

*Amendments Respecting Death Sentence*

why I felt I was being attacked—I think he struck below the belt when he said that the opponents of the bill were using time-wasting tactics, that we simply wanted to delay the passage of the bill. I think that, if dilatory tactics have been used, members of the cabinet must accept full responsibility for them, because 18 months ago, we voted on this bill and the results of the vote were perfectly clear: more than 40 votes for the retention of capital punishment. Now, of his own admission, the Solicitor General proposes a bill which is based on camouflage and false representations. Besides, he said himself that if he had not agreed to such compromise—I call that electoral compromise, since he admitted that he wanted a majority vote in the house—he would not have put such a bill before us.

• (9:10 p.m.)

The principle involved is this: Are we for or against the death penalty? It is not a matter of pricing the value of human life just as meat in a butcher shop at so much a pound, but rather of knowing if we are for or against capital punishment.

Personally, Mr. Chairman, I am an abolitionist as a matter of principle. However, I shall be an abolitionist when somebody will have given me proof that the penitentiary system is what it should be in the circumstances, that it serves to protect society, that it provides true rehabilitation for criminals. But until then, I say that these are false representations and I tell those who charge us with obstruction that they are not sincere, because obstruction was forced upon the house by this bill. It is brought back 18 months later, after the house had decided rather categorically and after we had seen the cabinet commute the penalty of all those who had been sentenced to death.

Mr. Chairman, this afternoon I was paired with the right hon. leader of the government (Mr. Pearson). I considered it an honour and a gesture of courtesy a gentleman could not refuse. But if the government side continues to use arguments such as the ones we heard this afternoon and this evening, I shall have to go back on my word and endeavour to use all possible means to amend the bill because I feel that false representations are being made on the government side. I think that pressure was also exercised not only upon the members of the party in office but also upon members of the opposition by accusing them of things such as those we have heard.

[Mr. Mongrain.]

Mr. Chairman, they have tried to split hairs. Mind you, I am not a jurist or a lawyer and I have listened with great respect and consideration to the arguments put forward by all the learned lawyers who took part in the debate this afternoon and this evening.

However, I think the time has come for ordinary people like us, who have but our small judgment and conscience to bring to bear on such a matter, to speak our minds.

I think there are too many lawyers here who pass the time splitting hairs, though they do not appear very confident of being right. Now, I believe most of the blame should be laid at the doorstep of the government's legal minds, who are pleading a bad case. It shows plainly on their faces. It seems to us their case is wrong when they ask us, for instance: Why do you want to protect a citizen who has agreed or refused to help a police officer, since the law, after all, does not force him to help; he can refuse, providing he has any reasonable motive?

But will an ordinary citizen, an illiterate who has no education and has not studied law, ask himself such questions when faced by an emergency? Usually, wrong-doers do not warn us in advance, they strike suddenly. The man will simply listen to his conscience and he will spring up immediately or run away, according to whether or not he is brave.

Must we then split hairs to decide if we will pass a legislation to protect him? On the contrary, we must take into account all the weaknesses and deficiencies of human nature. I think this is our duty as legislators, and that is why I will support wholeheartedly the amendment of the hon. member for Bow River.

When people say that, according to section 434 or 464 of the Criminal Code, a citizen can or cannot make an arrest, they are splitting hairs. The question is simple: are they for or against capital punishment? That is all. All the subterfuges, all the camouflage and stratagems used to get us to pass a bill as bad as this one are, in my opinion, a misrepresentation whose consequences will be suffered by those members of the government who try so hard to defend it and do such a pitiful job.

I listened to the Minister of Agriculture (Mr. Greene) mention the old saying "an eye for an eye and a tooth for a tooth". As citizens, we all know that this saying is true. But that does not apply today in the advanced civilization in which we live.