

*Amendments Respecting Death Sentence*

This change will be made for an experimental period. Of course, the bill really does not abolish capital punishment because it is maintained for the murder of police officers, penitentiary guards or agents of the same.

I can only speak for this side of the house, but I may say there will be a division of opinion on this matter because it is a highly emotional and controversial one. My first question is, what is the position of the Conservative party with regard to this question? We have decided, without any qualification whatever, that all our members will have absolute freedom of thought and action in reference to this serious, highly controversial and emotional matter. There has been and will be no direction given to our members by our leader or by any other influential person or persons within our party. There will be no direction from anyone advocating what position we should take in this debate or how we should vote. The members of our party will speak freely and will be free from any suggestions or opinions expressed by any other member. This will be an absolutely free vote. I believe it is right that I should state our position. May I say that as a result of having discussed the matter with some hon. members I am pleased to find many who have not yet made up their minds on this issue. I believe it is our duty at this moment to debate and to wrestle with our consciences until we are called upon to make a decision for our country.

Surely, however, whether one is an advocate of the retention of capital punishment or an advocate of its abolition, there is one question which must be asked. I realize, after listening to such a stirring address from the minister, that this question may seem to have a hollow ring. I ask, however, why is the government introducing this measure now so soon after the matter was the subject of debate and decision by this parliament? In April, 1966, this question was before the house at the Prime Minister's (Mr. Pearson) suggestion. It is true the suggested change was contained in a private bill, but it was the Prime Minister's suggestion that a full discussion and a full debate take place. I am taking nothing from my introductory remarks when I say that all the facts connected with this subject were discussed fully in this house about 18 months ago. The public and parliament became fully informed. It is our function, as members of parliament, to try to inform the public on the pros and cons of abolition.

At that time the house voted to retain capital punishment for capital murder, and capital murder alone. I believe it was in 1960 that murder was redefined as capital and non-capital murder. At the moment we are only dealing with capital murder. Capital murder means, to put it succinctly, the planned and deliberate murder of a person. I wish to point out that the debating of such a highly emotional and highly controversial subject calls for a great degree of restraint. Although parliament made a decision, the government has ignored the decision made by parliament for the imposition of the death sentence passed by a competent court. One is compelled to say, in view of the government's action or lack of action in this regard and in view of the minister's position, that no true, no realistic free vote can take place on this subject on the government side. I say that, and I say it because it is obvious. Today the minister led off and made it very clear where he stood on the matter. Since he is the minister he will have a tremendous influence on the members of his party. There is also the fact that the matter is being brought forward so soon again. I think this will have a tremendous influence on how the members supporting the government will vote.

This action by the government has placed a heavy burden, indeed exercised an undue influence on government supporters at this time. How can a government supporter feel free to make a decision on this bill? We have had in fact but not in law or, to put it another way, not *de jure* but *de facto*, the complete abolition of capital punishment since parliament made its decision only 18 months ago. Capital punishment, *de facto* if not *de jure*, has been abolished in this country. It has been abolished completely since the Liberals took office in this country in 1963. I will give the house some facts in that regard. If this government can justify this action since April, 1966, and indeed since they took office in 1963, then may I ask this question: Why not continue the same policy for some time in the future? I want to make myself clear by saying that I am not suggesting for one moment the course the government has taken in the past or will take in the future is proper. In fact, I take the opposite view. However, one must be realistic.

I suggest that parliament should be and could have been engaged with some priority legislation at this time. The minister's answer, any minister's answer, of course, would be that they wish now to legalize the