

Public Order Act, 1970

Mr. Laprise: No, Mr. Chairman.

The Deputy Chairman: The hon. member for Abitibi moves that clause 4 be amended by adding the following:

4-A. A person who forcibly kidnaps one or more persons, confines them against their will, mutilates, tortures or injures them with intent to kill, or kills them, as a means of or as an aid in accomplishing the same governmental change within Canada as that advocated by the unlawful association, is guilty of an indictable offence and liable to capital punishment or life imprisonment.

Is the House ready to vote on the amendment?

Mr. Turner (Ottawa-Carleton): Mr. Chairman, if I understand the proposed amendment correctly, it aims at creating a new offence involving the death penalty or life imprisonment for anybody who:

—forcibly kidnaps one or more persons, confines them against their will, mutilates, tortures or injures them with intent to kill or kills them, as a means of or as an aid in accomplishing a governmental change within Canada as that advocated by the unlawful association.

If I may make a short review of the Criminal Code, I note that kidnapping involves at present a maximum life sentence as stipulated in section 233.

The offence consisting in mutilating, torturing or injuring with the intent of taking life or killing is mentioned in clause 210 of the Criminal Code and it involves a maximum life sentence.

Finally, to kill a person is murder, and the death penalty will be imposed if the victim is a policeman or a prison guard on duty at the time of the murder.

The amendment proposed by the hon. member raises the question of capital punishment, and I believe that, according to the resolution passed by the House in December 1967, with its trial period of five years, the House should have the opportunity to discuss once again this quite important subject before December 29, 1972, under section 4(1), chapter 15, of the Statutes of Canada, 1967-68.

Under the circumstances, I believe that the best way to handle the death penalty is not to amend this legislation which is quite general, but to give the House the opportunity to reconsider the question of the death penalty before the limit set under the present act, i.e. December 29, 1972.

For this reason, I think it would be more advisable to consider the whole question in general terms and not under this legislation.

● (8:20 p.m.)

[*English*]

Mr. Thompson: Mr. Chairman, I say to the Minister of Justice that I do not follow his logic. I think he is confusing the issue. The legislation we are dealing with is the Public Order (Temporary Measures) Act. It is legislation designed to take care of a particular crisis; therefore it does not fall under the Criminal Code or relate to the legislation passed three years ago that put aside capital punishment for a trial period of five years.

[The Deputy Chairman.]

If we were to accept the logic the minister is using, the whole of the temporary measures legislation would be null and void because it would supersede the Criminal Code, and the argument is not on that point. It would seem to me that we want to put some teeth into this legislation. It is a temporary piece of legislation. There is to be permanent legislation, as I understand it, before the end of April that will amend the Criminal Code, and therefore this amendment as it relates to the Public Order (Temporary Measures) Act is in my opinion valid.

I cannot accept the argument of the Minister of Justice because it does not relate to this situation. If it does, then everything we are doing here is out of order. I believe it is public opinion throughout the country and in this House that there should be teeth in this bill so that it will be a deterrent to those who commit the heinous crimes to which the legislation refers. I believe this amendment should have the support of the House.

[*Translation*]

Mr. Laprise: Mr. Chairman, I must say that I have had some difficulty in attempting to follow the minister's argument. In introducing this amendment, I did not want to reopen the debate on capital punishment which started in 1967. As the hon. member for Red Deer (Mr. Thompson) just said we are now dealing with temporary legislation which will expire on April 30, 1971, and which applies only to one or several specific cases.

May I ask the minister what would happen if Mr. Pierre Laporte's murderers were discovered tomorrow morning; what would happen to them? Would they be given a medal for good behaviour or are they going to be punished as they deserve? This is what I want to know and what I would like the bill to be more specific about.

[*English*]

Mr. Horner: Mr. Chairman, I should like to speak briefly in favour of this amendment. I think the hon. member for Red Deer very correctly pointed out that this is a bill to provide temporary emergency powers for the preservation of public order in Canada. I emphasize the words "temporary emergency powers for the preservation of public order in Canada". There is no question in my mind about the need to have a strong deterrent in order to preserve public order at this time. This was the whole purpose of invoking the War Measures Act. The purpose was to create a deterrent and give the government the power necessary to deal with this emergency situation. There is no doubt in my mind that this amendment would create a deterrent in a society in which there is a great deal of unrest and concern.

In my estimation the Minister of Justice is very weak in referring to section 210 of the Criminal Code and suggesting that we have two degrees of murder, non-capital and capital, and that capital murder applies only to prison guards and policemen on duty. Every one of the 264 members of this House of Commons believes in his own mind that capital murder in respect of acts of treason or acts against the wishes of this or any other government in a lawful society, such as we have today in Canada, should involve the maximum penalty of death by hanging.