

Amendments Respecting Death Sentence

penology, psychiatry and measures for the rehabilitation of criminals have been made. There are also many people who feel deeply that there is ambiguity in an attitude which calls for eliminating the death penalty for murder while at the same time making no provision out of public funds for the support of victims of such a crime. I agree with the hon. member for Royal (Mr. Fairweather) who said during the last debate that, logically, compensation for victims of crime has nothing to do with the argument for abolition. I admit that. But there is plenty of emotional connection between the two subjects.

In the light of this divided public climate, in the light of the divided opinion which reflects that climate in the House of Commons, the bill introduced by the Solicitor General is in my opinion a compromise which can be accepted. The hon. member for Kamloops (Mr. Fulton) in the last debate said that the argument on abolition should relate to the nature of the crime and not to the individuality of the victim. But if there is any logic in this it is that both the exceptions, police officers and prison guards acting in the course of their duty, represent not a crime against an individual as such but a crime against the state itself since both guards and police officers represent the authority of the state in its preservation of law and order.

If treason is still punishable by death, and it is under articles 46 and 47 of the Criminal Code, as are offences under the National Defence Act such as cowardice in time of war—hon. members will find these offences listed in sections 64 to 71 of that act—they are so punishable because they are offences against the state.

Mr. Sherman: Mr. Speaker, would the minister permit a question? Would he not concede that offences such as treason and those under the National Defence Act are much more likely to be premeditated than the offences of murder?

Mr. Turner: I would say that some of the offences under the National Defence Act are committed on the spur of the moment in time of war, and yet they are punishable by death. If we are to be really logical we should eliminate the death penalty for treason and for offences committed under the National Defence Act. These offences still carry the death penalty because they are offences against the state. Therefore there is still a good deal of logic in protecting those

[Mr. Turner.]

officers of the state who are acting in support of public order. Eliminate one of these and eliminate them all. But if we are talking about logic, there is here a possibility of logic.

So I say again, Mr. Speaker, that this bill is a progressive step toward the abolition of the death penalty within the limits of reasonable persuasion of the public in the present climate. I am confident that the bill will carry the house. If on April 5, 1966, those who supported total abolition had also voted for the amendment of the hon. member for Cartier, that amendment would have carried. If the hon. member for Bow River (Mr. Woolliams) wants to ask why this bill is being brought once again before the house I would say—I am expressing my personal opinion—that the justification I see in it is that I do not believe the proper opinion of the house was registered in the last debate.

Some hon. Members: Oh, oh.

Mr. Turner: No, I should not say that.

An hon. Member: That is out of order.

Mr. Turner: I realize, Mr. Speaker, that the way I put that offends the rules of the house and I apologize to hon. members for putting it that way. All I am saying is that if the amendments had been brought forward in a different order, there might well have been a different result.

An hon. Member: It is quite possible.

Mr. Turner: Yes, it is quite possible. I did not mean to reflect upon a vote of the house. I put it in an indelicate way. I intend to exercise my vote with the greatest concern. I want to say, before concluding, that I do not believe any vote on the death penalty can be isolated from the whole context of criminal law reform. I think we have neglected criminal law reform in this country. The lawyers of this house have to take their share of the blame because I do not think we have been as vociferous in the vanguard of legal reform as we should have been.

I accept my share of responsibility in this connection. I was director of the legal aid bureau of Montreal for a number of years before I came into this house. I do not think that as a member of parliament I have done or said enough on the question of legal reform since I was elected. I hope that one of the results of this debate will be to prompt those of us who have legal training to work toward this reform.