

Capital Punishment

The minister mentioned churches. He gives great weight to the number of executives in the church organizations who have come down in favour of abolition. Let me suggest to him that those church organizations do not represent every individual member in the congregation.

Some hon. Members: Hear, hear!

Mr. Nielsen: They do, in fact, represent a minority in terms of the over-all church organizations in this country. In my view, public safety and adequate law enforcement must be assured. The existence or non-existence of a death penalty is of little effect if the population is not properly protected. It is the manner of carrying out whatever law parliament passes that will achieve public safety. This opens up the whole area of government policy which has brought about the rising up of the majority of Canadians in protest against the permissiveness of the policies that have been followed by this government.

Before I get into that field, I want to say a thing or two about the minister's repeated assertions in the House and outside that there is going to be a free vote. The importance of this debate is quite obvious. The decisions taken by the members of this House of Commons will have far-reaching and long standing results. Since this is an issue of such grave importance and since it is a highly emotional matter, we in this party believe that it should be decided by each member according to his conscience.

Some hon. Members: Hear, hear!

Mr. Nielsen: A free vote is necessary to permit this, and a free expression of opinion, in order to explain the vote of each individual member is necessary to accomplish this. This was the case which the minister tried to put before us in 1966 and 1967. We believe that this is the only sensible way to treat a matter of such seriousness. I was here in 1967 when that other so-called free vote was held, and it was so far from being a free vote on that side of the House as to have been a ridiculous charade. They were regimented, marshalled and told that this was a cabinet bill, a government bill, and they voted for it solidly. The only place where a free vote was exercised was on this side of the House.

Some hon. Members: Oh, oh!

[Translation]

Mr. Clermont: Mr. Speaker, I rise on a point of order.

The Acting Speaker (Mr. Boulanger): Order. The hon. member on a point of order.

Mr. Clermont: Mr. Speaker, I do not agree with the statement the hon. member has just made. I am a member of the Liberal party and in 1966-67 I voted to keep the death penalty, and nobody twisted my arm.

[English]

Mr. Nielsen: That is hardly a question of privilege, Mr. Speaker, and if it were—

Some hon. Members: Oh, oh!

[Mr. Nielsen.]

Mr. Nielsen: —to be deemed such, then every individual member over there would have to rise and make a declaration as did the hon. member who has just spoken, whom I respect and whose statement I accept.

Mr. Comtois: There are many others.

Mr. Nielsen: If those hon. members would only have the courage to stand and make their interjections, I would gladly sit down, but let us not have these squeaks from the back seats.

The fact remains that there must be on that side of the House those who do not favour the abolition of capital punishment. There must be retentionists there, and it would be very interesting to see whether they follow the dictum of their party set down in 1967 and vote en masse for either this bill or this manufactured attempt to get them behind the Fleming-Prud'homme amendment. As to the New Democratic Party, I predict that there is not one of them who will vote against this measure. They will vote as a party for the bill which this cabinet is presenting or for the amendment that is being manufactured at the moment under the blessing of the minister. So I expect that the matter will go to committee.

Having said that, knowing the way the NDP will vote, knowing the way the government members will vote, we can expect the matter to pass because there are abolitionists in this party who will support the measure. So if the bill will be passed, I ask members: why waste time? Why do we not vote on it, send it to committee where we can obtain the updated information? The reason is obvious—delay to avoid embarrassment, delay to hang on to power, delay so that they will not have to face the embarrassing legislation which they must bring in dealing with the more serious and urgent economic ills which assault the country today and which are of their creation.

I want to say a word about the decision that must be made. The abolition or retention of capital punishment is in part a highly personal decision. The effects of this decision must be taken into account. No decision will be relevant unless it can be enforced. Enforcement implies carrying out the law, but both the law and current practices need to be clarified before an intelligent decision can be made about capital punishment. Three areas in particular must be considered. The government must be asked to outline its intentions in the matter of sentencing policy. I regret that the Solicitor General is not listening, but perhaps he will be able to read my comments in *Hansard* and will deign to advise the House on these matters which I am raising for his benefit. They must declare to the House their sentencing policy, their parole policy, the remission practices and the exercise of mercy by the cabinet.

With respect to the sentencing practices, the major issue here is the definition of the term "life imprisonment". At present, as I have said, an inmate serving life imprisonment is eligible for parole after ten years. But even that imposition of the law is being by-passed by present practices in the Department of the Solicitor General, as I have shown. This practice of the department is objected to by the Canadian Association of Chiefs of Police who insist that there must be a genuine life imprisonment, who say that only if life imprisonment actually means something