

*Amendments Respecting Death Sentence*

see this bill passed to abolish capital punishment, except in cases of murder of prison guards or policemen. This would certainly mean considerable extension of the scope of the legislation.

In 1961, our government had brought down legislation to define capital and non-capital murder. I believe that this difference has helped the judge presiding over a murder case to address the jury more intelligently. It was sometimes difficult in the past, under the former legislation, to instruct the jury in helping them reach a verdict.

We had thought last year that the extension of the scope of the 1961 legislation would have been sufficient to give food for thought to the people who are inclined to disrupt the established social order.

The minister tells us that the bill is a compromise; it is really a compromise which will impede the freedom of every member in deciding for or against the abolition of capital punishment, except in the two cases stipulated in the bill.

Of course, I respect the opinion of the member for Lotbinière on this question, because it is so personal, almost a matter of conscience. I would not want for anything in the world to try and influence the decision of any member. Last year, the hon. member for Lotbinière was a keen retentionist, and this year, he tells us he will vote in favour of the bill introduced by the Solicitor General. His main argument is to get the government out of the dilemma in which it finds itself at present.

• (4:00 p.m.)

Mr. Speaker, I know what throes and difficulties the Solicitor General sometimes goes through when he has to review a death sentence, when he has to submit the case for examination to his colleagues of the cabinet, when, as the member for Lotbinière (Mr. Choquette) pointed out this afternoon, we know that since 1963 the cabinet has practically abolished the death penalty.

That is the situation. It was the member for Lotbinière who told us, last Friday, November 10, 1967 I believe, in his opening remarks, that one of the arguments that led him to change his mind was that the government has reached a dead-end, since the laws in our statutes must be respected by the government and parliament, and the situation being what it is he felt bound to support the compromise bill introduced by the Solicitor General.

Perhaps, as I said earlier, this is such a personal matter that I would not want to find

[Mr. Asselin (Charlevoix).]

fault with the hon. member for Lotbinière, but I would say this is a case in point, that the way this government has introduced this bill to the House of Commons will infringe the freedom of choice of several members.

In this respect, of course, I cannot agree with the way in which this compromise bill was introduced. If a free vote had really been wanted with regard to the bill before us, I would have preferred it to be introduced as a private member's bill, like last year, so that each member could have complete personal freedom to decide upon such an important matter.

Of course, I do not intend to recapitulate the arguments for the retention of the death penalty. During this debate, I have heard some very objective arguments for and against the death penalty.

The abolitionists tell us that the onus is on those of us who are still in favour of retaining the death penalty to prove that it is a deterrent for those who are about to kill someone.

Such arguments have been rehashed for years. If we look at the white paper which was presented in 1965 by the late Hon. Guy Favreau then minister of justice, we find that the United Nations were unanimous in their statement on that subject that the deterrent factor was still important enough to prevent the commission of a murder. It is an argument of natural law, I think that any person has the human desire of self-preservation.

We can see it every day. When you are on the sidewalk, you will not attempt to cross the street if you think that you may be run over by a car. If you take a fishing trip, you will take every precaution not to drown.

Man is inclined to preserve his precious life. All our actions, all our personal activities, twenty-four hours a day, are aimed at this goal.

When abolitionists say that today the death penalty is no longer a deterrent on criminals, I say that they are wrong, and if they will just scrutinize the arguments of the royal commission on that matter, they will see that judges, expert criminologists who testified before the commission unanimously agreed that the deterrence of the death penalty is still the main reason which prevents criminals from committing crimes.

In order not to take up too much time, Mr. Speaker, I will not repeat all the arguments I presented last year on this subject. I shall