

*Amendments Respecting Death Sentence*

out to the hon. member that, while one member of his party was recognized during the oral question period, not a single member was recognized on the government side.

**Mr. Caouette:** That is because they do not have any questions to put, Mr. Speaker.

[*English*]

**CRIMINAL CODE****AMENDMENTS RESPECTING DEATH SENTENCE AND LIFE IMPRISONMENT**

The house resumed from Thursday, November 16, consideration of the motion of Mr. Pennell for the second reading of Bill No. C-168, to amend the Criminal Code.

**Some hon. Members:** Question.

**Mr. J. H. Horner (Acadia):** Mr. Speaker, until the Prime Minister (Mr. Pearson) spoke in this debate last Thursday I had not intended to speak. Nevertheless, intentionally or unintentionally, his remarks provoked me to such an extent that I feel I must say something. His entire speech was weak. It had little substance and put forward few arguments in support of the bill. In so many words, he said that he favoured the complete abolition of the death penalty and that retaining it for those who murder guards and policemen was a compromise. He also said that the vote, when it comes, will be free. We shall see how free it is when we see how successful have been those on this side who have tried to persuade those on the government side to vote against it. Members on the government side will not vote readily against the wishes of the Prime Minister and the Solicitor General (Mr. Pennell). I shall be convinced it is free only after the results of that vote are apparent. We shall compare the performances of hon. members in this house. We shall note how some of them have voted on this bill and how they voted on the bill that came up 18 months ago, which dealt with the same subject matter; and we shall then see whether pressure has been applied.

The Prime Minister also said that once the house decides the matter, the law of the land will be upheld. He said much the same sort of thing 18 months ago, after the bill then before the house had been defeated. It may be argued, of course, that since the cabinet has the right to commute sentences, the law of the land has been carried out. When one remembers the Santa Claus killer, who wielded a machine gun in Montreal two years ago and killed two policemen, for

[Mr. Speaker.]

which crime he was tried, convicted and sentenced to death, and when he recalls that after this the cabinet commuted that sentence to life imprisonment, he wonders whether the law of the land is being upheld. I find it hard to believe that this cabinet will uphold the law of the land, since, after the decision of the house 18 months ago, it has persisted in commuting death sentences.

Approximately one year ago—it may have been this spring—a policeman in Alberta was shot in cold blood. The sentence of the murderer was commuted. In commuting that sentence the cabinet has shown that it cannot be trusted to uphold the law of the land, even as it might be if this bill were to carry. Certainly anyone who is somewhat sceptical about the government's intentions—and I am sceptical about the government, period—might be pardoned for not believing that the government intends to uphold the criminal law.

The Prime Minister said that the onus is on the retentionists to prove that the death sentence is a deterrent to murder. Why, then, does he include in this bill the death sentence for convicted murderers of policemen and prison guards? Surely it is to deter would-be murderers from killing policemen and prison guards. He includes in this bill a tidbit of the retentionists' philosophy, so to speak, and thus answers his own argument.

In his speech the Prime Minister implied that retentionists are not civilized, that they are barbarians. In so many words he said that if we do not pass this bill we shall show the world that Canada still is a barbaric country.

**An hon. Member:** A mentally barbaric country.

**Mr. Horner (Acadia):** That is a poor, negative attitude for the Prime Minister of the country to hold. I do not for a minute accept as true his accusation that retentionists are barbarians.

He also said that he believed punishment in itself to be an ineffectual deterrent. I say that one has only to consider his children. If one says to his children that if they are disobedient they will be punished, and if he punishes them when they are disobedient, then the threat of punishment becomes a deterrent to future mischief. Only when the punishment is not meted out does it lose credibility. Take another example, in the commercial field. Those supplying electricity say, "If you do not pay your bill your electric