

ment, without even a co-ordinating role being assigned to the Department of External Affairs.

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, no, that is not the policy of the government and I am quite sure my friend misunderstood what the Secretary of State for External Affairs indicated. It was that ministers, such as the Minister of Energy, Mines and Resources, do have contacts with their opposite members, in this case United States Secretary Morton, on subjects which are specific to them, but always with the knowledge and under the general co-ordination of the foreign policy conducted so ably by the Secretary of State for External Affairs.

An hon. Member: That may be the problem.

GOVERNMENT ORDERS

[Translation]

CRIMINAL CODE

REINSTATEMENT OF LAW RELATING TO CAPITAL PUNISHMENT THAT EXISTED PRIOR TO DECEMBER 30, 1972

The House resumed, from Friday, July 20, consideration of Bill C-2, to amend the Criminal Code, as reported (with amendments) from the Standing Committee on Justice and Legal Affairs.

Mrs. Albanie Morin (Louis-Hébert) moved:

That Bill C-2, An Act to amend the Criminal Code, be amended in Clause 2 by deleting on page 1 the comma in line 15, by inserting an "(a)" immediately before the word "in" in line 16, by re-numbering paragraphs (a) and (b) as (i) and (ii), and by adding immediately after line 5 on page 2 the following new paragraphs:

"(b) in respect of a male person, where such person causes the death of a female person while committing or attempting to commit rape, and

(c) in respect of any person, where such person causes the death of a human being while committing or attempting to commit an offence under section 247, or, if while committing or attempting to commit that offence, such person abandons a human being and death ensues as a consequence."

Mr. Speaker: Order, please. I have to apologize to the hon. member.

[English]

The hon. member for Winnipeg North Centre (Mr. Knowles) is rising on a point of order.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, my point of order arises out of a matter that was left in the air on Friday when questions were raised as to whether Your Honour might defer the vote on one report stage amendment since there is to be another one. Of course, this is Your Honour's right under Standing Order 75(11). I think it would be helpful for the House in this debate to know whether that is Your Honour's intention.

Mr. Speaker: The position of the Chair in such matters is that although there is, under our Standing Orders, the authority granted to the Chair to make such a decision, it

Capital Punishment

might be better to see how the debate develops. Perhaps some time in the month of August the Chair might give the matter further consideration.

Some hon. Members: Hear, hear!

Mrs. Morin: Mr. Speaker, some of my colleagues have accused me of unduly delaying the work of the House and our adjournment by presenting this amendment; consequently, I will be very brief in enumerating the reasons which prompted me to present it. I have no intention of discussing the pros and cons of capital punishment, as this question was covered during the many debates in the House since the presentation of Bill C-2.

[Translation]

The amendment before this House today is aimed at the retention of capital punishment in cases of kidnapping or rape during which the victim is murdered. In other words, any person found guilty of murdering a person whom he has kidnapped or raped, would be liable to the death penalty. Of all criminal acts, kidnapping or rape followed by murder is certainly the most odious. Capital punishment is the only just punishment for the most odious crimes and it is the only penalty that can atone for an unpardonable crime.

The death penalty by hanging embodies all the repulsion and all the horror that society feels towards the most serious of all crimes.

The punishment inflicted for a serious crime should clearly show the repugnance it evokes in most people, and in the final analysis a punishment is justified not so much by its value as a deterrent but because it constitutes the categorical condemnation of a crime by society. Thus, some murders, for example, a kidnapping or rape during which the victim is murdered or is subsequently murdered, require the ultimate punishment, the death penalty.

Why, Mr. Speaker, these crimes in particular, and not all other crimes in which there is loss of life? Because, quite simply, kidnapping or rape followed by murder involves a two-stage decision—and this is the point I wish to stress—the decision is sometimes premeditated in both cases. They are two, separate criminal acts. In the case of kidnapping in particular, in view of the fact that it is not a single decision—once the kidnapping is carried out, the aim is to obtain ransom or the liberation of a criminal—it is logical to assume that the deterrent power of capital punishment, in the second decision, that of whether or not to murder the victim, will have its deterrent effect on the conscience of the person who is considering committing a second criminal act.

More specifically, Mr. Speaker, unless he is not fully in possession of all his faculties, an individual who, after due consideration, decides to kidnap or rape his crime committed, is the master of a second decision, whether to kill or spare his victim. If this individual does not go beyond his first crime and liberates his victim, he is liable to life imprisonment and it is at this very point that capital punishment may exert its deterrent or preventive effect.

If the first crime is a spontaneous and thoughtless act, the second crime which implies a second decision is not, as was the case in Pierre Laporte's murder, for some time