

another, in pistol shooting or in hobby gun collecting, are very much against Bill C-83. Already we have the situation of the government moving 44 amendments in committee to try to improve a bill that has so many defects in it. But any logical person, regardless of what he felt about gun control, would not know that this bill would not do the job and would be a fundamental intrusion into the private lives of Canadians. So in these two areas covered by Bill C-84 and Bill C-83 we fly completely against solid public opinion.

While you can have some fun phrasing questions about gun control, it is as clear as the day is hot outside this Chamber that three million Canadians—a pretty sizeable lobby—have real reservations about Bill C-83, and apparently so does the government because it brought in 44 amendments. The hon. member for Calgary North (Mr. Woolliams) says that another 44 amendments will be coming in to try to make a bill that is riddled with holes like Swiss cheese into a sensible bill.

These two illustrations show why the Canadian public is wondering what its representatives are doing with public time. I know members of parliament have to vote according to their conscience. One could go back to Edmund Burke who was a member of parliament in England and who gave that fine speech in Bristol, but nevertheless, he was defeated in the next election. That is how many people Mr. Burke led many years ago. Regardless of that, I do not stand here tonight and say that the parliament of Canada is not dealing with this question in the best interests of Canada. Obviously we have to make hard laws from time to time and one does not necessarily have to go to polls because, and I said earlier, the questions can affect the answers in a poll.

Having debated this matter several times, and acknowledging the fact that this bill is flying against the weight of Canadian opinion on this fundamental question of capital punishment, I really think that parliamentarians in this House of Commons are treading on dangerous waters in effect by confronting a solid body of public opinion. Having voted on both sides of this question and having practised law many years ago I say that when you change the law there is some onus on those proposing the new laws to say why they are going to change it and to justify the change.

We all know that the matter of deterrents is no proof even though the Solicitor General, when he opened the debate, cited statistics which showed that the rate of crime has increased since the law has been changed. Yet he did say that there has not been enough time to fully assess the effects because the last change took place only two years ago. As the hon. member for Crowfoot (Mr. Horner) said, the present law has had no deterrent effect because there has been automatic commutation, so there has not been an honest, full, true trial run on this delicate subject. That is one of the dilemmas confronting hon. members. We are debating something almost in a vacuum. We have had the law but it has not really been applied.

When I am asked to vote for Bill C-84 I look to the Solicitor General to give me some reasons why I should vote to change the law and put in its place something better. He says himself it cannot be proved by statistics but he tells us to take it on faith because we are now humane people, and therefore we should not apply this

Capital Punishment

medieval form of punishment. I feel instinctively that there is something about this argument of deterrents that is completely false, and yet I have full respect for the fervour of abolitionists. I wish I had the convictions of my colleagues who believe firmly in either one side or the other, because unfortunately I appreciate arguments on both sides and in fact I voted both ways on this question.

With regard to deterrents, if you admit that you cannot prove the case on the basis of statistics—and I certainly shoot down the surveys that we have received from the Solicitor General's office which imply that capital punishment has no deterrent value—how do you prove it? Will you go to death row and ask old Joe—

An hon. Member: Did you say Joe?

Mr. Nowlan: If you ask him, "Had you known you were going to swing, would you have done the dirty deed?" that is one of the most fundamental conflicts of interest because dirty old Joe, or great old Joe, who is going to take that final walk—

An hon. Member: Joe who?

Mr. Paproski: Joe Guay.

Mr. Nowlan: This is an allegorical joke. We could just as well say, Peter, Paul or Pierre. Anyway, Peter, Paul or Pierre sitting in death row cannot answer the question objectively because there is a fundamental conflict of interest in what they tell you, if you are a fervent sociologist trying to figure out what they would have done had they known they would take the final walk. That is one side of the argument. The other side, which is more valid, is how many people are roaming the streets who have not done the heinous crime and have never gone to jail. If they had bumped off Pierre, Paul or Peter, they might have had to face the final step. You cannot shake it down on statistics, but my instinct and common sense tell me not to accept some of the inferences in the surveys of the Solicitor General that there is no deterrent value in capital punishment. Just hearing the horrible things we are told in the House, the descriptions we have had about the different types of penalties and the very volume of words used in the House on the subject, are some indication that if you weighed the balance of probabilities you would not prove it by statistics but there may be in someone's mind some deterrent value in this whole operation.

The argument concerning deterrents does not convince me to vote for the bill. It cannot be proved, my instinct says there may be some deterrent there, and if there is a tittle of a chance of deterrence, then I ask, why opt for a change?

● (2140)

There is another reason I cannot vote for Bill C-84 at this time, even if I were a firm abolitionist, but regardless of that believing somewhat in retention, I think it is an absolute cop out to have imprisonment for capital crime of 25 or 35 years, depending on the type of crime, with no hope in effect of rehabilitation. That clause about imprisonment without any parole for a 25 or 35 year period, depending on the type of crime, is a slow death, crueller or worse than hanging. I say that is a cop out, and even if I