

*Amendments Respecting Death Sentence*

I have no hesitation now in supporting this bill in relation to this sensitive problem.

The hon. member for Strathcona and others have eloquently presented arguments in respect of this whole question. Before digressing I want to pay tribute to the Solicitor General (Mr. Pennell) for his eloquent introduction. During the two years I have been in this house I have rarely heard a minister of the crown speak with such obvious feeling. His speech impressed me in such a way that I was carried along by his argument. Few speeches made in this house by hon. members opposite have had this effect. Had I not already decided to vote for this bill, or had I had any lingering doubts about the value of this measure, I certainly should have been persuaded by the Solicitor General. Any doubts I might have had were removed.

I take exception to what the hon. member for Elgin attempted to do today. He has pinpointed several expressions of other hon. members in this house. He has attacked the arguments posed in speeches by obvious retentionists, although I must add that he has only made reference to speeches of hon. members on this side of the house. Unfortunately I did not hear the beginning of his speech last night so do not know whether he referred to any remarks of retentionists on his side of the house, including his lady minister. Also he has made little or no reference to the speeches of abolitionists on this side. I was disappointed by this vein of his remarks.

There is very real concern on the part of members on this side that this will not in fact be a free vote. Perhaps this is because the minister introduced the bill and members on the government side may feel compelled to support it. Many members here feel that hon. members across the way will feel restrained or restricted from voting against the bill. The hon. member for Elgin has done little to dispel this concern.

No one can make a final infallible decision in respect of capital punishment. One must vote according to one's own convictions. Neither logic nor statistics can resolve this problem. I hope members on all sides of the house will avoid becoming involved in partisan crossfire. We should all refrain from pinpointing what other hon. members have said in expressing their convictions, however they have been arrived at. For how can one miss the point, when neither logic nor statistics can prove or disprove it?

[Mr. Nowlan.]

I did not express my viewpoint 16 months ago during the earlier discussion of this matter and I voted for retention, but I have changed my mind, mainly because of the exceptions contained in the bill now before us.

Several members this afternoon have referred to the fundamental problem with which we are now faced. We must do something to change our judicial system, whether or not we retain the death sentence. I am not as well versed in criminal law as other hon. members who have spoken today, but I have had some experience in this field. I have no doubt that the government must stimulate the legal profession into providing assistance to a greater extent than has been the case in the past for those who are charged with criminal offences.

Very few millionaires have been hanged, but many others who are less affluent have been put to death for murder. Individuals with financial resources are able to retain the best possible counsel and can afford an appeal to the provincial supreme court or the Supreme Court of Canada. Very often these people have their death sentences commuted to life imprisonment. Surely we must do something to change this situation, which provides a law for the rich and a law for the poor.

Many members in this house are ready and willing to talk about medicare and other social measures. These things can perhaps be resolved by members of the medical profession, but in law we have a long way to go. I doubt, however, that the question of capital punishment can be exclusively resolved by members of the legal profession or members of the judiciary. Government may have to assist.

• (4:10 p.m.)

Today I intend to advance an argument in respect of the difference between the views held by retentionists and abolitionist. In my opinion after all the various arguments are sorted and sifted this question comes down to a decision in respect of one of two possibilities. There is on the side of those who favour the retention of the death penalty the possibility of deterrence and the protection of society. On the other side there is the possibility of judicial error. I have considered both possibilities and have resolved the conflict in my mind. I have decided that the weight is quite obviously on the side where there exists the possibility of judicial error. I have so decided because obviously one is here dealing with the life of an individual,