

*Amendments Respecting Death Sentence*

the symbols of authority, since we live in a democracy, under a responsible government, which is also a great symbol of authority, I think that we could amend section 46 and make it an offence punishable by death to talk of killing or effectively to kill Her Majesty, the Governor General and the Prime Minister.

Mr. Speaker, returning to the heart of the matter, I suggest that it would be important to consider the possibility of creating a commutation court.

When parliament decided to maintain capital punishment, in 1966 and most members of the cabinet, those responsible for commuting sentences, voted in favour of abolition, it became clear that, in spite of the vote in the house, it was only normal for the cabinet not to move against a deeply entrenched philosophy.

I should take this opportunity to extend my warmest congratulations to the Solicitor General (Mr. Pennell), as we know he introduced this bill with deep sincerity, enthusiasm and energy. We know that abolition of capital punishment is a matter extremely dear to him, and his speeches on this subject are suffused with feelings he can hardly contain and with laudable sincerity. We should congratulate him for his wonderful speech yesterday.

Mr. Speaker, I still believe that a commutation court would be the best solution since, even after Bill No. C-168 is enacted, the cabinet will still maintain its prerogative of commuting the death sentence of murderers convicted of slaying a police officer or a jail guard.

I find it difficult to believe that the ministers have the time to make a thorough examination of all cases brought to them. Anyway, commutation should be a judicial responsibility and it is due to an obsolete philosophy, the royal prerogative, that it is felt it should not be dispensed with.

I remember that last year, the former leader of the opposition, now the member for Prince Albert (Mr. Diefenbaker), had most vigorously resorted to this argument of the royal prerogative when I introduced a bill to eliminate the power of commutation.

As far as I am concerned, Mr. Speaker, I still maintain that commutation should be essentially and basically a judicial function and that it should be the responsibility of the

judiciary. It is a philosophy that is possibly different from the one now in existence, but I believe that it is the most practical for the good reason that the record of a criminal is always voluminous, requiring opinions advanced by psychiatrists, sociologists, criminologists, in short by people who have gone through the record and who have studied it in depth. They are the only ones in a position to know exactly what attitude to take.

The cabinet, generally speaking, has so much administrative responsibility, so many obligations in this respect, that these things should not normally be part of the responsibilities of those who govern this country.

I respectfully submit that if Bill No. C-168 is not passed—which I doubt very much—the authorities would necessarily have to take steps to set up such a commutation court, or else give the Supreme Court of Canada the power to commute death sentences to life imprisonment.

Mr. Speaker, without prolonging the debate further, I should like to say that, contrary to the opinions voiced by other hon. members, the government does not ignore the decisions of parliament; on the contrary, the government has decided to submit the question to the house again because it wants the decisions made by parliament to be respected.

Others have said that the vote is not free. It is easy, I think, to see that several hon. members on this side of the house will vote against the bill, which will refute the spiteful allegations of undue pressure having been exerted. I have never seen a Solicitor General show more respect for the freedom of expression of his cabinet colleagues than the hon. gentleman who presently occupies this position.

**Some hon. Members:** Hear, hear.

**Mr. Choquette:** Mr. Speaker, since I have two or three brief and interesting comments to make, I shall continue at our next sitting.

[*English*]

**Mr. Speaker:** Order, please. Since it is five o'clock, pursuant to a special order of the house this house is now adjourned until two thirty o'clock, Monday afternoon.

At five o'clock the house adjourned without question put, pursuant to special order.