

*Amendments Respecting Death Sentence*

is raped and murdered by a sex maniac? I cannot see the differentiation which this bill automatically makes. Also I find it strange that the minister should leave himself open to the charge of a lack of logic. Surely any member of this house who questions the validity of capital punishment must be convinced that there is a deterrent simply by the negative logic of this bill, if for no other reason.

There is further lack of logic contained in the bill. It is interesting to note that while the bill retains capital punishment in certain specified areas and eliminates it in others, it has no effect on sections 66, 67, 68, 69, 70 and 71 of the National Defence Act. It is a fact that section 66 of the National Defence Act makes the death penalty mandatory for certain offences against the state. That being the case, this bill is completely inadequate and to my way of thinking should not really be considered by the house as a serious attempt to solve the problem of capital punishment.

There is another point in the bill which seems to be strangely illogical. Certainly we have departed from tradition so far as the parliamentary system is concerned in that we have before us in this session a bill similar to, even though it is a compromise with, the bill that we voted on last year. As I interpret parliamentary tradition, when a bill is turned down by parliament it is not usually introduced again during the life of the same parliament. Therefore I do not understand the reasoning behind the introduction of this bill when we have been told that there are very important and urgent pieces of legislation which must be dealt with before the end of the session. In fact I can see no justification whatever for calling another parliamentary vote now on the abolition of capital punishment. After all, we had such a vote a year ago and parliament decisively rejected the private member's bill to abolish the death penalty. I believe it would be more logical and responsible for the government to enforce the law as it was upheld last year in the vote instead of announcing its intention to introduce its own legislation for the abolition of the death penalty. In fact I believe there have been several commutations since the government was given a very clear indication by parliament of what was the will of parliament at that time.

• (5:30 p.m.)

I refer to an editorial in the *Calgary Herald* of April 22 which provides further substantive reasons for this argument:

This is shocking and inexcusable government conduct. It constitutes an abuse of the cabinet

[Mr. Thompson.]

prerogative of commuting death sentences. Occasions, of course, do arise when extraordinary circumstances dictate that a death penalty should be changed to life imprisonment. Ottawa, however, chooses to extend its powers of commutation in every case.

In so doing, it renders meaningless those sections of the Criminal Code which differentiate between capital (premeditated) murder and non-capital (unpremeditated) murder. For the former, the death penalty is directed. For the latter, life imprisonment is ordained.

The result has been a mockery of our courts and of the Criminal Code. The government, which has been deliberately breaking the law of the land in this matter, now wants legislation which, in effect, will provide retroactive endorsement of its policy regarding the death penalty over the past three and one half years.

I think that this argument is very sound, Mr. Speaker. At least, it seems to me that the government is placing priority in the wrong place when it takes part of the time remaining in this session for discussion of a bill which is really not sound or in order, as it deals with a topic that was turned down by this parliament last session.

There is another aspect of this bill which disturbs me. There is supposed to be a free vote on this measure. The minister was very careful to explain that in his introductory remarks this afternoon. However, this is a government bill sponsored by a cabinet minister. It seems to me that members of the government are placed under definite duress in respect of their vote. I should like to hear the minister state very clearly that if this bill is defeated it will not be regarded in any way as a vote of non-confidence in the government or in himself and that those who vote contrary to the minister's opinion will not be under any pressure to follow the lead the minister has established in introducing the bill. Whether or not we can fully agree with the minister's definition of a free vote, it seems to me that if he really wanted to retain the confidence of the house in connection with this measure he would have had the bill introduced in the same way as the resolution was introduced last year. Certainly I find myself disturbed about this because it seems to me there is more behind the scenes than we see from the front.

There is another point to which I have already referred briefly, the fact that we have *de facto* abolition of capital punishment at the present time. If my figures are correct, there have been 27 commutations since this government took office. In fact, the sentences imposed for the murder of prison guards have been commuted as have the sentences