

Capital Punishment

committee, he was pretty sympathetic to the arguments we presented. But, faced with your previous decision made when you were chairman of the committee, he felt that Your Honour had set a new precedent and that he could not follow the authorities I had mentioned.

I ask Your Honour in all seriousness to consider the precedent I mentioned, to consider arguments relating to the title of the bill which mentions the punishment for murder, and to consider arguments relating to what May says about the principle of the bill. Although one cannot move amendments which change the principle of a bill, surely the title has something to do with the principle. I pointed out that in 1967 Mr. Speaker Macnaughton allowed amendments and told Your Honour what the British did with regard to a similar bill. In light of those authorities, I ask Your Honour to give serious consideration to all amendments calling for the substitution of the death penalty for life imprisonment. I ask Your Honour to permit such amendments to be debated in this Chamber and to be brought to a vote so that decisions on them can be made.

This bill is very wide, Mr. Speaker. It abolishes the death penalty for treason. I think we are one of the few countries to go this far. Also, it abolishes the death penalty for all who murder a second time. In this regard I will not quote any pertinent statistics in my possession. This bill provides for those guilty of planned and premeditated capital murder to be sentenced for 25 years, a provision which will cause grave anxiety to those whose responsibility and duty it is to guard those unfortunate enough to be sentenced to 25 years of incarceration. I ask, in light of the facts just mentioned and in light of the seriousness of the bill, that Your Honour reverse himself and permit these amendments to be debated and voted on at the report stage. I thank Your Honour for hearing me, and I thank all hon. members for paying such close attention.

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, I do not intend to traverse the ground covered by my colleague from Calgary North (Mr. Woolliams). Bill C-84 amends certain sections of the Criminal Code. If an amendment to modify a clause of Bill C-84 were to carry, since Bill C-84 is to modify the Criminal Code the amendment as proposed would, of course, be in order; because a section of the Criminal Code is the basis of the amendment and anything which serves to amend the pertinent section of the Criminal Code in any way whatsoever must be acceptable. There is that basis for the change; and if the House is prepared to accept that change, that modification is made.

If, on the other hand, an amendment as proposed, if carried, merely negatives a clause of Bill C-84 but leaves the section of the Criminal Code unchanged, then I say that is merely an expanded negative. It should not be accepted, because the same result is achieved by voting and defeating the clause in the bill. As my colleague, the hon. member for Calgary North pointed out, there is no other principle to Bill C-84 than to amend the Criminal Code with respect to certain offences. The fact that they are related in some ways to capital punishment cannot hold. There is, for example, the introduction of the penalty for high treason. It does not exist in the present Criminal Code. Therefore, there is no other principle to Bill C-84 because there is treason in the Criminal Code.

[Mr. Woolliams.]

● (1630)

Let us look at those clauses which deal with high treason. They are entirely new. There are other features in Bill C-84 which introduce new considerations into the Criminal Code. I therefore state, with the greatest respect, that it is wrong to say that the principle of Bill C-84 is the abolition of capital punishment. Nothing is further from the truth. It is a bill to amend the Criminal Code in certain features.

In some instances the bill changes the nature of the penalty from a capital sentence to varying categories of terms of imprisonment, but only in certain respects. As my colleague said, and I will repeat some of his argument, capital punishment will not be abolished in this country until it is done under the National Defence Act as well. Bill C-84 does not touch that. Therefore, one has to be very careful about these amendments and simply say that if the same result can be achieved by voting and defeating the clause in Bill C-84, all well and good. That does not, then, amend the Criminal Code. However, if the purposes of the amendments now before the House for consideration are, if carried, in any way to serve to modify even a colon, to introduce even a semi-colon, or introduce a preposition into the Criminal Code, the amendments must be attacked. I put it to Your Honour that such should be the case.

Mr. Allan Lawrence (Northumberland-Durham): Mr. Speaker, I will be very brief. I am sure the thought that is going through Your Honour's mind, even questioning some of these amendments—as I certainly believe that proposition will be made from the government's side—is that the main principle of the bill is the abolition of capital punishment and, therefore, any amendment which has the effect of retaining or reinstating capital punishment is out of order because the main principle of the bill was discussed and voted on in this House on second reading. My submission is that the abolition of capital punishment is not the main principle of this bill. The main concept and the main thrust of this bill is simply the reorganization, in a far more logical way, of the homicide sections of the Criminal Code.

I merely point out that where before there was a blanket provision for activities relating to treason, there is now a differentiation between high treason as a crime and treason as a crime. We never had that differentiation before. To my knowledge, this is the first time we have had that concept in the Criminal Code, certainly in recent years. It is a logical and sensible differentiation.

With regard to murder, for the first time we have a differentiation between first-degree and second-degree murder. My submission is, quite simply, that the main principle behind the bill is a complete reorganization of the classifications of homicides in the Criminal Code, and in the Criminal Code exclusively. If that is so, the penalties for those reclassifications of various types of homicide is ancillary to the main principle. If that is the case, they are debatable and amendable at the report stage. It is as simple as that.

Let me put the hypothetical position to Your Honour. Even though one or two members of the House earlier publicly indicated they were going to amend certain other