

Public Order Act, 1970

People who have criminal intent, or are psychotic or unbalanced, are not deterred one way or another by the threat of capital punishment. In their own deluded minds they feel that they must commit the crime, and when they do commit it they convince themselves that they can get away with it. They gamble. True, they gamble with somebody else's life, but they also gamble with their own. I suggest that in that sort of situation exacting revenge from those who committed the crime of murder against Mr. Laporte is not a reasoned course of action to take. We might just as well exact the same revenge in the case of an individual who murders as the result of some emotional, love situation that exists in a family.

A number of hon. members have indicated that they intend to vote for this amendment. I hope that when they do, they vote not on the basis of vengeance but on the basis of what they truly believe is the proper deterrent in our society to the commission of such an offence. I think it is true that you can equate life imprisonment with capital punishment as a sentence. But it is not correct to say that the National Parole Board can with impunity grant parole to a person after he has served six or seven years without looking at the merits of the case. What we as legislators have before us tonight is the question whether or not we are enacting a law that will be a true deterrent against the commission of this crime. As I say, we should not look at it from the point of view of revenge, of hanging all individuals who commit such crimes.

[Translation]

Mr. Laprise: Mr. Chairman, I only want to recall what the Minister of Justice (Mr. Turner) said a moment ago, namely that we were opening a debate on the abolition of capital punishment. I think that the Minister of Justice can speak better French than he understands it since I told him earlier, and others understood, that we were not trying to deal with the whole subject of capital punishment, either its abolition or its reestablishment, but to deal with specific cases.

I asked him a question a moment ago which I will ask again in a much more direct manner.

I would ask him what would have happened if instead of kidnapping Pierre Laporte, the kidnappers had kidnapped and killed a police officer? It is likely that the amendment adopted on December 21, 1967, to section 202A of the Criminal Code would have applied. This section reads as follows:

Murder is capital murder, in respect of any person, where such person by his own act caused or assisted in causing the death of

(i) a police officer, police constable, constable, sheriff, deputy sheriff, sheriff's officer or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties, or

(ii) a warden, deputy warden, instructor, keeper, gaoler, guard or other officer or permanent employee of a prison, acting in the course of his duties.

So, Mr. Chairman, if the kidnappers had kidnapped the director of the Montreal police department or a simple police officer or a gaoler and had killed him, the law could have applied capital punishment. But as for the

[Mr. Howard (Skeena).]

kidnappers of a Quebec minister they can only be arrested, deprived of some of their freedom, but given shelter, heat, good food at the expense of Canadian taxpayers.

Mr. Chairman, I repeat that we are not trying to start a debate on the abolition or reestablishment of capital punishment but to deal with Bill C-181 which is temporary legislation.

• (9:30 p.m.)

[English]

Mr. Deachman: Mr. Chairman, we are within half an hour of the closing of today's session. We are not in session of the House but are simply in committee. In the chamber tonight we have approximately 80 Members of Parliament, a little less than one-third of the total membership of the House of Commons, and we are discussing an amendment which would implement capital punishment through a clause of the single bill that is before us. A few moments ago this matter was smuggled onto the floor of the committee as a debate on capital punishment.

Mr. Thompson: It was not. I protest.

An hon. Member: That is not fair to the Chairman.

Mr. Thompson: Mr. Chairman, I rise on a question of privilege. When the hon. member imputes motives, as he is doing now, he is completely out of order. It was not an insidious way to enter into a debate on capital punishment; it was a legitimate—

Mr. Horner: I rise on a point of order, Mr. Chairman. The hon. member for Vancouver Quadra said there are approximately 80 members in the chamber. In fact there are 50 members on this side, and as I look closely at the other side I see that there are well over 80 members in total. Therefore, that statement cannot go without challenge.

Mr. Deachman: If we were to introduce capital punishment through a clause in this bill, I feel sure we would be very ashamed of ourselves for toying with life and death.

Mr. Horner: They didn't toy with Laporte's life.

Mr. Deachman: Tomorrow, when we settled down to read our papers, we would find that we had...

Mr. Horner: They were teasing and torturing him.

Mr. Deachman:—passed a clause of great solemnity in this bill. I agree with those who have suggested that there is a place in this House of Commons for dealing with capital punishment, and that it is a matter which should be dealt with fairly soon. But members opposite, as well as members on this side of the House, would not want to see that subject dealt with, put into a statute and made the law of Canada as summarily as it would be if we were to pass it tonight. Many hon. members agree that this is a subject which should wait until the whole membership of the House is here and until Parliament has time to adequately reflect upon it. Surely, our task at the moment is not to address ourselves to bringing into