

### *Capital Punishment*

Capital punishment is an anecdotal, cathartic, irrational, institutionalized response to a systemic, institutionalized malaise. The death penalty is a profoundly defective instrument, as either punishment or sanction. It is irrevocable, irrecompensible and is biased. It is socially divisive and it is ultimately self defeating in that it equates the punisher with the punished. The issue is not whether the cold-blooded murderer deserves to die; it is not that the punishment should fit the crime. The issue is that the treatment must respond to the problem, and the major question is, of course, should the state kill? By killing deliberately the state proclaims itself inerrant, but it degrades itself to the offender's level. It denies the possibility of rehabilitation. It commits itself to divide itself against itself. It raises itself above the moral law. It sends its servants to kill deliberately; minutely, systematically, planning to commit the very crime it pretends to rebuke.

#### *[Translation]*

Madam Speaker, capital punishment is not a path leading to the future but a detour to an atavistic past without hope. The fact that we have yet to achieve civilization should never be an excuse for reverting to barbarism.

#### *[English]*

**Mr. Bob Pennock (Etobicoke North):** Madam Speaker, this is a debate in which I would prefer not to participate; I wish there weren't a need, but there is a need. I have a social responsibility, a responsibility to my constituents and a responsibility to myself to speak out on this very important issue. Briefly I will be covering the following: why I have solicited the views of my constituents, my personal opinion on this subject, the question of deterrence, the concern about our judicial system, the area of innocent victims and the ambiguity of religious arguments.

It is rather ironic that we might not be here debating this subject if, in fact, the last vote which was held in 1976 had been truly a free vote. This brings me to outline why I have elected to vote on this issue according to the wishes of my constituents. Frankly, they felt cheated in 1976 because the Bill passed by only a mere six votes. Had there not been the pressure on government Members to vote according to their leader, then in all probability the Bill would have been defeated, and today it would have been the abolitionists pushing to debate this important issue.

As I indicated a few moments ago, I will be voting according to the wishes of my constituents. I do not consider this abdicating my responsibility as a Member of Parliament.

Prior to the election the feeling about which I have just spoken surfaced. Many of my constituents approached me and wanted to know how I would vote on the issue. During the election campaign I made a promise to both the abolitionists and the retentionists that, regardless of my own personal feelings on the subject of capital punishment, I would vote according to their wishes. Frankly, this is an election promise I intend to fulfil without reservation.

I have had numerous personal conversations, have conducted two surveys, had live phone-in shows and town hall meetings on the subject, and there is no question that by far the largest majority of the constituents in my riding of Etobicoke North, from youth to seniors, want this Parliament to re-examine the reinstatement of capital punishment. I can honestly say that at no time did I get the feeling from these people that they were revengeful, rather they are citizens concerned about our justice system. They were concerned about the potential innocent victim of the serial killer or the terrorist.

Before the election I made my views known to both the abolitionists and retentionists that I favoured the reinstatement of capital punishment for some specific crimes. Although I intend to honour my election promise, I have, as a concerned citizen and as a Member of Parliament, listened to the arguments with an open mind. I must state now that I still hold to my original view. My personal position is clear. It is taken out of a concern for the sons and daughters of those who might become victims of serial killers, out of a conviction that I personally feel that when someone elects to take a life, the punishment should fit the crime.

● (1540)

I clearly support the reinstatement of capital punishment for a certain specified and narrow range of crimes. These include the most heinous type of first-degree murder, such as serial killing, contract killing, rape-killing and murdering in cold blood during a terrorist act. I am not, and I repeat not, in support of capital punishment for murder resulting from emotional situations like domestic quarrels known as crimes of passion. Nor am I in favour of capital punishment for those who are convicted on circumstantial evidence only. I will touch on this a little later.

A number of abolitionists attempted to focus on and draw a parallel between the debate we are having here and the recent debate carried out in the British Parliament. One thing which has not been clearly brought to the attention of the Canadian public is that the British vote was on the reinstatement of capital punishment for murder, period. I consider that to be too broad and would have had difficulty supporting it.

I now wish to address the issue of deterrence. I will not dwell on it but I would like to make a couple of comments. It has been clearly brought forth in this debate that each side can support its argument pro or con, depending on the time frame selected to draw figures from. Therefore, I honestly do not think that there is a definitive answer for the question of whether or not capital punishment is a deterrent. I will not waste my time in a statistical battle because, quite frankly, I doubt that even if capital punishment were to be proven to be a deterrent, any of the abolitionists would change their views.

Earlier I spoke of being in favour of capital punishment for serial killers and I spoke of potential innocent victims. I would, however, like to stress that capital punishment would certainly have been a deterrent to Allan Sweeney in the killing of Celia