

*Public Order Act, 1970*

Everyone who votes against this amendment will be duly recorded and will not be forgotten in the minds of the public or in the minds of the members of this House because, as the government has testified, this is an emergency situation which needs emergency action. I know some of my friends in the Socialist party to my left do not believe in capital punishment, but they accept there is an emergency situation in Canada today. At least, I believe they do. They also accept the fact that at this time the government must have some extraordinary powers. Therefore, maybe as a temporary measure they would support this amendment.

I conclude by saying that 80 per cent or 90 per cent of the people of Canada would vote in favour of this amendment. There is no doubt in my mind that the day will come when Members of Parliament will be elected to speak as their consciences dictate and to speak for their constituents. They will not be buying party favours by kow-towing to the wishes of the cabinet. Maybe we are five or ten years away from that day, but I say the day will come when this House will be directed by the consciences of the people who are elected and not by the wishes of the almighty party in power or the wishes of the almighty Minister of Justice who is afraid to stand up and say to his party, "You can have a free vote on this issue. Vote the way your conscience tells you".

**An hon. Member:** We are free to vote the way we want.

**Mr. Horner:** The day will come when members on this side of the House will register the true feelings of the people. When that day comes perhaps we will have less rioting in the streets, less turmoil in our society and perhaps more turmoil in this place where the feelings and wishes of the people are supposed to be voiced and reflected accurately. But today we are still under the thumb of the almighty party; the party must come before our country and we must vote the way the party dictates. That day is nearly ended. I agree with the youth of Canada who say it must be near its end.

The Minister of Justice will rue the day he did not rise and say to his people, "Vote the way your constituents want you to vote", because every person in Canada will be watching how Parliament votes on this emergency measure at this crucial time when public order must be restored within our country.

**Mr. Hogarth:** Before I make my point of order, Mr. Chairman, I want to make it abundantly clear that under no circumstances would I vote for the death penalty under this amendment or any other. Apart from that, it is abundantly clear that this amendment is entirely outside the scope of the bill. The bill deals entirely with le Front de Libération du Québec. Clauses 3 and 4 of the bill set forth the offences. The amendment which is proposed is actually an amendment to section 233 of the Criminal Code which deals with kidnapping. That being so, it appears to me that the amendment is completely outside the scope of the bill. It does not mention the FLQ.

**Mr. Horner:** It is too late. The Chairman ruled it in order.

[Mr. Horner ]

**The Deputy Chairman:** Order, please. I must remind the hon. member that the Chair has already accepted the amendment. I also remind him that clause 4 of the bill is identified as relating to offences and punishment and that identification is not related only to the FLQ, although the bill might be. In any case, the Chair has already made the decision to put the motion, so it is before the committee. I recognize the hon. member for Greenwood.

• (8:40 p.m.)

**Mr. Brewin:** Mr. Chairman, I want to make it clear that at least some members of the House are perfectly prepared to vote against this amendment out of conscience and not out of any coercion by their party. I think it is a delusion for anyone to believe that you get a better deterrent by putting in capital punishment. The way to handle this matter is to have efficient police forces and to alleviate the social conditions which have led to the problems that exist. Of course, people have forgotten that when petty crime in England and other countries was punished by capital punishment, crime was more prevalent than at any other time in the course of history. I suggest that the whole theory behind this amendment is an illusion and a delusion, and we should not support it.

[Translation]

**Mr. Asselin:** Mr. Chairman, I must repeat what I have often said in the House in the last two years. In 1967, removing capital punishment was a disservice to the population. It was an error.

The first duty of members of Parliament is to protect society. During the last session, I said that considering the large increase of criminal offences in Quebec and in Canada, only one deterrent could prevent murder, namely capital punishment. I do not suggest a return to Middle Ages practices. One can be for or against deterrents.

I believe that—

Mr. Chairman, could hon. members be called to order?

**The Deputy Chairman:** Order. The hon. member for Charlevoix (Mr. Asselin). It is rather difficult to hear his remarks. Perhaps the hon. members could allow him to complete them.

**Mr. Asselin:** Mr. Chairman, the death penalty was retained for the murder of prison guards and police officers. In addition, the cabinet, using its prerogative to grant free pardon, ignores the decisions of Parliament to commute death penalties, with the result that we now have in Quebec a considerable increase in the number of crimes, because those people—

**Mr. Boulanger:** That is not true.

**Mr. Béchard:** Mr. Chairman, would the hon. member allow me a question?

**Mr. Asselin:** Certainly.