

the criminals who commit murders are still responsible for their actions. And if there are people who are afraid to talk about it, I am not.

● (1540)

And earlier, the hon. member for Louis-Hébert (Mrs. Morin) spoke of the Laporte case. Now, to try to cover up, I think, the murder of Pierre Laporte, they are inventing things. They are trying to prove that there was collusion between Mr. Laporte and the Montreal underworld. Mr. Speaker, these are under-hand procedures and they are unworthy of human beings; and if there is proof of these things, let them produce it, but if not, they should shut up. There is nothing else to be done. However, these are unfortunate things that are happening, and Mr. Laporte is not here to defend himself. Everyone knows that.

His murder in 1970 was a sordid affair, and his murderers are now trying to pass themselves off as perfectly respectable people, as heroes. Mr. Speaker, when you are not afraid of what you have done, you do not have to hide in a rat hole. You do not have to run away if you are not afraid, if you have no reason to reproach yourself. You can face the music, or accusations, and prove that you were not there, that you were not responsible.

The murder of Pierre Laporte is a sordid murder, as well as the murder of police officers in Ville-Saint-Laurent by people dressed up as Santa Claus. It was sordid. Young girls of Cap-de-la-Madeleine or Trois-Rivières have been assaulted, raped and killed in cold blood by young hoodlums. Those crimes were also sordid and this Parliament is going to pass a legislation to save these people from the rope. Let us be logical, Mr. Speaker. If we really want to save society, this is the question I wish to ask publicly, on T.V., on the radio and here in this House: Are we to protect criminals from society or society from criminals? This is something we have to decide on.

As for a free vote in the House of Commons, I have my doubts as to the freedom which exists on some occasions. Some hon. members from the Montreal area whose constituents are strongly opposed to the abolition of capital punishment voted in favour of abolition. I warn these members that they will have to account for that in their own ridings, as I shall see to it personally. We are here to express the will of our constituents, failing which I am sure that some hon. members will lose their seats if they do not take the will of their constituents into account.

Those are the few words I had to say this afternoon; when the motion for third reading is introduced, I intend to mention examples chosen on a nation wide basis. We are going to support the amendment moved by the hon. member for Louis-Hébert, in order to make some small improvements in the existing legislation. We want more improvements, more strictness and more categorical rulings as far as the law is concerned, as far as order, justice and safety for every human being in Canada are concerned.

[*English*]

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I feel obliged to speak briefly against this amendment. I propose to vote against it. This will come as no surprise to those who know the firm convictions I have expressed from time

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to time, both in this House and elsewhere, against capital punishment and in favour of its total abolition. I do not believe it has a useful place in a civilized jurisprudence. I do not believe it works; I do not believe it deters.

The amendment has the effect of extending capital punishment even beyond the provisions of the bill, which I will support. The effect of the amendment is to extend the penalty of capital punishment to cases where death results from rape. I do not wish to be considered as making light of the horror of this offence. Indeed, I think every decent person regards the crime of rape with horror and repulsion. The very fact that it is such an emotional matter makes it necessary for us to pause and inquire whether we are improving the situation in any way by imposing capital punishment. I think the facts show the reverse.

Some members of this House are aware that up until 1955 the crime of rape was punishable by death, and at that time capital punishment was abolished. In fact, no person in Canada has been executed for that crime since confederation. I appreciate the present legislation does not attempt to apply capital punishment to all convictions of rape, nevertheless it is a fact that that was the law for many years. For various reasons it was repulsive to the people of Canada, and even though it was part of the law of the country it in fact has not been applied since confederation. In 1955 it was abolished.

What was the result? The result was a clear demonstration that the existence of this punishment was not a deterrent in any way. Even though there was the threat that one might be executed for the commission of this offence, essentially an offence of passion and emotion, the fact is that the number of convictions decreased after the abolition of capital punishment in spite of the population increase. In 1954, the year before the abolition of capital punishment, the number of convictions for rape was 44. In 1955, the year of the repeal of the provision for capital punishment in the case of rape, the number of convictions was 46. In each year thereafter the number of convictions for rape decreased. The details can be found in a book issued by the former solicitor general entitled "Canada on Capital Punishment, New Material 1965-1972" at pages 68 and 69. I will not read the details; all I say is that what is said there clearly indicates the futility of imagining that capital punishment successfully deters the offence for which it is imposed.

There is another reason why we should be particularly cautious in this regard. Of all the crimes in the calendar, rape creates the greatest number of dubious cases, cases in which emotions can be aroused and, having been aroused, innocent people can possibly be convicted. Every member of this House knows that what sometimes appears to be rape is the result of provocation and, to be perfectly frank, the result of invitation, yet the so-called victim wishes to vindicate her reputation and charges are falsely laid. This is a very real danger. This is not the only case in which our system of justice, however excellent it may be, is not perfect. We should be wary of imposing the ultimate penalty, the deprivation of life, in cases of this nature.

In my view, and I know it may not be particularly popular, this amendment is a retrograde step, a mistaken move. It cannot and should not receive the support of this House.