

### *Capital Punishment*

then, the death penalty will deter only if the threat of it is credible, which is to say, if law enforcement and the administration of justice work speedily and effectively. If they do, as they now generally do not, although with respect to hijacking there has been improvement, then penalties other than the capital one will probably deter no less than capital punishment.

The decisive argument, therefore, is the humane argument. Society ought not to kill. There is enough killing, in just wars, in self-defence, to protect the innocent in an emergency, which cannot be helped, and enough killing in error. But society ought not to kill by deliberate choice. It brutalizes us, not to speak of what it does to the agent we employ to do our killing.

Mr. Speaker, I have been indulging in a bit of self-analysis. By this I have hoped to avoid traces of arrogance in my certainty that by voting for abolition I am taking the correct stand. Colleagues whom I respect tell us of the agony of their decision; phrases such as "loneliness" and "soul wrestling" make me wonder if my assurance on this issue and, if I can put it in these terms, my serenity about the stand that I take might have overtones of blindness. Yet, what more can a person do than study the issues, analyse the data, read the evidence, examine the worldwide trend toward ending capital punishment and then reach the decision and vote and "let the devil take the hindmost" as the expression goes. I am aware that man's long struggle toward civilization has had periods of dynamism and periods of stagnation. By passing this bill, the parliament of Canada would add an important forward step in man's eternal search for civility.

May I end as I began, by quoting the poignant words of Pauline Maitland, a policeman's widow: "I don't believe in capital punishment. Taking another life would not bring my husband back." Should not this House of Commons say "amen" to that?

**Some hon. Members:** Hear, hear!

**Mr. Terry Grier (Toronto-Lakeshore):** Mr. Speaker, as the member for Fundy-Royal (Mr. Fairweather) has noted, there have been many speeches on this subject in recent weeks. I confess that I do not expect to be able to add much if anything new but I do feel, not for the record but in order to try to impress upon all of us my perspective on this issue, that I should like to say a few words.

Perhaps I am in the minority: I, for one, did not come to this debate with any fixed opinion. Not having been a member in the parliament of 1967, I did not have to take a public position on the matter: I suppose, as I look back, I was mildly abolitionist at that time. But as I approached this debate, I really did so with an open mind—that is with as much of an open mind as I could muster, and I have tried to evaluate the expressions of opinion which have been repeatedly made to me by my constituents as well as my colleagues. I am bound to say, however, that without for a moment denigrating the importance of the vote on this bill I feel that capital punishment per se is not the issue of greatest concern to the public at the present time. It has perhaps become a symbol of a wider worry but I do not believe in itself it is the crucial area of concern.

I think there is a wider worry which goes well beyond whether a person should be hanged for committing the crime of murder. It is a worry which is easily recognizable to governments, and I am sure it is recognizable to this government, a worry sometimes expressed in the loose terminology of law and order but a worry which is

[Mr. Fairweather.]

focussed on an awareness of what appears to be increasing crimes of violence, a worry about public safety and security. One does not have to be particularly sensitive to appreciate how much less casual air travel is these days than ten years ago; one does not have to be particularly sensitive to appreciate that slowly there appears to be growing in our urban areas problems generically similar to those being experienced in other large cities on this continent. I think that public concern, that wider worry about public safety and security, is a legitimate concern and one to which this parliament must respond.

I shall support this bill because I do not believe the retention or extension or capital punishment is in any sense a response to this wider worry. Although to many, many people it is something of a symbol, to me it is not in any useful way an answer. I suggest that this debate, which may well have gone on long enough, has been useful in that it has enabled parliament to focus on this wider problem of public security, on such matters as the administration of bail, procedures of sentencing, and provisions for parole.

I am not a lawyer and I am not an expert in this area. I, myself, am given to at least some of the same kind of anxieties as I am sure my constituents are, perhaps in my ignorance but none the less I feel these anxieties. I would like to be fully assured, first of all, that this parliament—and I am using the term "parliament" rather than "government", Mr. Speaker, because this is in a sense a nonpartisan vote—is sufficiently sensitive to this wider concern that, having dealt with this bill, it will not simply say "That's that" for five years.

The Solicitor General (Mr. Allmand) and other members of the government including the Prime Minister (Mr. Trudeau) have given assurances that they will be receptive in committee to suggestions for amendments dealing with such matters as parole. The other day the Prime Minister appeared to give the assurance that he was aware of this mounting public concern. I shall support this bill on second reading and hope that those assurances take concrete form in committee stage.

I want to re-emphasize, Mr. Speaker, that I think it would be a very, very serious mistake for parliament to conclude that passage of this bill, satisfies in any meaningful way, the wider worries to which I have alluded. I, therefore, would urge upon government and upon the appropriate authorities, some of whom may in fact be provincial as well as federal, that we not let the matter drop there. The public, in my judgment, has a profound right to express its viewpoint on this wide range of anxieties. It has the right to be heard and the right to influence the course of legislation and other decisions which will follow.

● (1630)

I confess that, on this particular matter, I do not believe this present House of Commons has been a particularly accurate channel for the reflection of that public anxiety. Each one of us will explain his vote according to his own lights. Some members have quoted Edmund Burke, who was by no means a democrat, I might add, in defence of their right to make up their own minds. I am not questioning the right of members of parliament to make up their