

*Capital Punishment*

All of us on all sides who have participated in this debate in terms of the discussion so far have been subjected to what we euphemistically call our own conscience. In such a situation it is rather difficult to try to persuade one's colleagues to switch their conscience and substitute it for your own. On that premise this is a much different debate from what we usually have in this Chamber. There are political cross-currents to it obviously because the government is committed to a peace and order package, Bill C-83 and Bill C-84. Obviously the government would like to get this bill out of the way, and as far away as possible from an election. In that type of scenario there are political cross-currents, but considering the merits and demerits of the question I do not really think one can put a political stripe on Bill C-84.

In our own ranks there are honest differences of opinion, as I am sure there are on the other side. This is not really a happy debate. It cannot be when we are discussing capital punishment. While I was the opposition spokesman in respect of the office of the Solicitor General I must say although I have a great deal of respect for the Solicitor General (Mr. Allmand) I was somewhat irritated by a speech that hon. gentleman made before the Bar Association in Montreal, I believe last summer. He became very emotional about this issue and said that capital punishment is not a happy occasion. I quite agree with him. Capital punishment is not a happy time. It is not a happy, festive event. But the events which lead to capital punishment are not happy festive occasions either.

One of the difficulties I had as opposition spokesman in respect of the office of the Solicitor General was in relation to the emotional effect this issue had on the Solicitor General who seemed to wear bifocals or blinkers against the realities of the world. We all would like to have a world in which we did not have to talk about capital punishment. This is neither a happy time nor a happy debate. However, this is a fundamental debate which goes back before the time of Jesus Christ.

There was the code of an eye for an eye and a tooth for a tooth, although I do not look at it in terms of retribution or revenge. In 1700 BC the philosophers spoke of the sanctity of the individual versus the protection of the state. When we shake it all down, that is what we are talking about today, the sanctity of the individual balanced against the necessity of laws to protect society.

I have been on the political gallows three times since I have been a member of parliament. Three times I have been confronted with this question. I must say, however, that I do not have the conviction of my colleagues on either side of the House who are either firm retentionists or firm abolitionists because my voting record on this question has switched. I was an abolitionist when I first voted, and the next time I was a retentionist in respect of policemen and prison guards because I voted for that qualifying amendment. This can be interpreted either way. The retentionists say it is qualified retention and the abolitionist say it is qualified abolition, because capital punishment is still in the code.

On the last occasion I voted for an amendment moved by one of my colleagues to the effect that the discrimination be removed in respect of policemen and prison guards. I voted in effect for full retention on the basis that one life is

[Mr. Nowlan.]

just as good as any other life because the people working in prisons and/or on the streets policing our neighbourhoods know that that is part of the risk involved in their job. I have said that I do not have the conviction of my colleagues because I have swung back and forth. Perhaps that is not the right way to put it. I have voted on both sides of the issue.

In a sense this parliament is removed from the people. It is not in touch with the people. Here in this peace and order package we have two bills, Bill C-83 and Bill C-84, which to me demonstrate almost more graphically than any words used by anyone in this Chamber how this Chamber is getting away from the people at the grass roots from coast to coast, be they in the city or in the countryside of this grand land of ours.

If we take Bill C-84 first, we might consider the pollsters and the polls which indicate that anywhere from 70 per cent to 80 per cent of the people favour some form of capital punishment. So, what are we doing here? Two years after we debated this issue we are back at it again for several days. In effect we are saying to the people of Canada that they may think they know what they want but we, the representatives, really know what they want and we are coming back to this issue of capital punishment and perhaps will resolve it for all time, not by popular request or because of great public agitation across the country to start it again. If there is anything, it is almost the reverse.

The fact is that the present law has not been fully implemented. I think there has been disenchantment on the part of the public across the land because the people have very real doubts, to put it mildly, as to whether the law is really being followed or whether it is being broken by almost automatic commutation.

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You have the fundamental question: life, liberty, and protection of society, a matter which we have debated several times in the House and most of us debated at least two years ago. There was no great public outcry that capital punishment should be abolished. In fact anywhere from 75 per cent to 80 per cent of the population, according to the polls, say there should be some form of capital punishment. Yet this parliament debates a bill which flies right in the face of that solid public opinion.

Let us consider Bill C-83, the other half of this peace and order package. If you put the question to the public in a poll and ask them, "Are you in favour of gun control?" The public, not knowing fully what you mean, will say, most likely, "yea, of course there should be some type of gun control", not appreciating the fact that gun control in a definite form is in existence now. That is the problem with polls; you can phrase the question in such a way as to get the answer you want. The same question to the public at large on capital punishment may bring forth the same response, so that anywhere from 60 per cent to 80 per cent of the population to whom the blanket question "are you in favour of gun control" is put, will say, "yes". If you tell them that gun control exists, that might change some of the answers.

It is just as fundamentally clear that the three million Canadians who have an interest in guns of one type or