

*Capital Punishment*

was no dispute, no disagreement whatsoever as regards principles, but that the only matter of dissatisfaction was that in the 119 speeches that were delivered, here, hon. members have not really dealt with the abolition of capital punishment, but rather with a variety of other issues; in other words, the Canadian public as a whole were deceived about the nature of this debate, and himself and the hon. member for Northumberland-Durham (Mr. Lawrence) as well as, perhaps, the members for York-Simcoe (Mr. Stevens) and Burnaby-Richmond-Delta (Mr. Reynolds) are the only ones who really understood this debate.

I think, Mr. Speaker, that this is their interpretation, in light of the arguments put forward by the hon. member for Winnipeg North Centre (Mr. Knowles), by the Parliamentary Secretary to the Solicitor General and others in this House, that their arguments should be rejected and most of the amendments which attempted to reintroduce the death penalty in the Criminal Code should be ruled out.

I will conclude, Mr. Speaker, by a comment on amendments which attempt to remove a subclause of Bill C-84, and I must say, Mr. Speaker, that usually one cannot do indirectly what cannot be done directly. Should you rule that amendments which reintroduce the word death in the Criminal Code cannot be retained, then the amendments which attempt to remove a whole subclause and which would result in reintroducing the death penalty in the Criminal Code should be rejected as well under the principle, Mr. Speaker, that one should not do indirectly what cannot be done directly.

[*English*]

**Mr. Speaker:** Order, please. The last point raised by the hon. Parliamentary Secretary to the Minister of Justice (Mr. Fox) is an interesting one. I am sure we are going to meet it later because there are a number of motions for deletion, but those motions really come under a special classification at the report stage, specifically under the terms of Standing Order 75(5), and are provided for at report stage as motions to delete. Therefore despite their effect, the analogous arguments that may follow from their effect, and although they appear to enjoy the same special status of protection which therefore makes it difficult to argue analogy, the point is by no means missed.

I notice that two other hon. members want to contribute to the discussion which has been rather full. However, if there is a necessity to add to the arguments that have already been made, which I think are rather complete, I do not want to shut any member out of the discussion. It is a very important one and, as the hon. member for Burnaby-Richmond-Delta (Mr. Reynolds) said, it can affect the opportunity of members to express themselves on specific points and bring the House to a vote. It is therefore a procedural question which has rather substantive overtones to it. I shall hear further argument, but I hope that hon. members who now participate will add to what has been said rather than repeat it.

**Mr. J.-J. Blais (Parliamentary Secretary to President of the Privy Council):** Mr. Speaker, I shall not be long. Basically I shall deal with the last point that you brought to the attention of the House and that was dealt with by the Parliamentary Secretary to the Minister of Justice (Mr. Fox).

[*Mr. Fox.*]

When we look at the total number of motions presented we see that to all but eight of the clauses—and there are 30 clauses—there are substantive motions for deletion. When we look at the clauses that are left out of the motions for deletion we see that they are basically procedural clauses.

**Mr. Speaker:** Order, please. Perhaps I have a mistaken impression of the remarks of the hon. Parliamentary Secretary to the President of the Privy Council (Mr. Blais), but we are now dealing only with those amendments other than motions to delete. After coming to a disposition of that series of motions it will leave a number of others that are clearly in order, plus a number of motions to delete. I think we ought to deal with the argument on all motions to delete at the same time after we have disposed of the argument before us now. That is only a narrow argument on whether or not amendments which propose to return the death penalty to the Criminal Code are out of order because of their contravention of the principle of the bill.

**Mr. Blais:** Mr. Speaker, the only aspect of the motion to delete that I want to draw to your attention at this time is the argument that I think could be made more fully later on. I support the members of the government who have spoken relative to the principle of the bill.

● (1740)

The total effect is an attempt to defeat the principle of the bill. In totality the motions presented, particularly motions relating to the principle, attempt to re-establish the death penalty. In other words their total effect is the attempted defeat of the bill. I am referring to motions containing substantive provisions which would change the principle and re-establish the death penalty, to motions dealing with deletion, and to other motions still to be debated. The point is that the total effect of all those motions is completely to obviate any necessity for third reading. Therefore they offend against the rules in much the same way as those motions dealt with in committee offended against the principle of the bill. They are disorderly, since the House is called on to deal seriatim with a series of motions the votes on which would duplicate any vote which may be required at third reading.

I shall return to this argument when we deal with the deletion motions. I wanted to give Your Honour notice of my intention to debate that particular point.

[*Translation*]

**Mr. Yvon Pinard (Drummond):** Mr. Speaker, I shall speak very briefly. I am surprised to realize that so far in this debate no one referred to the provisions of Bill C-84 as a whole in order to answer the very simple question: What principle is Bill C-84 based on? I suggest to you that each of the 30 clauses of this bill has a direct impact on the abolition of capital punishment. I think that it is by examining this very specific question of fact that you can come to a decision and to the application of the principle that you cannot bring an amendment that would change the principle of a bill which passed second reading.

Then, it is a simple matter of fact, and when you study Bill C-84 and consider, for instance, clause 1, that is the short title, no complication there, but clauses 2, 3 and 4 define treason, piracy and murder, that is offences which