

Capital Punishment

Each year we change laws regarding taxes, pensions, and even regarding constitutions. The tradition of Parliament is clear. No Parliament is bound by the action of its predecessors. Every Parliament is free to consider any question. Is capital punishment to be the exception to that tradition? Is the Constitution to be open to discussion but capital punishment closed? If we make that exception, we open the way to other exceptions and we erode both the power and the reputation of Parliament.

That question of reputation is important. If we are to build a sense of national community in this country, we must build respect for the institutions that serve the whole community; and Parliament is paramount among them. All of us who serve here must share the concern that Parliament does not command the respect in the country it deserves. I believe that is because Parliament is known to have too little power over the executive, and the government I led sought to bring much more power to ordinary members of Parliament.

But if we trace the causes of cynicism about Parliament, I think it is clear to all of us, whether we are abolitionists or retentionists, that one of the most basic and most dramatic causes is that, on the question of capital punishment, where most Canadians have strong views, Parliament went one way and the public went the other. That sense of wrong was compounded by the belief that the last vote was not in fact free.

An hon. Member: It was rigged.

Mr. Clark: It will be compounded again if the government uses its majority to stop the question from even being considered by a committee of this House of Commons.

Mr. Collette: Forty-one Liberals voted for retention.

[*Translation*]

Mr. Clark: Why would government deprive members of the opportunity to express their views and vote on this issue that their constituents consider most important? How can we get the public, which already has misgivings about our parliamentary system, to change its views if the government refuses to have the matter studied objectively and in a non-partisan manner? How can the government stand in the way of a free vote on such a crucial issue without harming our democratic traditions?

[*English*]

The government may argue that this motion is, technically, a question of confidence. I would hope they would not make that argument as they have not made it in the past on occasions I will cite. But they may seek to hide behind a technicality rather than take the opportunity to let Parliament deal with an important public question.

There are three answers to the technical argument that they may raise. The first is that we, as the proposer and as the opposition in this Parliament, do not regard the question as a matter of confidence.

● (1530)

The second is that a predecessor of this government, under the leadership of the late Mr. Pearson, when defeated on a budgetary matter, did not treat that as a question of confidence. A party which treats a budget vote as not involving confidence cannot in conscience argue that it loses its right to govern by referring a question to committee.

Finally, in June, 1978, in an allotted day concerning the Indian Act, the government treated our motion on its merits, not contesting our explicit statement that confidence was not in question. Again, in February, 1978, concerning sunset laws and other reforms to reduce government spending, the responding minister welcomed the debate and did not raise questions of confidence. This matter, too, deserves to be dealt with on its merits, and not run away from on the basis of some technicality.

What is at issue here is whether Parliament has any control at all over its own agenda. We are using one of the few allotted days available to the opposition to allow this whole Parliament to consider a question in which the great majority of Canadians are interested. We have been careful to remove any tone of partisanship—any question of confidence—any bias in the subject matter we want referred to a committee. Clearly, this motion does not involve a vote of confidence in the government. It does, however, involve a vote of confidence in Parliament. To vote against this motion is to vote against the right of Parliament to inquire into an important public question.

I have spoken of the right of the Canadian public to have their Parliament consider a question of public interest, and the importance that it can have for the role, the reputation and in time the reform of Parliament, a reform that would give more power to individual members, not power to the executive.

There are two other reasons why I introduce this motion. One is educational. Violence and murder are matters about which the Canadian public has more fears than information. A public study can improve public understanding of the issues and the options involved.

We in this Parliament have just concluded a long experiment in public hearings on the Constitution, and there is no question that public opinion was informed and changed as a result of that process. Public discussion is the way a democracy becomes informed about public issues. If we want a democracy that decides on the basis of facts rather than on the basis of fears, public discussion of public issues is essential.

My other reason for proposing this motion is that I personally believe that a close study of the facts will cause more people to oppose capital punishment. The most recent statistics on homicides were released yesterday. They indicated that, for at least the fourth year in a row, the rate of homicide is going down, and the rate of murder is going down dramatically—a 17 per cent drop last year. Obviously other factors are also at work, but the fact remains that homicide and murder rates have gone down in Canada since the abolition of capital punishment.