

Capital Punishment

else, had murdered a soldier, from one end of the country to the other there would have been cries of: "To the gallows, post-haste". And the cabinet would have agreed.

[*English*]

Those were cases where the cabinet could have utilized that sense of authority that was assumed by the Prime Minister (Mr. Trudeau) and some of his ministers at that time. One remembers their television appearances at the time of the crisis calling for the apprehension and punishment of people committing the dastardly crimes of the day. Is there any difference between those men or any man, woman or child whose life is wrongfully taken as described under the terms of the law as it exists? What is the differentiation between those people and a policeman or prison guard?

Last night over television, a man described capital punishment as murder. How does he describe the killing of the man in Toronto who killed two policemen and was then shot by a third policeman? What about men killed by police when fleeing from the scene of an armed robbery and there is an exchange of gunfire? Is that also legalized murder? I suggest it is sophistry. People are entitled to hold those views, but I disagree with them most violently because capital punishment exacted by the state is for the security of its citizens and is in no way legalized murder.

I insist that the individual citizen has the right to the protection of his life. The state has to assume that. If the state abdicates that right, we will have gun law and an individual will have the right to carry a gun or another weapon to defend his life. That is the alternative. I find it somewhat strange that society is castigated as being a collective murderer for punishing an individual who has wrongfully and maliciously taken the life of an innocent fellow citizen, whether it is a two year old child or an 85 year old woman.

There are great cries about the fact that there is no proof that capital punishment is a deterrent. Has anyone ever canvassed the nation to ask how many men or women did not kill because they were afraid of capital punishment? After all, they did not kill anyone and so how could they be found. It could also be said that 15 years hard labour is no deterrent to armed robbery because there are still many armed robberies. However, how many people have contemplated armed robbery but were not prepared to face the potential penalty? People will not come forward and say, "I was one of those who was deterred by the penalty".

It is an exercise in sophistry to say that capital punishment is no proven deterrent to committing murder. The burden is not on those who say that the law of 1961 is the correct law to prove the value of capital punishment. The legalistic burden is upon those who seek to change the law. No amount of self-righteous wrapping of cloths of so-called intellectual or civilized superiority over a fellow citizen will add one cubit of additional value to their arguments. It has been reported in various newspapers and said in this House that abolitionists are more civilized than others, and that we will progress to a higher civilization by the abolition of capital punishment. That is a sort of self-proclaimed aura of moral superiority which only has validity by reason of the fact that it is being stated.

I find it strange when I read in the press and hear in this House statements, such as the one made this afternoon by

[Mr. Lambert (Edmonton West).]

the hon. member for Toronto-Lakeshore (Mr. Grier), that this debate has gone on long enough and parliament should turn to other matters. Those who say that have made up their minds. They have had an opportunity to speak. However, we are not debating a matter of government policy upon which party stands have been taken. Some parties have indicated they have a party stand on this issue. At least one party has done so. The Prime Minister (Mr. Trudeau) indicated the other day that there was to be a free vote. I do not know what has happened to government supporters in the last couple of days, though; they will not be heard through the press, because at the present time there is not one person in the press gallery.

● (1650)

An hon. Member: Yes, there is.

Mr. Lambert (Edmonton West): There is. I beg his pardon. But the press are not going to interpret what members say to their constituents. Only in one or two newspapers does one see reports of the debate which has been going on here for a number of days. Yet during the election campaign this was a major issue, one which candidates debated at their forums in many parts of the country. In some constituencies this may not have been the case but as far as my constituency is concerned it was an issue which was raised at almost every meeting. I must justify my stand before the electors if this bill is to be subject to a free vote. I cannot simply say I voted with my party, because it is obvious there are many differences of opinion within my own party on this issue, just as, hopefully, there will be within the government party, provided the vote is really a free vote and there is not a "transparent whip". I know that other parties will treat it as a free vote. The hon. member for Joliette (Mr. La Salle) can have both a party vote and an independent vote, but that is all right.

In any case, since the government has announced that there is to be a free vote, there is no urgency attached to the matter. So far in 1973 some eleven people have been charged under the law of 1961, people whose cases have not been disposed of. The procedure for appeals and so forth is open to them, and at the end of the road there is still the royal prerogative. So, no one will wrongly pay the penalty should the decision of the House ultimately be to grant the moratorium. No priority is attached to this legislation, none whatsoever. Yet it has been brought forward, and since this has been done on the basis of a free vote, members must declare themselves. We have to speak while the debate is on.

Members have the right to speak, and I find it particularly offensive to hear journalists and others say the debate has gone on too long. They have had the luxury of making up their minds and they want to turn to something else regardless of the fact that parliament, which is a national forum, continues to discuss the matter. I also find it odd that under the criminal law of Canada, which is in force from Newfoundland to Vancouver, there should be a declaration by an attorney general of one province that he would determine what charges should be laid. Are the people of Saskatchewan, in the matter of the criminal law, to be treated differently from those in any other province?