

*Capital Punishment***GOVERNMENT ORDERS**

[English]

CRIMINAL CODE**MEASURES RESPECTING PUNISHMENT FOR MURDER AND
OTHER SERIOUS OFFENCES**

The House resumed, from Friday, June 4, consideration of the motion of Mr. Allmand that Bill C-84, to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

Mr. Paul Dick (Lanark-Renfrew-Carleton): Mr. Speaker, I suppose one of the reasons we had discussion between three o'clock and four o'clock today on the motion to extend the hours is that the government, in its modesty, has deceived the people of Canada and the members of parliament through its handling of certain legislative processes introduced in Bill C-84. In 1973 the government introduced a bill which was to extend the death penalty for another five years in certain circumstances. Subsequently, at committee stage the Solicitor General (Mr. Allmand) tried to introduce an amendment which in effect was going to abolish capital punishment, but it was ruled out of order.

Now, some three years later, without waiting the five years they pledged, the government—without providing the right framework for this legislation—is back, with the same Solicitor General, trying in a neat piece of manipulation to get out of the commitment made at the time the legislation requiring extension for the first five years was introduced. By deceiving the Canadian people, deceiving themselves and going back on their word, the government has become bogged down with this legislation.

● (1600)

I now turn to the principles of Bill C-84. We are debating a bill which is to provide for the abolition of capital punishment. But it must be made clear that not all killings are murder. Most killings are homicides. Homicide usually involves violent death. Some call all homicides murder. With respect, they are wrong. For example, accidental deaths are not murder; suicides are not murder; manslaughters, usually involve a killing arising from an act of passion. You hear of people getting drunk, then getting into an argument, getting hold of a butcher's knife and stabbing someone. Such acts should not be called murder and in those circumstances the accused will probably be charged with manslaughter. This sort of thing is on the increase; probably that is why manslaughter statistics are high.

Then there is murder itself to be considered. I have been interested in this subject for some time and reluctantly must count myself among the ranks of the retentionists. Abolitionists contend that most murders are accidental. They argue that if a criminal armed with a rifle, machine-gun or other weapon enters a bank with no purpose save that of relieving the bank of the burden of keeping \$1 million, or some large sum, and kills somebody who interferes with the smooth operation of the robbery, that killing should not be classed as murder but as accidental death.

[Mr. Speaker.]

The abolitionists claim that the death would not have happened if someone had not got in the way and interfered with the smooth operation of the crime. Retentionists say it is premeditated murder, because the person committing the crime went equipped with a firearm or weapon which he intended to use, and did use when the crime did not go as smoothly as the criminal wanted. In that case one is talking of murder resulting from a premeditated criminal act. I am not talking of the sort of premeditated murder involving a paid killer who is paid to kill Mr. X and hunts him down and kills him. The situation I have described, I believe, involves murder; it is not accidental murder as some abolitionists might claim because the criminal went prepared to kill.

Perhaps all this is a reflection on our society. Most of the letters which I receive have to do with capital punishment, abortion and gun control—three issues dealt with by the criminal law. I suppose they involve the moral law. Apparently our people are more concerned about these questions than about, for instance, the budget, economic development, unemployment insurance or those things which go to improve our quality of life. Those are important moral issues of great concern to the people of this country.

I propose to vote for the retention of capital punishment. I would vote for the retention of capital punishment in cases where death results from a premeditated criminal act. In the previous debate I said, on May 22, 1973, that the question of abolition or retention could come up again society had experienced a period of security. I said at that time, I would vote for the abolition of the death penalty. Mr. Speaker, I cannot do that at this time because we have not been given the five-year period of grace provided by the 1973 legislation. Further, society has not experienced a sense of security. I regret having to take this position.

I believe that the first duty of the government is to protect the state and the people of the state. I say that the people of Canada are entitled to feel secure. This government and preceding governments have failed in their efforts to make our people feel secure. Our people are entitled to the secure enjoyment of their standard of living. Legislation this House passes ought to make the people feel secure. Yet society does not feel secure; it feels insecure. Our statistics show an increase in the rate of violent crime. The result is that members of our society have opted for the return of capital punishment.

I do not believe that a member's vote on a bill should necessarily reflect the results of the most recent poll or the opinion of his constituents. I believe a member is elected to exercise judgment. In the present instance, I intend to vote in accordance with the wishes of the majority of my constituents. This time I am lucky. Next time I may not be so lucky and may vote in a manner against the wishes of my constituents.

Society's lack of sense of security prompts my voting for the retention of capital punishment. I think the concern of our citizens would be somewhat lessened if the government were to introduce legislation for which I asked in May, 1973. I asked for legislation to shore-up the inadequate bail system, which would give the people of this country a greater sense of security, for amendments which would revoke our ridiculous parole laws and for other legislation which would help the average citizen feel more