

Capital Punishment

retention of capital punishment. I do not believe such criticism is valid, nor is it deserved. These are the experts in the field of criminology, and I see no reason why those who are authorities on the subject of crime should be criticized for voicing their views, no matter what those views may be at any time. There are those who have said that by even expressing such views police officials are entering and interfering in the field of policy whereas they should remain silent. It is contended that they should simply carry out the laws in force at any given time. I believe such criticism is also completely out of order. The experts should be heard in the process of making a decision on this subject. Obviously, it is parliament that will make the decision, but parliament would be remiss if it did not carefully consider the expert opinions on both sides of this subject.

The Canadian Police Association has suggested a national referendum on the subject, and I must say I do not believe this to be necessary. It would establish clearly and beyond any doubt the feelings of the Canadian people from coast to coast, but so many surveys have been taken in so many areas of the country—and generally speaking with the same emphatic result in favour of retention by a very heavy percentage—that there is no doubt in my mind, and I cannot see how there can be any doubt in the mind of anyone sitting in this House, what the result would be. There can be no doubt what the actual result would be if the Canadian people were to register their views on capital punishment through a national referendum.

Much has been said during the debate as to whether capital punishment is or is not a deterrent to the crime of murder. I do not believe there has been any proof in either direction. I have heard figures used by persons across this country who have been attempting to justify their viewpoints, but it seems to me that one can always find figures to justify any side of any question. There is, of course, one very definite factor which makes it impossible to judge whether or not the death penalty is a deterrent in Canada at this time. While the death penalty has existed over the past five years for specific classes of murder, it has never been enforced. It has been common knowledge and very obvious to all Canadians that this government did not intend to enforce it. Measuring with any accuracy the possible effect of the death penalty as a deterrent during this period of partial abolition is, therefore, quite impossible.

This government has made a mockery of the existing law, and I think that this must be admitted by those on both sides of this question. Proper observance of the existing law would have meant that sentences should only have been commuted where there was a recommendation of mercy at the trial of the accused person or in a case where it was established later that there was an error in the conviction.

The people of my constituency of Leeds have spoken overwhelmingly in favour of the retention of capital punishment, and as their representative in this House I would be turning my back on them and turning my back on the principles of democracy if I failed to listen to the people who elected me to this House. To those who sanctimoniously use the word "conscience" to justify ignoring the wishes and views of the people of this country, I suggest

[Mr. Cossitt.]

that it should be a definite matter of conscience to them if they ignore the emphatically expressed desires of those who went out to the voting booths of this country and sent them to this House. In accordance with the overwhelmingly expressed wishes of the people of Leeds, I intend to follow the principles of democracy and I will vote against the second reading of this bill.

● (1550)

[*Translation*]

Mr. Ovide Laflamme (Montmorency): Mr. Speaker, I did not intend to take part in this debate, but after hearing the remarks made today and recently concerning the appeal to hon. members' conscience and the fact that a member should not take into account the opinion of those he represents, I think it is my duty to say a few words on this bill.

In fact, Mr. Speaker, a debate on the same subject was held in 1967 and at that time the House approved in a free vote a bill which we are asked to extend for another few years.

If we refer to that debate, Mr. Speaker, we see that in 1967 the House held a free vote and abolished capital punishment, except in two cases: the murder of a policeman or a prison guard on duty.

There have been murders of policemen and prison guards in the exercise of their duties since 1967, the year in which the act came into force, and yet there have been no executions.

Mr. Speaker, in view of the executive's power to relieve condemned men, I really wonder why we are having this debate, since the 1967 act has not in fact been implemented, and since we may suppose that the renewal of the act will not alter the executive's power to relieve criminals who have been condemned to death.

Nevertheless, Mr. Speaker, it seems to me that there is one important point which should be brought up in this debate, namely that we are the representatives of the people, and the laws must exist to serve the society that they govern.

I think that the hon. member for Leeds (Mr. Cossitt) was right on this point, except, of course, when he claimed that all liberal members would support the government.

I suggest that the majority of the population has a genuine feeling of insecurity with regard to the laws on criminals and murderers, and this is the main point that the House should bear in mind. We must somehow promote and enforce laws which at least give people the feeling that they are in safety.

Indeed, Mr. Speaker, the population, which, in general, has just as much heart and conscience as some hon. members who lecture others and talk about conscience, feels constantly insecure. Why is this? Precisely because, for most of those condemned to death, the creation of the parole system has made it impossible for their sentences to be carried out.

And I repeat, Mr. Speaker, without any political motive, that there have been no executions since 1962, either under the Conservatives or under the Liberals.