

must try to avoid any partisanship and stick to the basic issue, to wit, the freedoms that we want to uphold for all individuals, even those whom society has branded as criminals and who are often less guilty than those enjoying freedom.

Mr. Speaker, I think that the bill introduced by my colleague from Calgary North deserves not only thorough but also speedy consideration. The rights involved in such an amendment concern the most basic rights of individuals—freedom and justice. Looking over my colleague's bill and the clause to which he refers, I note that the sentence at issue is the last one which reads as follows:

—the accused is to be tried . . . as if . . . the offence . . . had been committed after the coming into force of this act.

After having acquainted myself with the original section, I hesitate to reach the same conclusion as my hon. colleague. Mr. Speaker, I am quite willing to recognize that the present section provides for a more severe penalty, but not that the new section allows for the possibility of a more serious offence or indictment than that the Crown could have preferred before implementation of this bill. Obviously, the severity of a penalty can lend itself to many interpretations and discussions. Is the death penalty more severe than 25 years in prison? I doubt that anyone can argue clearly, conclusively which of the two is most severe, most inhuman. I doubt that it is possible to do so because, since the new act was passed, according to the reactions of prisoners, my hon. friend from Westminster mentioned it in his speech—personally I feel that in some regards a 25-year term in prison is far more severe penalty than capital punishment—as I was saying, prisoners with whom we have had occasion to discuss the matter often tell us: "I would have preferred the noose to 25 years in prison." So I think that one must not go too far in saying that the present legislation is less or more harsh than the preceding one. It is a matter of interpretation, but one thing is certain, neither capital punishment nor 25 years' imprisonment are going to solve our social problems and put an end to the violence which exists in our society, because I do not think that by increasing violence, in the form of capital punishment or 25 years' imprisonment, we are going to improve our world. This is of course my personal opinion, but I am sure that it is shared by members from both sides of the House. As law makers, we are often forced to pass extremely harsh laws, in the hope of solving problems, but we are not, in fact, going to the root of the problem, which is to be found in discussion, dialogue, brotherhood, friendship and co-operation. And this is often forgotten in many sectors.

Mr. Speaker, my colleague from Calgary North referred to the human rights bill and said that the bill that was passed was in fact a violation of the Bill of Rights. That might true because I think he nearly convinced me with his usual vitality and persuasion that there was an anomaly which deserves not only to be considered by civil servants but which calls for a quick and specific response. And if it was established that a serious injustice was committed, as my colleagues mentioned, I

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think there should be no hesitation or delay in introducing before the House an amendment which should be approved by all parties as this affects the basic rights of individuals.

Generally speaking, Mr. Speaker, the present Bill of Human Rights certainly does not provide adequate protection and if the bill introduced by my friend and colleague could convince governments, parliamentarians and people in general that we have to pass quickly a constitution in which those basic rights would be recognized and preserved without parliamentarians being able through subsequent legislation or governments to change those basic rights which are above political parties, provinces, countries and which are in fact the basic foundation of our democratic society, that would be fine.

Mr. Speaker, I think that my friend and colleague will surely get positive results with the bill he introduced. And even though I am not prepared to follow him immediately in the course he chose, namely that there is a contradiction between the law as it stands now and the one he would want to see in place, in view of the principle involved, I am prepared to lend my co-operation so a serious and quick examination can be made, so that if it comes out that my friend and colleague is right we can leave aside the fact that he comes from a party of the opposition and we can consider seriously an amendment which could be brought in after serious consideration.

I congratulate my colleague, and I see that once more we have been able to have a discussion above political partisanship, a friendly discussion with both my colleague from Calgary North (Mr. Woolliams) and my colleague from New Westminster (Mr. Leggatt) with whom we sit on the Standing Committee on Justice and Legal Affairs which is recognized, I must admit, as the best and most productive committee of the House under the chairmanship of the hon. member for Windsor-Walkerville (Mr. MacGuigan) who is sitting beside me.

[*English*]

Mr. Jim Fleming (York West): Mr. Speaker, I enter this debate with very few minutes remaining. This is probably to my benefit because I have a great deal of trepidation in speaking since I am the only non-lawyer so far to speak on this subject in this debate. I see my good friend from Vancouver-Kingsway (Mrs. Holt) is also interested in this bill.

First, I want to pay the obeisance that others have to the hon. member for Calgary North (Mr. Woolliams), with all sincerity to his extreme wisdom and experience in the law and his high reputation as a trial lawyer. Even if I am standing as a government supporter close to the end of the private members' hour, if does not change for a moment my absolute support for the principle he puts forward. I put on record the fact that I think the Minister of Justice (Mr. Lang) has no other choice but to go back and look at the situation as drawn out and pointed out by the hon. member for Calgary North.

I want to make a couple of very quick points in defence of the parliamentary secretary, who is trying to carry out his job very ably in presenting some concerns about the wording of Bill C-202. As I understood the hon. member for New West-