

Criminal Code

better plan for the protection of society. Again, I may be wrong and others may be right, or vice-versa. The argument which has been put forth that capital punishment is a deterrent, or that it is not a deterrent, is difficult to prove.

During this debate good cases have been advanced for both sides, giving statistics and information to support both sides. However, there are so many factors which have to be taken into consideration, such as location, environment and circumstances, that they make it impossible to achieve any true comparison, and therefore practically impossible to prove either side. I cannot help but believe that many a would-be murderer did not murder just because we have capital punishment. I know, however, that this is hypothetical and no proof can be advanced.

I do not intend to go into the various types of murders, but it does seem to me from reports during the past several months that crime is on the increase. Syndicate or contract murders are on the increase in Canada, and this is one reason that I would say it is not desirable at this time to make a change, and that the law should remain as it is. The law is not perfect. It is always susceptible to improvement. I have great faith in our laws and in our form of justice. No doubt errors have been made in the past, and no doubt errors will be committed in the future, no matter how the law is changed.

When speaking on this matter the hon. member for Kamloops (Mr. Fulton) outlined in detail the amendments made to the Criminal Code in 1961 when he was minister of justice. These amendments divided killings into two types, non-capital and capital, and also brought about several other changes. Since those amendments were introduced very few of those who have been convicted of murder have been hanged. When the amendments were introduced they removed the risk of an innocent man being executed. This was one of the most bothersome features of the previous law.

• (10:50 p.m.)

I am sure none of us would like to see a life taken, whether it be that of a murder victim or of a murderer. It seems to me that many overlook the terrible tragedy that a family, which has lost someone who has been murdered, must suffer. The argument always is that you cannot bring a life back. No, you

cannot bring a life back, but one must endeavour to have the best means to prevent a murder taking place and also endeavour to protect society. There are those who say that humans are not capable of making certain decisions or certain judgments, that the human race is not infallible, and that we are dealing with human frailties. That may be true, but nevertheless we are going to have to depend upon human decisions and judgment in most instances for a long time to come. The time may come when humans will treat one another in such a manner and with such respect that society may not require the same protection as it needs at present.

I believe the law as it is now is in the best interests of Canadians generally, and provides the needed protection for society. When the vote is taken I will vote against the motion.

[*Translation*]

Mr. Jean-L. Rochon (Laval): Mr. Speaker, the debate which is going on now will certainly prove to be one of the most interesting of this session, one of the most fascinating also, because it will have enabled hon. members of the house to express their views on one of the most controversial subjects of our times: the abolition or the retention of the death penalty.

It has long been discussed by workers, industrialists or university people, on radio, television, in the newspapers. In several countries, authorized voices have been heard, some favouring the retention and others the abolition of the death penalty.

Canada did not escape that pressure of public opinion. And last year, in view of everything that had been said and heard, the Department of Justice felt it was its duty to publish a White Paper and present that serious problem objectively, so that we might study it under all its angles and get a good idea of its social scope.

Since then, a number of booklets have reached us and our constituents, in our respective ridings, have told us what they thought. That is the reason why such a bill is now under consideration. That is the reason for the free vote which each of us will be called upon to cast according to his own conscience at the end of this debate.

Here is why I accepted to take part in this debate at this late hour, Mr. Speaker. After thinking seriously about it, I have reached a definite and well-documented opinion on that matter, an opinion which I feel is so much better that I would consider that my intervention is not only useful but of benefit to