

Capital Punishment

be a transition period. Now I suggest that capital punishment should stand trial, not murderers.

I think that it is extremely important—as the right hon. member for Prince Albert (Mr. Diefenbaker) said yesterday—to know that this House has no jurisdiction to rule over the life or death of any individual. In my opinion, the authority which seems to be given to us is far beyond our competence. Anyway, we shall never succeed in protecting the public by hanging people who committed murder. And the problem will not be settled by taking the life of anyone even though this person has willingly killed another person.

What is to be considered, I suggest, is the kind of society in which we live and what leads murderers to commit such acts. As a matter of fact, our society should be blamed rather than these people who, thanks to a whole set of circumstances, may have been very badly educated.

I think that we should consider the viewpoint of the right hon. member for Prince Albert about the judgment rendered on June 29, 1972 in the United States, in the Furman case. If I may be permitted to quote from what the right hon. gentleman said:

... given by the Supreme Court of the United States. It is a long judgment, and was rendered on June 29 last. The case before the Supreme Court involved three men, one who had committed a horrible murder, and two who had committed frightful rape. They appealed and they contended that under the Bill of Rights of the United States the death penalty could no longer be imposed.

As for the eighth amendment in the American Bill of Rights, it can be found word for word in our own Canadian Bill of Rights which denies the right to punish people by taking away their life, certainly a most abominable punishment.

A number of my colleagues have alluded to the electoral spectre and public opinion. I too am aware that public opinion for the most part is in favour of capital punishment.

I believe however that a member should not have to take public opinion into consideration, since the public does not have the necessary background to make a valid judgment on the deterrent effect of capital on criminals.

I now quote from the conclusions of Ceylon's commission on capital punishment:

Even if it were presumed that public opinion is in favour of capital punishment, it is not in itself a conclusive argument for reinstatement. Public opinion can be well informed and use reason, but in the light of our experience, it is not very likely; maybe from the strict political point of view public opinion strongly in favour of capital punishment can be a reason to maintain it, but surely it cannot be a rational justification.

• (1540)

Some will be readily happy to learn that we regard the death penalty as a political problem.

I continue quoting the report of the Ceylon commission: When public opinion is neither informed nor clearly defined, the social justification for a proposed legislative measure should be determined by considerations other than the public's belief in the justification of the said measure.

In my view the bill we are studying justifies all members of the House not to account for public opinion. Some will say that their image before the electorate is tarnished.

[Mr. Olivier.]

In good faith, I believe that a member who has some respect for himself can convince his electors that he has to take this decision according to his own conscience.

Moreover, it would be easy for people to play politics with that problem. It is easy to supply striking examples of offenders having been discharged and having relapsed. It is easy to describe some murders with all relevant details. I think that it amounts to distorting this debate.

A pertinent debate should bear on the following question: Should we or should we not continue killing people legally? This is the question now being put to us.

For me, Mr. Speaker, the situation is the following: my colleague from Matane (Mr. De Bané) and I will introduce an amendment in committee; we will be compelled to vote for second reading of the bill if we want to be in a position to propose an amendment for abolition of capital punishment under any form. If the intention is to add candies or to impose a minimum absolute term of 25 years, we shall agree. We do not mind what people will do. The question is to have the death sentence disappear. The point is to have capital punishment go on trial and not to have vengefulness gratified.

I hope people will understand that I do not pity the offenders. There are places where we can detain offenders in a decent fashion in order to prevent them from harming society.

Today, we should deal strictly with the issue, that is whether or not in this century the death penalty should still be enforced. My opinion Mr. Speaker, is that it should disappear.

Some of my colleagues have expressed another major argument: if the death penalty were abolished for any type of murder, police officers would run greater risks and would be in constant danger.

Mr. Speaker, there is a greater danger for construction crews, miners, farmers and transportation workers than for policemen.

There were 225,000 policemen in the United States in 1960. Between 1961 and 1963, 140 were killed by criminals, 97 died accidentally, which is a total of 237 or an annual average of 3.1 per 10,000 police officers.

I have some other statistics. On comparing with peace officers, the rate of eventual accidental death at work was 11 in the mining industry, 7.7 in the construction industry, 6.5 in agriculture and 4.2 in public services and transportation.

Don't tell me that police officers are going to be protected. Risks are greater for construction workers, for transport and public service employees than for policemen. I can absolutely not believe that risks are going to be greater for police officers in view of the difference that already exists between construction workers and peace or police officers. In my opinion, this is definitely not a valid reason to justify legalized murder.

Mr. Speaker, I should like to conclude my remarks simply by questioning the right of this House to dispose of the life of an individual. And I remind all my colleagues to read the judgment quoted by the right hon. member for Prince Albert yesterday because they will find it very instructive.