

*Capital Punishment*

it by analogy, suicide on demand. What I would really like to know in trying to assess this suggestion is whether the hon. member for Hamilton-Wentworth, as a declared retentionist, would feel that he could support the bill now before the House if the amendments moved by his colleague were accepted?

**Mr. O'Sullivan:** Mr. Speaker, I might first say that the question posed by the hon. member is one that he might wish to have put to the mover, the hon. member for Oxford, who has said that as an abolitionist he could not support the bill if these amendments are not carried. I must say that I will want to know the outcome of the other amendments being put forward by other members of my party before looking at the over-all bill and making that decision. If only these amendments were to carry I would have to say the bill does not, in my estimation, go far enough to protect the innocent lives of our Canadian population. However, recognizing what happened here a week ago with the vote, and the potential outcome being the same, I would say to the hon. member that, recognizing I was in the minority then and may be in the minority again, I would feel so much better about the bill being passed with these amendments, even though I cannot support it. This is the way I think Canadian people would generally feel.

**Mr. Sinclair Stevens (York-Simcoe):** Mr. Speaker, in rising to speak on motions Nos. 4, 9, 18 and 38 I should first of all like to draw the attention of the House to the actual clauses in Bill C-84 that are affected by these motions.

● (1540)

Motion No. 4 affects the clause in Bill C-84 dealing with treason. As I read my colleague's motion he in effect is saying that some person convicted of treason as now defined in Bill C-84 should have the option, instead of accepting imprisonment for life, of accepting the sentence of death. In the case of motion No. 9 my colleague suggests the same option in the case of someone convicted of piracy. In motion No. 18 it is suggested that the option be open to a person who is guilty of either first degree murder or second degree murder. This is something I wish to go into more fully. I see that my colleague is in the House and perhaps he might be prepared to accept an amendment with regard to motion No. 18.

Finally, Mr. Speaker, motion No. 38 deals with a subject about which I think all of us in the House are undoubtedly concerned, that is, assuming the death penalty should continue would it be wise to choose a different form of execution than hanging. I think I am fairly safe in saying that virtually all members of the House would be sympathetic to a more humane method of execution than hanging.

I mention this because I think that unfortunately when we deal with this very serious question of life and death, and whether or not capital punishment should continue, people become overly emotional about the form of execution. In a sense I think abolitionists often play up this emotion and make the noose virtually a symbol of capital punishment. That is why, if I may, I should like to say first of all that I support the position of my colleague in respect of motion No. 38 without any question.

I believe that if the death penalty is to continue in this country it would be wise to change the method of execu-

[Mr. Stanbury.]

tion and, as my colleague suggests, let it be set by the governor in council through regulation. This is not a unique suggestion. My colleague, the hon. member for Hamilton-Wentworth (Mr. O'Sullivan), indicated that under the National Defence Act the death penalty is prescribed in certain cases. I should like to direct the attention of the House to section 175 of the National Defence Act. It states:

The execution of a punishment of death under this Act, whether the sentence was passed in Canada or elsewhere, shall be as prescribed by regulations made by the Governor in Council, and, without limiting the generality of the foregoing, the regulations may make provision for . . .

Then the custody and treatment of the person under sentence in that case are specifically set out. In short, motion No. 38 suggests that in the Criminal Code we should have the same provisions with regard to the method of execution as now exist in the National Defence Act.

Perhaps I might go back and touch in order again the motions to which I have referred. The reason I have drawn the attention of the House to the clauses dealt with in these motions, particularly motion No. 4 and motion No. 9, is that I believe it is important that we honestly realize that the bill before us, Bill C-84, is not an abolitionist bill. Mr. Speaker, I believe it is important to emphasize this because in effect I think there has been a misrepresentation in this regard to the House and certainly to the Canadian public.

I should like to draw attention to the speech given at second reading by the Solicitor General (Mr. Allmand) in support of Bill C-84. At page 13088 of *Hansard* for May 3, 1976, the Solicitor General said:

. . . if we attack this question objectively, then we must, from a logical, ethical and public policy point of view, conclude that capital punishment must be abolished once and for all.

At the conclusion of the minister's speech as recorded at page 13091, he stated:

When we examine the question objectively, and when we study the evidence closely, logically, and with an open mind, then the conclusion we must reach, if we are to discharge our responsibility to the Canadian people as legislators of sound and effective laws, is that capital punishment must be abolished in Canada now, and that this bill should be passed.

I suggest that many people who have voted on this bill that is before us took the minister's words literally, and voted believing they were voting for Canada to become an abolitionist state. They had every reason to believe that was the case. Did the minister point out that while he proposes abolition there are already in existence in the National Defence Act, so far as I can make out, 36 separate offences which call for the death penalty if someone is convicted? When we look at some of these offences I would say that we would become the laughing stock of the nation in that we pretend on the one hand that we are an abolitionist nation, that by passing this bill somehow capital punishment is rubbed out totally, when on the other hand there are 36 other offences for which the death penalty is still the prescribed punishment.

Let us look at some of the things one could be executed for in this country and that the Solicitor General is doing nothing about. I would refer hon. members to section 65(h) of the National Defence Act. It states: