

*Capital Punishment*

particular corner on logic, and I hope to make what appeal I can purely on the basis of logic.

I listened with interest to the remarks of the mover of the bill before us (Mr. McGee) and he presented to us an interesting dissertation on the history of capital punishment. The hon. member suggested that there were four basic considerations which we must review and have before us in coming to a conclusion. I do not present them in the same sequence in which he did. I recall, however, that he questioned the moral right of the state to take a man's life.

I believe the hon. member for Parkdale (Mr. Maloney) did an excellent service to this house this afternoon. He not only made an admirable speech but as a long standing proponent for abolition he stated that the state does have a moral right in this regard. In fact, with respect to the religious basis of the question it is I believe well established that the churches in their opinion, are as divided as are our citizens as to the right or wrong of capital punishment.

The hon. member for York-Scarborough quoted a number of outstanding jurists and one in particular who had expressed their views in support of the abolition of capital punishment. I propose in a few minutes to cite statements made by people who are equally as prominent and experienced in their field but who take a completely opposite view. I do so because it is a practice of the legal profession in a trial when counsel for the prosecution is endeavouring to establish a point of evidence to call for what is described as expert witnesses to produce testimony and defence counsel in turn will call his own expert witnesses to nullify the effect of the argument and evidence adduced by the prosecution.

The hon. member then went on to question the usefulness of capital punishment as a deterrent. He concluded that the onus or responsibility of proving the case that capital punishment is necessary or required rests on those who wish to see continued the provisions of the Criminal Code as they exist today. I suggest that the reverse is true. It is a long established legislative practice that before an act is repealed or before an important revision of a statute is made, those who seek the alteration, must accept the onus and responsibility of substantiating their claim that there exists a requirement for these changes.

Capital punishment has been with us for a long time. It has proved to be a deterrent, in my estimation, and I hope to substantiate

that this is the case. How unique or how effective a deterrent it is I concede that I among others have not the answer nor, I suggest, has anyone else in this house.

I should be remiss in my duty if I attempted to ignore the very forcible arguments advanced by the hon. member for Parkdale who today was at his eloquent best. No one is going to suggest that he has not held for a great many years the sincere conviction which he so ably presented to the house this afternoon. He has presented his arguments on previous occasions, of course, but I suggest that at no time in addressing a jury has he been any more persuasive than he was today.

I believe we must examine the hon. member's remarks to determine if they are based primarily on fact or primarily on emotions, whether his appeal was to our hearts or to the facts before us, and only then are we in a position to agree or disagree with his submission. As I said before, I seek to take nothing away from what was presented by the hon. member and I believe it was one of the greatest contributions to the debates of this house it has been my pleasure to hear in my short experience in this chamber.

Many hon. members today quoted facts and statistics. For example, reference was made by the hon. member who moved the bill to the situation in New Zealand. He implied that New Zealand restored the death penalty on the basis of political considerations. It is utterly a matter of opinion and not a matter of fact. There are a great many people in New Zealand and some in this country who are familiar with the situation in New Zealand at that time, and who argue that the death penalty was restored as a consequence of two revolting murders that shocked the conscience of that nation.

The situation in Great Britain has been outlined to us. Great Britain a year ago experienced a crime wave during which eight murders were committed in eight days. I understand, again from the information available to me which of course may be refuted, that the crime rate had increased by 14.8 per cent after the abolition of capital punishment. One must remember it was by the narrowest vote that the parliament of Westminster decided to make the change in the British act, the House of Lords having rejected any change whatever.

What about other jurisdictional areas to which reference was made by the hon. member for Parkdale? I believe that it is important to read into the record a portion of the report of the joint committee of the