

Capital Punishment

information was made available to him several months ago, according to the chairman of the Canadian Film Development Corporation. I would like to know the reason for the delay in view of the fact that the chairman's term has expired since this question was put on the Order Paper.

Mr. Collette: It would be helpful if the hon. member would refer to my previous answers to his six previous interventions on this subject; but I would like to say that the government has never refused to answer any particular question put on the Order Paper.

Some hon. Members: Oh, oh!

GOVERNMENT ORDERS

[*English*]

BUSINESS OF SUPPLY

ALLOTTED DAY, S.O. 58—NON-CONFIDENCE MOTION—CAPITAL PUNISHMENT

Right Hon. Joe Clark (Leader of the Opposition) moved:

That this House calls on the government to send a reference to the Standing Committee on Justice and Legal Affairs authorizing it to hear arguments for and against the reintroduction of capital punishment as the penalty for some classes of murder, and, requiring the committee to report its conclusions by December 18, 1981; and

That this House further expresses its view that a free vote should be permitted by all parties on a motion to concur in the report of the committee.

He said: Mr. Speaker, this is a debate about democracy, about the—

Some hon. Members: Oh, oh!

Mr. Clark: I am surprised that the very utterance of the word "democracy" should evoke from the Liberal benchers howls of protest. Certainly they have not practised democracy in their time as a government. We give them the opportunity to do so today.

Some hon. Members: Hear, hear!

Mr. Clark: What we are proposing here today in this motion is an opportunity to give to the people of Canada a right, through their elected representatives, through their elected Parliament, to discuss and decide questions which the Canadian people believe to be important. For some time members of this House of Commons have talked about rights. We have talked about unity. We have talked about national institutions. Today we offer the opportunity to members of Parliament to act on the right of the people to be heard on an issue which is national in importance, through the only institution which can speak for all of Canada. We propose today to let Parliament discuss the question of capital punishment.

The vote tonight is on the simple issue of whether Parliament is free to discuss important national questions. Some

months from now, there would be a vote on capital punishment, after the evidence for and against the death penalty has been heard in public committee meetings of the people's Parliament. That vote would come later. The vote tonight is on the question whether Parliament has the right to debate what it chooses; whether this institution, which exists to express the public's will, will refuse the public's right to have an important question considered.

Some hon. Members: Hear, hear!

Mr. Clark: The question tonight is whether Parliament is free to consider a matter in which the view of the people may differ from the view of the government; whether Parliament is the people's institution or the government's instrument.

[*Translation*]

Since the government does not see to it that the House makes more time available to private members, it is almost impossible for them to raise issues that their constituents consider most important, capital punishment being one of them. Millions of Canadians are now seriously asking themselves whether it should not be reinstated. We are asking in this motion that the committee conduct an objective study on the matter and report back to Parliament in order to allay the concerns of so many Canadians on this issue.

[*English*]

Through nine years as a member of Parliament, and through two election campaigns as a party leader, I have put on record two consistent beliefs. One of those is personal, a matter of conscience, about the death penalty. I oppose the death penalty. I have spoken against it, I have voted against it, and I believe the evidence proves that the threat of execution does not stop potential murderers from murdering.

The other principle is that the rules of Parliament and the views of party leaders must not be allowed to frustrate and to limit from expression the strong views of other members of Parliament who were elected by their constituents.

Some hon. Members: Hear, hear!

Mr. Clark: The principle is quite clear. On a question of conscience, I should have a vote as a member of Parliament, but I should not have a veto as a party leader, nor should any other party leader in this House.

Some hon. Members: Hear, hear!

Mr. Clark: Holding those views, as I do, I am pleased with the present law against capital punishment, but I am not proud of the way it was achieved. Without reflecting on the vote of private members, I believe that the government's procedure in introducing the resolution as a government measure prevented a truly free vote, at least—I say, at least—among cabinet members. But that vote is behind us. The question now is whether the matter of capital punishment will be closed forever from debate and decision in this House.