

**Senator Langlois:** However, this is a reason with which I am in accord.

**Senator Flynn:** If you have no better reason than that—

**Senator Langlois:** I do not deny my honourable friend the right to disagree with his former leader or with me.

**Senator Flynn:** I am surprised that you have no better reason than that.

**Senator Langlois:** It is a very good and valid reason, and my honourable friend knows that.

**Senator Fournier (de Lanaudière):** It is a good answer.

**Senator Langlois:** Many other subject matters are dealt with in this bill which, to my mind, warrant our serious consideration and support. I commend these amendments to honourable senators.

Before resuming my seat I would state that it is presently my intention, if this bill receives second reading in this chamber, to move that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

● (1440)

**Senator Flynn:** I will move the adjournment of the debate.

**Senator Perrault:** What is there left to say?

**Senator Connolly:** Honourable senators, if I may, I should like to put a question to the sponsor of the bill. I did not quite follow what he said about the position of the court in cases of serious crimes such as murder, conspiracy to commit murder, trafficking in narcotics and the importation of narcotics, where the problem of detention before trial arises. Did I understand the proposal of the bill to be that detention is mandatory in such cases, or is it discretionary when the accused is arraigned?

**Senator Langlois:** I assume the honourable senator is referring to the shifting of the onus from the Crown to the accused in cases of crimes of this nature. Because of the seriousness of the offences of murder, conspiracy to commit murder, trafficking in or importing narcotics and conspiracy to traffic in or import narcotics, the onus is shifted, and it becomes mandatory for the accused to convince the court that he should be released pending trial.

On motion of Senator Flynn, debate adjourned.

### CRIMINAL CODE (COMMUTATION OF DEATH SENTENCE)

BILL TO AMEND—SECOND READING—ORDER DISCHARGED AND BILL WITHDRAWN

On the Order:

Resuming the debate on the motion, in amendment, of the Honourable Senator Neiman, seconded by the Honourable Senator Norrie, to the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Eudes, for the second reading of the Bill S-21, intitled: "An Act to amend the Criminal Code (commutation of death sentence)".—(*Honourable Senator Flynn, P.C.*).

**Senator Flynn:** Honourable senators, this item has stood for some time. I should like to say two things: First, that I

am in sympathy with the objective of the sponsor of the bill, but, like many other senators, I am not too sure about the method the bill would have us adopt; second, that this bill was likely introduced to force the government into making a decision of some kind, and since it appears that this is about to be done there does not now seem to be any particular reason for continuing the item on the Order Paper. Unless someone else wishes to speak, I would have no objection to the sponsor's withdrawing the bill, if that is what he wishes to do. If he prefers that the question be put, I would not disagree with that either.

**Senator Robichaud:** Honourable senators, this bill has been on the Order Paper for quite some time. I believe all honourable senators knew something was going on in the other place by way of amending the Criminal Code so that eventually we would have something to work on. The debate which has taken place on Bill S-21 has, in my opinion, been worthwhile in many respects. It has enabled us to receive the opinions of highly qualified and knowledgeable members of this house on a matter of national interest, namely, capital punishment. I shall not speak about capital punishment today except to say that it is a matter of personal conscience: one either believes in it or does not believe in it, and that is all there is to it. I doubt that we can change that.

The debate which has taken place here has been useful. Those senators who participated in it have given the people of Canada their opinions and feelings on capital punishment. I think that is sufficient, and that we need not debate it any further.

In my opinion, we should drop this item from the Orders of the Day now. With the consent of the seconder, Senator Eudes, I move that the bill be withdrawn. Possibly at some time in the future it can be reintroduced, if that is considered appropriate.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

### PRIVILEGES AND IMMUNITIES OF SENATORS

MOTION TO APPOINT SPECIAL COMMITTEE—ORDER DISCHARGED AND MOTION WITHDRAWN

On the Order:

Resuming the debate on the motion of the Honourable Senator Perrault, P.C., seconded by the Honourable Senator Langlois:

That a special committee of the Senate be appointed to examine and report upon the privileges and immunities that apply to members of the Senate within the precincts of the Senate, and the powers of the Speaker in respect thereof. (*Honourable Senator Petten*).

**Senator Petten:** Honourable senators, I defer to my leader.

**Senator Flynn:** As usual. What else is new?

**An Hon. Senator:** How sweet it is!