

Every person who

(h) when acting as sentry or lookout, leaves his post before he is regularly relieved or sleeps or is drunk;

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death . . .

Mr. Speaker, if I may say so, it is well that that provision does not apply to this House. Again subsection (g) states that every person who improperly occasions false alarms is guilty of an offence and on conviction, if he acted traitorously, shall suffer death. Subsection (f) states that every person who, without authority, alters or interferes with any identification or other signal is guilty of an offence and on conviction, if he acted traitorously, shall suffer death. I could go on to cite the other 33 offences that are covered by this section of the act relating to the death penalty, but I would only be substantiating the point I am making.

I believe that in asking that this bill be passed the minister misrepresented the facts in the way I have indicated in order to win support. I would ask members to reconsider their position. If they, in sincerity, were hoping that this nation would become totally abolitionist, that is not the result of this legislation.

I should like to return now to more specific comments in respect of the motions before us. As I have stated, motion No. 4 deals with treason. While I am generally sympathetic with my colleague's proposal I should like to ask him—and if he is in the House he might reply to my question—whether he has thought of the possibility, if in the case of treason we gave the option of imprisonment for life or a sentence of death, there would be the danger or the possibility, particularly if we were dealing with some type of terrorist, that that person would opt for death feeling that somehow he might become a hero if he died in the name of whatever cause he was trying to support? We should consider that possibility in respect of the suggestion the hon. member makes here.

● (1550)

I would also like to mention, with respect to both motions Nos. 4 and 9 as they read at present, that in my understanding the person would have this option after conviction. He will have gone through the judicial process and presumably the jury would have found him guilty. If I read these two suggested motions correctly, presumably the judge would turn to the convicted person and ask "Do you wish me to prescribe the sentence of imprisonment for life or death?" In that connection I would ask the hon. member if he thinks that is the proper time at which the option should be put to the person charged?

Would it not be better—and I am not saying it is—to have the charged man asked whether he wishes to have his eventual sentence be imprisonment for life or death at the time when the trial is initiated? At that point I think all concerned, the jury, the judge, and the courts of appeal, know that they have either a case which will result in imprisonment for life or in death. That would be the more significant time at which to give the option to the charged person rather than after his conviction. I say that because I would hate to see the House pass a measure which would inadvertently be like euthanasia.

It may well be that after a person is convicted he would ask for the death penalty because he is in a state of

Capital Punishment

depression or despair, but then upon reflection he would ask for life imprisonment. On the other hand, I think the person charged could weigh the two alternatives more objectively, with the advantage of counsel, at the time of the initial trial rather than waiting until he is convicted.

If I may, I should like to comment on motion No. 18, and again put a question to my colleague. As I read it, the present wording would affect not only first degree murderers but also second degree murderers. I wonder if my colleague would consider a subamendment which would make it clear that only in the case of first degree murderers this option would be given, and that those who are guilty or convicted of second degree murder would have no opportunity to opt for the death penalty as opposed to imprisonment for life. I say that because if we read the full section—and a clear distinction is made between the two types of murder—we would find it rather inconsistent to have both first and second degree murder treated the same so far as the suggested option is concerned.

The wording that I had in mind would be at the beginning of subclause (b). We would insert the words, "in the case of first degree murder" so that it would read: "In the case of first degree murder for a second offence, be sentenced to imprisonment for life or, if the convicted person so chooses, be sentenced to death".

I believe the motions that have been put before us are particularly helpful. I hope that others will join in the debate on these motions because I was frankly disappointed at the rather preemptory treatment given the bill in the Standing Committee on Justice and Legal Affairs. Those who were present at the committee meetings know that the first step of the government after expediting the bill to the committee was to say that we would hear no witnesses other than the minister himself, which I think is totally inconsistent with a bill that is so controversial and with measures to which I would say 80 per cent of the Canadian public object. First the government says it will refer the bill to committee for full study, and then right off the bat government members use their voting majority to require that no witnesses be asked to appear before the committee. I say this was most unfortunate.

Again that majority was used to terminate the deliberations of the committee, and that is why the committee reported on Monday of this week. I believe that that is one reason why those who are concerned about this measure and those who feel that the bill, not only in its intent but also in its specific provisions as these amendments would alter it, is inadequate, have no alternative but to speak now at the report stage in the House and make their anxiety felt. In that connection I think there is considerable questioning among the public as to why various members have voted in the House in the way they have. I hope that during the report stage, and certainly at the third reading stage of this bill, members who, for some reason or other, have confused their constituents as to their voting pattern would try to put on the record why they happened to vote in the way they did or, to put it mildly, have voted in such a way as to create great surprise among those who elected them in the last election to sit in the House.

I notice the hon. member for Hamilton Mountain (Mr. MacFarlane) is in the House today. I read an article in the *Hamilton Spectator* which referred to the hon. member and