

*Criminal Code*

Capital punishment is part and parcel of the over-all public discipline which builds respect, which maintains respect and which forces respect for law and order across the land. I am persuaded that it still has an important part to play in the maintenance of respect for law. Society seeks to protect itself co-operatively through the imposition of rules and laws. Individuals have very little power. It is through associations and organizations that they become strong. The rights and privileges of each is based on the rights and privileges of all. Protection of persons, protection of property, protection of all the freedoms that we enjoy is bound up in the maintenance of the rules and laws that have been established. Without law and order we have chaos. No organization of any kind can continue to exist without the enforcement of laws.

Laws are maintained by penalties. When no penalty is provided for infraction of the laws, there is little or no respect for that law. How far would we get in teaching people to respect the red and green lights on the corners of our streets if there were no penalties attached to violations of the rules? It is true that all those who violate the rules are not punished. Many people walk across the street—I have done this myself—when the light is not in their favour. But when doing this they realize they are breaking the law, and were it not for the penalties involved, and occasionally applied, there would be no respect at all for law.

The severity of the penalty indicates the importance of the law. Minor offences are punishable by fines. The more serious the offence, the greater the fine. Other offences are punishable by imprisonment or by both fine and imprisonment. Torture at one time was used as well, but that has been dropped. The ultimate penalty is capital punishment. It is presently reserved for capital murder and indicates the attitude of the Canadian people toward deliberate killing.

No child can grow up in this country knowing that capital punishment is a part of our Criminal Code and not realize that murder is a serious offence. No newcomer or visitor can doubt our national attitude toward murder while capital punishment is included in our statutes. This is one of the reasons I support its retention.

Arguments have been offered that we should abolish capital punishment because it is barbarous, uncivilized and unbecoming of a progressive nation in this enlightened age. I

[Mr. Thomas (Middlesex West).]

cannot agree that this age is sufficiently enlightened that it is beyond the need for penalties in law enforcement. True, we have made great progress in the field of scientific achievement and in the science of government, but has human nature changed to the same extent? I think not.

Criminals have moved ahead with the times. They are more sophisticated, they are more scientific and they are more legalistic. They go for the quick "buck" through modern methods which they seek to operate within the law. They have a fuller understanding of legal procedure and are better able to cover their tracks. I do not believe that human nature has changed to the point where it is unimpressed by penalties for wrongdoing, and this being so I believe it is unwise to stop at any penalty short of the ultimate one.

This country is now disturbed about a rape-murder case which arose some years ago at Clinton, Ontario. This country is suffering pangs of regret about a similar case at Aylmer within recent weeks. That case is still unresolved. Within recent days this country was horrified by the confessed rape murder of a five year old girl by a man in his thirties.

Where is the civilization, the purification, the improvement in human nature that can now justify the removal of penalties from our law? We need penalties, penalties to suit the crimes; and for the ultimate crime we need the ultimate penalty.

Across this country there are children playing in school yards, in playgrounds and in the streets. Some of our women and girls have to find their way home from their employment after nightfall. Are we to relax the protection which has been devised for the protection of the weak? I say that we should not.

• (9:00 p.m.)

The use of capital punishment is said to be unbecoming to civilized people. Is not crime unbecoming to civilized people? When civilization succeeds in eliminating crime, then penalties can be eliminated. Can we convince people that elimination of penalties will result in the elimination of crime? I think not.

I agree with those who contend that penalties should not be used as retaliation against criminals. Penalties should not be imposed by society for revenge. Penalties should be imposed to protect society by restraining criminals, by discouraging crime and by inspiring respect for law and order. Punishment adds