

if a person is not to blame for his actions which are evil, we cannot praise someone for actions which are good. This, of course, is utter nonsense. The only way in which society can function is by having law and order based on a recognition of that which is wrong.

● (1600)

If society becomes too permissive, we then have a situation in which society is blamed for everything and in which no one takes responsibility for himself. I do not want to see a situation in Canada where everyone would feel that because the government is not exercising its responsibility, everyone has a right to carry a gun. I do not want to see a situation in society in which the public will not feel justice is being done. I do not want to see a situation in society where democracy has gone wild and where anyone may feel able to do his own thing, yea even unto murder, and have the complete compassion of society. So I affirm that I am in favour of the amendment now being discussed.

Mr. Ian Watson (Parliamentary Secretary to Minister of State for Urban Affairs): Mr. Speaker, I wish to intervene very briefly in this debate. I supported the government bill during second reading and shall support it whether or not this amendment passes. However, I wish to indicate to this House that I support the amendment presented by the hon. member for Louis-Hébert (Mrs. Morin).

Although probably in most cases the death penalty does not act as a deterrent, I am convinced there is a chance in some cases of kidnapping and perhaps in some cases of rape followed by murder that the existence of the death penalty would act as a deterrent. I do not think this very often is the case. Most of these crimes are committed by people who are not deterred by any criminal penalty. It seems to me, however, that we must look at another factor. I refer to the attitude of the general public toward law enforcement and the application of justice.

It is characteristic of this generation that more and more people tend to believe that our criminal justice system is an unfair system. I do not think this is correct. Our system today is more fair than ever before, but some aspects of it are lacking in the eyes of the general public. There are also some aspects which I believe are sorely in need of correction. The area which disturbs me most in respect of our present criminal system is the inequitable treatment accorded to the casual criminal and to the member of organized crime. It seems to me we must face up to the fact that in a modern society organized criminals are a different breed and should be treated under a different set of laws. Until we achieve this we will not have the kind of public respect we wish for the application of justice.

It is a fact that members of organized crime, rich persons or professional criminals who have resources behind them, can afford the kind of legal expertise which will enable them in almost every case to escape conviction as a result of a murder charge. The poor person has never had that chance in the past. Even with the much improved system of legal aid there is still, at least in my mind, a possibility that a person who does not have adequate financial resources conceivably could be convicted of a

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murder which he did not commit, because of inadequacy of his access to legal expertise.

It is really more on this basis than on any other that I consistently have supported the bill that was brought in in 1967 establishing a five-year trial period of abolition in all but two areas of murder. I also supported the present bill, and will support it regardless of what happens in respect of this amendment. But I am convinced that this House should examine its conscience with regard to the amendment proposed by the hon. member for Louis-Hébert.

Perhaps in one of three instances which come to my mind, the assassination of Mr. Laporte, the kidnapping of a young woman in my constituency last summer and her murder about 15 hours later, and the situation which occurred in Hull in which a boy was kidnapped, ransom was asked for and a day or so later the bludgeoned body of the boy was discovered, the purpose of the murder was to cover up or safeguard the identity of the person who had committed the first crime of kidnapping. In the case of both the Hull boy and the girl who had been kidnapped, I realize arguments could be made with equal force that the punishment would or would not have acted as a deterrent. I doubt very much whether either side of that argument will ever be proven conclusively.

I do not know whether my report is exact, but I understand a study was undertaken recently, within the last year or two, by an association somehow related to the office of the Solicitor General and that the result of this study showed that five out of every six persons who had been convicted of murder since 1967 did not even realize that capital punishment for all but two crimes had been abolished in 1967. That kind of conclusion does not really surprise me, but it does not dissuade me from the logical argument which I believe has been made by the hon. member for Louis-Hébert in respect of her amendment. I submit that along with this legislation, or soon after it is passed, we will have to consider changes in the approach to organized criminal activity. I think we will have to re-examine the whole way in which we approach criminal law and its application, and we will have to do it if we want to maintain the confidence of the public in our judicial system.

● (1610)

We will have to decide to split up our criminal law and have two categories, as I said earlier, one for the occasional criminal who when he is caught is usually so sorry about what he has done that he is prepared to plead guilty, often without the advice of lawyers—this poor guy ends up getting years, sometimes decades, in prison—and the real criminals, those who devote their lifetime to criminal activities, those who kill or rob for hire, those who can afford the very best legal advice and are able to get off with a minimum sentence. If they end up in jail, because of the expert advice they receive from their counsel they behave like the most model prisoner and are eligible for parole at the earliest possible date, because parole is largely granted on the basis of the reported behaviour of the prisoner while in prison and on the opinion of parole officers. When they get out, if they do not immediately return to criminal activities they form a sort of backdrop of assistance to organized crime.