

Mr. Gauthier (Roberval): I want to show that they are not against the principle of the bill, that it is the principle of the bill that is false.

I do not know if they will understand, but I would be very glad if hon. members were to quit calling me to order. It is up to you, Mr. Speaker, to call me to order and not up to hon. members. I want to say quite simply that these amendments are not contrary to the principle of the bill, as we understand it. Quite simply, the principle of the bill has to be changed, and then it will be possible to discuss on another level. As long as the principle of the bill remains what it is, we suggest that our amendments are in order.

Mr. Francis Fox (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I know that we have already debated this question of procedure in great detail this afternoon, and it is always interesting to take part in a discussion on a question of procedure because, of course, it is almost impossible to become inflamed when we simply deal with the Standing Orders of the House. It goes without saying that the decision you will make in due course, a decision on procedure and on the receivability of arguments, is one which will be yours and which the House will have to obey.

I think that during the debates this afternoon, we heard from various quarters, particularly on the part of the spokesman for the official opposition, the hon. member for Calgary North (Mr. Woolliams), arguments which admitted things which went so far that it was not even necessary to quote authorities or to talk about principles because, in all his arguments, the hon. member clearly admitted that if his amendments were against the principle adopted on the second reading, then his amendments should be rejected outright. He clearly admitted the principle, which is indeed well supported by authorities, yourself, your predecessors in this Parliament, as well as by the Parliament in London.

He also endeavoured to prove that the principle of the bill is not the abolition of the death penalty. And one of his colleagues, during the debate, referred to the fact that under the National Defence Act, the death penalty is maintained in specific circumstances. In short, what he forgot, Mr. Speaker, is that the House is now studying a bill that deals with a specific act of Parliament, a very specific statute, namely the Criminal Code. The fact is that this bill is intended to remove, everywhere in the Criminal Code, any and all mention of the death penalty and substitute other penalties for it.

To my mind, Mr. Speaker, what we are now discussing in this House is the abolition of the death penalty in the Criminal Code and I do not think we have to concern ourselves with all the other acts passed by the Parliament of Canada at some time or other.

Mr. Speaker, as I have no intention of referring to specific authorities, my hon. colleague the Parliamentary Secretary to the Solicitor General (Mr. Poulin) having already done so, I merely wish to add that I consider that argument as basic.

As far as I am concerned, Mr. Speaker, I feel we must look into the arguments dealing with procedure, taking into account the consequences and effects, and that, with what I would call common sense. In short, if procedural

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arguments and legalistic considerations lead to an absurd situation, I feel we should come back to basic principles and interpret them, if possible, in such a way as to take common sense into consideration.

Mr. Speaker, to get their argument through, they have to say that this bill has really nothing to do with the principle of abolition or retention of the death penalty.

When I look back at what happened in Parliament during the 119 speeches which have been made, when I think of what happened since the introduction on first reading of Bill C-83 and Bill C-84, I realize, Mr. Speaker, when appealing to the common sense, that if some members opposite did not view the debate as one dealing with the death penalty and common sense, I wonder then what they understand and what they did talk about in their speeches.

Members on both sides of the House always considered that it was indeed a debate on the death penalty, on abolition or retention of the death penalty. All hon. members of the House were even called retentionists or abolitionists. Certainly information media viewed the debate in that perspective and so did the public itself.

Mr. Speaker, if we are to accept the interpretation of our opponents, we must then conclude that no one in this country understood the debate which has been taking place in the House for two months. Therefore I would be deeply concerned about the parliamentary institutions of our country.

This debate is directed to the public. Our constituents talked a great deal about it. What we are told today is that there is only a handful of lawyers in the House, particularly on the other side of the House, who seemed to have understood the debate as one whose goal was really to make a distinction between high treason and treason.

● (1730)

Their impression was that the debate did not have anything to do with capital punishment, that it was really incidental, not within the scope or principle of second reading. The actual purpose here would be to define first and second degree murders. Of course it is pure fantasy and it does not stand common sense scrutiny.

In short, Mr. Speaker, I think our conclusion must be totally opposite. Some have read the English version of the title of the bill but we could refer also to the French which reads "Loi modifiant le Code criminel (meurtre et certaines autres infractions graves)"—not a literal translation but both versions are official. Then, when we look at the bill, we see that there was a decision on principle, a position taken by those who introduced the bill which deals with abolition of capital punishment and according to what has been said, it is piece of legislation which considers abolition of the death penalty and proposes alternatives in the case of murder.

In summary, Mr. Speaker, I support of course the argument put forward by my colleague, the Parliamentary Secretary to the Solicitor General (Mr. Poulin). I do not intend to draw again to your attention the authorities of which you are already perfectly aware. Besides, I contend that the hon. member for Calgary North (Mr. Woolliams), who was the official spokesman for his party, said there