

and unjust treatment. Within the last six months the Supreme Court of the United States, in pronouncing on this problem, has made this finding. I think that Canada ought to follow the enlightened direction given by the Supreme Court of the United States.

Mr. Whicher: That is the only country following that pronouncement.

Mr. Gilbert: I ask the hon. member for Bruce (Mr. Whicher) to look at what has been done in England. A few years ago that country passed a law very similar to the one we are attempting to pass today. After an experiment lasting ten years, I believe, a motion was moved in England for abolishing completely capital punishment, and that motion passed with a great majority supporting it.

An hon. Member: Not so.

Mr. Gilbert: Mr. Speaker, with respect, it is so. Our friends in the United States and in England have pronounced in an enlightened way on capital punishment. On the basis of their experience and reasoning that is the conclusion they have come to. But we in Canada, especially some of my friends in the Conservative Party and particularly the biblical scholar from Scarborough East, want to retain capital punishment on the basis of fear, prejudice and retribution. That is not worthy of them; it is not worthy of Canadians. I ask the hon. member for Scarborough East to find out what the Anglican Church has pronounced with regard to capital punishment. That church has said that capital punishment should be abolished totally, and it is supported by the major churches in the country. Yet the hon. member for Scarborough East wants to impose this terrible punishment, this terrible passion, this terrible retribution.

The hon. member for York East made the point that the Canadian public will not feel protected if we do not accept this amendment regarding rape and kidnapping ensuing in death. He suggests we will be doing a disservice to Canadians if we do not give them full protection. Mr. Speaker, one of the things I am proud to say about Canada is that Canadians feel secure within their society. There is no evidence to show that they do not feel protected. The people of those states of the United States, and of England, where total abolition has been brought in are protected. The policeman in the United Kingdom does not even carry a gun.

Directing my attention to the question of rape and kidnapping, I am sure that most people who commit such heinous crimes are mentally or physically ill. Any jury trying such a case would find, in most instances, that the accused person is mentally or physically ill. Yet out of our feelings of vengeance we want to impose the death penalty on these people. I do not think it is worthy of us to do so, more especially in view of the enlightened methods we have for treating these people. I would think we should want to see established a system of penology with concepts of rehabilitation and reformation rather than what is suggested by the amendment. Such a system would be based on reformation rather than retribution. People who are ill and who have committed such crimes should be subjected to the type of treatment that is necessary.

Capital Punishment

I am sure the hon. member for Louis-Hébert would agree that the amendment will not act as a deterrent. Of course, there have been many arguments for and against with regard to deterrence and it is safe to say, I think, that in the final analysis capital punishment acts neither one way nor the other. It really boils down to the particular person concerned. You will find in most cases involving rape and kidnapping that the person committing the crime is both mentally and physically ill.

The Parliamentary Secretary to the Minister of State for Urban Affairs (Mr. Watson) talked about the parole system and suggested we have reached the stage where there should be a difference in the treatment of organized criminals and persons who are first offenders. The distinction he tried to draw, I suggest, is an impossible one. I suggest that our parole system should move in the direction of giving some hope, some chance to the parolee. We commit human error in some cases. What has happened in the past year or so has underlined some of the errors we have made. But this is life, Mr. Speaker. This is the purpose of taking a chance with regard to people. We have to exercise a certain faith and trust. It is impossible to categorize people with regard to the offences they have committed.

● (1650)

I was rather amused by the hon. member for York-Simcoe who said the members of the Liberal Party were almost total abolitionists. I certainly wish they were. We would not have some of the difficulties we are experiencing today. The hon. member suggested the Solicitor General (Mr. Allmand) made a grave error with regard to the amendments he submitted to the committee. I would like to tell the hon. member that when the amendments are submitted to the Standing Committee on Justice and Legal Affairs, the spokesman for the New Democratic Party fully supported them. The spokesman for the Progressive Conservative Party also supported them.

Mr. Stevens: He was not our spokesman.

Mr. Gilbert: The usual spokesman.

Mr. Lawrence: He said he was speaking for himself.

Mr. Gilbert: I will accept that, but he is the usual spokesman. The hon. member for Fundy-Royal (Mr. Fairweather) spoke personally in favour of the amendments.

Mr. Lawrence: He is not the spokesman of the Conservatives.

Mr. Gilbert: There seems to be some debate as to who is the Conservative spokesman. The spokesman was the hon. member for Fundy-Royal. To put the total blame on the Solicitor General is most unfair, and certainly is not true. He had a great deal of support within the committee with regard to the amendments he proposed. Unfortunately, and we all accepted the verdict, they did not carry. However, the hon. member for York-Simcoe should not place the total blame on the Solicitor General.

I notice the hon. member for Ottawa Centre (Mr. Poulin) is in the chamber. He is a former Crown counsel in the city of Ottawa. He has probably handled many rape