

Criminal Code

And on that point, Mr. Speaker, I shall not allow any supporter of abolition to try and point out that those who take into account the opinion of their constituents are only voting against abolition for a partisan purpose. I merely wish to say that, if it were put forward, such a theory would render our debate inadvisable at this time.

So, Mr. Speaker, I would suggest that the proposed amendment be replaced by the following subamendment.

I move, seconded by the hon. member for Matapédia-Matane (Mr. Tremblay), that after paragraph (a) of the motion now before us, paragraphs (b) and (c) be replaced by the following:

(a) With the exception of murders committed in the following circumstances:

1. The murder of any person exercising public, civil or judicial authority.
2. The murder of a peace officer in the discharge of his duties.
3. The murder of a jail guard.
4. A murder committed by a person already sentenced to life imprisonment.
5. A murder committed while committing another crime in order to escape from the law.

Mr. Speaker, in proposing—

Some hon. Members: Wait.

Mr. Laflamme: I am proposing that subamendment not because I am against the amendment already moved by the hon. member for Roberval (Mr. Gauthier), but I feel that his amendment does not clearly refer to all the essential elements that must be laid down to provide for what all members of the house wish to ensure: the protection of society. If society is to be protected, it is at least necessary that those who maintain power, a right or a public obligation and protect public property and individuals, have the moral guarantee that whoever would dare take their life while they are discharging their duties, will atone with his own.

● (7:20 p.m.)

I feel that any offender who commits a second crime to elude the arm of justice is every bit as heinous; I am thinking of murders committed during robberies, of sexual crimes or others.

I respectfully submit, Mr. Speaker, that accepting the principle of abolition, while remaining aware of the necessity to protect our society, as it is today, but not an imaginary, idealized society which unfortunately does not exist at home, it is the duty of all members of the house to guarantee the safety of human lives and of public property.

Indeed, as I have already said, we harbour unfortunately underworld gangdom and syndicated crime, perhaps more than any other country in the world; those are people who will do anything to rob or to attain other ends.

I respectfully submit that this amendment should deserve the approval of the house.

Mr. Deputy Speaker: The hon. member submitted an amendment. I think it would be preferable that the decision on the value of the amendment as well as its form, concerning procedure, be given later, so that we have time to consider the subject matter and the form of this amendment.

[*English*]

Mr. R. E. Régimbal (Argenteuil-Deux-Montagnes): Mr. Speaker, after discussing and reading on this subject of capital punishment for several months, and after analysing contents of letters and petitions for and against, and listening very closely to arguments presented in this house during the past few days, I have been, as I suspect most members have been, shuttling back and forth from one set of convictions to the other. This only bears witness to the fact that a good many reasons exist to justify this hesitancy. The sad part of the situation is that all we have been able to produce, until now, besides this constant switching of positions, is a number of apologetic retentionists on the one hand and a number of apologetic abolitionists on the other. In other words, there are still many reservations in everyone's mind. No one can forecast the result of the forthcoming vote, unless political considerations are interjected somewhere along the line, which we all agree would be a most objectionable and a revolting development.

Therefore, working on the assumption that this will remain a free issue, I wonder if the remaining and prevailing doubts are not due to the fact that the motion itself and the orientations of opinions with regard to it have confused the one and only real issue involved, which is that of capital punishment.

Each and every speech to date almost inevitably has presented a close and tight weave of a number of different notions and ideas which are often in conflict and often in contradiction with one another. They have dealt with notions of life, death, punishment, vengeance, retribution, charity, humanity, rehabilitation, conditional release, deferment, deterrence, common good, protection, aggression, barbarism, humanism, rights, obligations