

Mr. Bécharde: Would the hon. member give one instance where the cabinet ignored the wishes of Parliament with regard to capital punishment?

Mr. Asselin: Mr. Chairman, the recollection of this example is not fresh in my mind. I remember a case where no recommendation for clemency was made to the court and where the sentence was commuted by the cabinet. If I am mistaken, it cannot be helped, but I shall send my notes on the subject to the hon. member who just asked the question.

Two categories of people only are protected against murder: jail guards and policemen. Not even the Prime Minister of Canada nor members of Parliament are protected against maniacs who could come to the House of Commons, throw a bomb and kill perhaps 50 or 60 members. That murderer would be sentenced to life imprisonment and knowing the conditions of parole, he would stay in jail for 10 or 12 years and then be set free in society.

Mr. Chairman, it is time that Parliament—and I repeat it—should protect society. If some people do not want to be eventually given capital punishment they need only comply with the laws of a society wishing to live in peace and in order. This amendment is justified and should be given consideration.

I also urge the Minister of Justice, as did the previous speaker, that when this amendment will be put, to be broadminded to ask the hon. members to vote according to their conscience.

At the present time the population of Quebec lives in terror and in fear. It is revealed by the economic situation prevailing in Quebec. I do not say that we must do it in retaliation but capital punishment should be given at least until April 1971 to those found guilty by a competent tribunal of kidnappings, sedition and murder of innocent people. But this means was used as an attempt to affect the decisions of legitimate governments.

Mr. Chairman, in my opinion this amendment is warranted. It must be objectively considered, not as advocating revenge, but as a parliamentary means to protect the society in which we are living. We have to get rid of people living on the fringe of laws established by society.

[English]

The Deputy Chairman: Again I must ask hon. members to refrain from carrying on private conversations in the chamber, because these make it very difficult for the Chair and other interested members to hear the speeches being made. I hope hon. members will heed this request.

[Translation]

Mr. Lachance: Mr. Chairman, I must say I have much sympathy for the mover of this amendment.

When the House discussed the abolition of capital punishment a few years ago, I moved during the debate on second reading that the matter be referred to the committee on justice and legal affairs.

I spoke many times on the subject of capital punishment and my views are well known. I am not saying that I am in favour or against the abolition of capital punish-

Public Order Act, 1970

ment, but at that time, I was in favour of that legislation, specially as it concerns prisoners, who have rehabilitation problems.

Since this law is a temporary measure, I do not see why we should raise this problem at this stage, and I believe the hon. members will easily understand that if this amendment is accepted, in any event, it will lapse in a few months and become non operative.

Under the present circumstances, I do not think we should vote in favour of this amendment.

If the hon. member who moved this amendment believes that capital punishment must be meted out for similar crimes, he should move a separate legislation. As this bill is of a temporary nature. For this reason, Mr. Chairman, I do not think that this amendment should be approved now by the members of the House.

• (8:50 p.m.)

[English]

Mr. Turner (Ottawa-Carleton): Mr. Chairman, I will repeat briefly in English some of the things I said in French. At the moment kidnapping bears the maximum punishment of life imprisonment. Kidnapping includes confining a person against his will. That is pursuant to section 233 of the Criminal Code. Everyone who mutilates or wounds a person with intent to deprive that person of his life in effect attempts to commit murder, and that is punishable by life imprisonment. I draw to the committee's attention section 210. Of course, everyone who kills a person commits murder, and that carries with it the penalty of life imprisonment.

Mr. Horner: Will the minister permit a question, Mr. Chairman?

Mr. Turner (Ottawa-Carleton): When I have finished, Mr. Chairman, I shall answer the hon. member. Killing a person constitutes murder. Except in the case of the murder of a policeman or of a prison guard in the course of his duties, that offence constitutes non-capital murder punishable by life imprisonment.

We are dealing, therefore, with the three offences mentioned in the amendment of the hon. member, all of which already carry the penalty of life imprisonment. Now he wants to include the alternative of the death penalty. I suggest to him and to the other members of the committee that whatever their views are about capital punishment, this is no time for the House, within the context of a specific law of temporary duration to meet a specific purpose—as the hon. member for Lafontaine has said—to pronounce itself on the question of whether it will continue in force the abolition of the death penalty. That penalty was abolished three years ago.

I said earlier in French that the House will be given an opportunity in general terms to debate this issue fully before December, 1972. It will do so in general terms and the debate will apply to the full range of the Criminal Code. That is when the House ought to deal with the matter. I think it would be inappropriate for the House now, in dealing with this specific piece of legislation which is to last for a limited period of time, to consider