

dictates of one's constituents. It is a question of following what a Member is required to do in terms of a Party Whip and the Party's position.

There are some issues which are not matters of Party policy or Party position. The issue of capital punishment for heinous premeditated murder is one of those issues. Perhaps abortion is one of those issues as well. Perhaps the right to smoke marijuana should be one of those issues. There are certain issues in our society which deal with the way we look at what is right and what is wrong, and the way the public of Canada looks at what is right and what is wrong. Those particular questions of what is right and what is wrong are not questions of a Party position. They are questions of the individual conscience, not only of Hon. Members but of individuals in our constituencies.

Some of us may say we are obligated to follow the consciences of the majority of our constituents. I tend to take that view. Some of us may say that we were elected to use our best judgment and we are entitled to use our best judgment even though it might be in total contravention of what our constituents want. I believe all of us must take the position that this is not a matter which should come before the House of Commons as a Government matter. It should come before the House of Commons as an open matter, a matter on which all of us can individually vote the way we individually want to vote, not the way we must vote in order to stay within the controls placed on us by the Party system. Every time this matter has come to a vote in this House it has been on the basis of an amendment to the Criminal Code moved by the Government.

● (1730)

In effect, then, Members of the Government Party have been forced to vote with the Government, the theory being that if they did not they would be voting against Cabinet solidarity, against themselves. It is a Government Bill, therefore they must vote for the Government Bill. That position negates the whole concept of Members of Parliament being able to handle issues such as the capital punishment issue in an independent and sensible way, the way our constituents expect us to handle the issue.

I say to you, Sir, that it is vitally important that this House proceed with this motion because we as Members of Parliament should be allowed to express our concern on issues involving the way we as a nation should be governed, on moral issues. At one time, Mr. Speaker, the Criminal Code provided for the chopping off of arms if you committed theft, or even hanging. Certainly in times past people have been stoned for adultery and so on. The question of punishment appropriate to the offence is determined to a large extent not by people who are in the egghead part of society, as many of us are, but by the ordinary, common person. Surely Members of Parliament should be able to come to this place and, when we are dealing with an issue such as capital punishment, be free from the controls of Whips, free from the controls of the way our Party or Leader views the matter, and free to express ourselves by

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voting clearly on the matter without any control. Therefore, Sir, I say to you and this House that this motion should be supported.

[*Translation*]

**Mr. Gilles Marceau (Jonquière):** Mr. Speaker, in rising to take part in this debate, I recall the difficult time we had a few years ago when this important subject was debated in the House. It is clear that the motion now before the House is concerned with a very specific subject, namely capital punishment, but it also reflects the kind of society to which we belong and the kind of society we want.

Mr. Speaker, you will recall, since you were in the House at the time, that on July 14, 1976, there was a free vote, and I agree with the comments of the previous speaker who said that the free vote was perhaps influenced, and I think we should realize this, not by Government policy but by party ideology. When I voted as I did, it was to express a philosophy, to show the kind of society to which I wanted to belong, and I was doing so through the political party of which I was a member. However, I can say quite frankly that no one could have forced me or compelled me to act as I did, if I had not, as a matter of conscience, deliberately decided in favour of abolition of capital punishment.

Mr. Speaker, I realize the issue is a difficult one, that it probably goes beyond political parties as such because it depends on the personality, as it were, of the individual and the environment in which he lives.

I was listening to the previous speaker who said that 79 or 80 per cent of Canadian polled were in favour of capital punishment. With respect, I do not share my hon. colleague's opinion. Mr. Speaker, it is clear that the wording of a question tends to influence the answer given by the respondent. If there is a single question in the poll, such as "Are you for or against the death penalty?", and that the question does not suggest any alternative, it is quite possible that a good many Canadians who have just heard about foul crimes would favour the reinstatement of capital punishment. However, if there is a second question in the poll, such as "Are you in favour of handing out a 25-year jail sentence to a criminal convicted of first degree murder?", most, if not all, Canadians would say yes. In other words, Canadians are expressing fear and they are saying to the Government that criminals should not be set free to roam the streets after relatively short prison terms, as if hardened criminals can regain their freedom after spending very little time behind bars.

Mr. Speaker, I can support that statement with personal experience. I received similar letters from two lifers who did not know each other and were not even in the same institution. Yet, their viewpoint was exactly the same: we would rather face capital punishment than a 25-year jail sentence. It proves that, in a world where we are rightfully seeking punishment for odious crimes, I can say respectfully to those who believe that the death penalty is the solution, and to my colleagues