

ment. Under these circumstances, Mr. Speaker, I will vote against Bill C-2.

**Mr. Joe Clark (Rocky Mountain):** Mr. Speaker, I do not intend to take much of the time of the House, partly because I do not think I have much to say that will be particularly fresh. However, this issue is of such interest and concern in my constituency that I feel obliged to say how and why I intend to vote. I want to make clear my view that the major value of the bill before us is that it gives us something to amend. I intend to vote for it on second reading to get it into committee so that it may be amended. A second question has almost been introduced into this debate. While the vote concerns capital punishment of a sort, the way we vote has raised questions of responsiveness to the wishes of constituents. I want to deal with this important question as much as with the substance of the bill.

I was asked by a constituent just last weekend whether on this vote on capital punishment I would follow my conscience or my constituents'. Put in these terms, the decision is relatively easy to make. Most people would want their Member of Parliament to follow his conscience on any question, not violate it. However, there is a suggestion of stark choice that I do not believe is exact. It is possible to serve both conscience and constituents even when, as in my case, the member is reluctant to sanction the taking of a human life by execution and his constituents have indicated a strong preference for capital punishment.

That is so because the advice of constituents, for or against capital punishment, is advice on a question which is not before this House. The choice we face in this bill is not a choice between the death penalty and abolition. The death penalty provision in this bill is very limited in its application. It is limited even more in its application in practice and, despite the assurances of the Prime Minister (Mr. Trudeau), there is no evidence at all that it would be applied in practice in the future. The choice offered here is not even a choice between a hard and a soft approach to murder. The approach in this bill is hard on paper and soft in practice. So, many members of parliament are faced with a mandate from their constituents to deal severely with murder and a bill which makes that impossible.

● (1620)

In the circumstances, I think it is necessary for a Member of Parliament, since he cannot act exactly on the advice given him, to interpret that advice for guidance in his own vote. The specific advice given to me by more than 3,000 people responding to a questionnaire, showed that 82.8 per cent were in favour of capital punishment and only 17.2 per cent opposed. Virtually all of those who responded, 96.7 per cent, wanted any penalty to apply to all convicted of murder, not only those convicted of murdering policemen or prison guards. But in addition, 49.1 per cent indicated they would support a policy which meant the imposition of prison term which really meant life imprisonment, or long imprisonment, instead of the death penalty. As applied to the empty bill which faces us today and on which we are to vote tonight, it seems to me the main desire is for a penalty severe enough to stop murder, or at least to make murder less likely to be tried.

### *Capital Punishment*

Most of my constituents do not necessarily want to have the state kill people. But they want some sanction, and the sanction they know is the traditional sanction, the death penalty. That is the guidance they have given me.

I emphasize the word "guidance" because this issue is the first in my career in parliament upon which I am required to state my view of the relation between the advice of a constituency and the action of a member. It seems to me that a special duty grows out of the special nature of this chamber as the only place in which the whole nation gathers, not just to state strong views but also to work out ways of reconciling the strong views of one part of the country with the strong, but often contrary, views of another, and to reconcile them all with the goals and traditions of the nation as they are understood by those who have a responsibility to think about them. In an age of computers and questionnaires, and in an age, also, when it is the style of interest groups to demand that parliament adopt selfish policies which it is our duty only to consider, it is important to reassert and respect the responsibility of parliamentarians to decide ourselves, in the final analysis, what course the country should take.

We can use questionnaires and similar means of gathering evidence. I, for one, intend to do so. But if we abandon the responsibility to assess on our own account what to make of the evidence, we might as well be replaced by calculating machines or crystal balls. And if our judgment conflicts too often with that of our constituents, they have the sovereign power to replace us. A strict reliance upon questionnaires and other devices of so-called direct democracy is really not a long way removed from the kind of consultation MacKenzie King employed to divine, if that is the proper word, the best interests of the country. This is modern, and his was mystic, but neither is exact and neither excuses the Member of Parliament from performing the elemental exercise we are sent here to perform, the exercise of judgment.

In fact, in my view, this aspect of the duty of a member of parliament is one of the things which distinguishes our system from that of the United States. The United States system has been described as representative government, while ours is responsible government. This implies that the Congressman has a duty to represent more exactly the views of his constituents. The member of the Canadian parliament has a different and more difficult duty—the duty to be responsible to his constituents—to act in the way in which his judgment and conscience direct, and then to be judged. Our job is to judge; our fate, and restraint, is to be judged.

In making a judgment on any particular issue, one major consideration to be taken into account must be the expressed wish of our constituents. But we cannot rely exclusively on the evidence that is sent us. We must seek all the evidence which applies, thus assuring ourselves that our decision will be right, and not just popular. This is what I committed myself to do when this question came up during the election campaign—to consult with my constituents by means of a questionnaire and consult with those who have made it their business to study the effectiveness of capital punishment as a deterrent. I have consulted both now, and the evidence concerning the deterrent is such that I must place on the record my view