

Mr. Réal Caouette (Témiscamingue): I should like to direct a question to the Solicitor General.

In view of his statement on TV last night on the subject of capital punishment, can the hon. minister now tell us on what scientific study he based his statement that capital punishment will be abolished for all murderers in Canada?

Mr. Speaker: The question put by the hon. member is not in order, since he is of course referring to a statement made outside the House, but we can perhaps take it for granted that the question is being put directly to the hon. minister, without reference to any statement made outside the House, and the hon. minister can thus reply.

[English]

Hon. Warren Allmand (Solicitor General): Mr. Speaker, there are several studies, including the Fattah and Grenier reports.

[Translation]

Mr. Caouette (Témiscamingue): I rise on a supplementary, Mr. Speaker.

The minister has given a very intelligent answer, but does he intend, for example, to table a bill which would authorize the distribution of medals to Canadian murderers?

[Mr. Diefenbaker.]

[English]

Mr. Speaker: Order, please. The hon. member's question is one that the minister should not be required to answer.

PROPOSED ABOLITION OF CAPITAL PUNISHMENT—REQUEST FOR SUSPENSION OF ACTION AND HOLDING OF REFERENDUM AT NEXT GENERAL ELECTION

Mr. Robert C. Coates (Cumberland-Colchester North): Mr. Speaker, my supplementary question is for the Prime Minister. In view of the fact the government has now taken steps to remove the capital punishment discussion from a free vote and has made it a party matter, will the Prime Minister give consideration to suspending the debate until the time of the next general election when the voters of the nation could express their views on this matter either by way of a referendum or a plebiscite?

Some hon. Members: Hear, hear!

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, I fail to agree with the premises of the question. I am not certain on what they are based and what they imply. The hon. member is asking me to withdraw something which is in front of parliament now. Surely it is not within my power to withdraw something with which parliament is seized.

Mr. Speaker: Order, please. I will recognize the hon. member for Cumberland-Colchester North on a supplementary. The question was raised originally by the hon. member for Témiscamingue who has a supplementary, and I will return to him. I apologize to the hon. member for South Shore. My impression was that he wanted to ask a supplementary to a previous question. I will return to him when we have finished this series of questions.

Mr. Coates: In view of the fact the Solicitor General has now indicated that he proposes to put forward an amendment to the legislation that was presented to parliament and as he is a member of the cabinet, there can be no doubt in the minds of hon. members that this is government policy, especially in view of the initial vote when every member of the cabinet voted as one.

Mr. Speaker: Order, please. Did the hon. member rise to ask a question? I do not think he should argue the matter now. He was recognized for a supplementary. Perhaps he might ask it now.

GOVERNMENT POLICY RESPECTING FREE VOTE ON BILL

Mr. Robert C. Coates (Cumberland-Colchester North): Would the Prime Minister explain to the people of Canada whether or not full discussion now is still on the basis of a free vote or is it now government policy to abolish capital punishment completely in Canada?

Right Hon. P. E. Trudeau (Prime Minister): The hon. member calls to mind what was done when the first vote was taken and he is right that all the cabinet voted for it. This was a government bill. If amendments are put forward in the name of the government, they will be government motions. There is no doubt about that. As to whether