

Capital Punishment

provide for a referendum on the subject of capital punishment, or on any other subject. That approach on the part of the former Conservative government, in viewing the merits, is entirely appropriate.

I would like to deal with two aspects of the motion before the House today. The first is the matter of referendum itself, and the second is the substantive question of whether indeed, on the subject of substantive punishment, there should be a review of the decision which was made by this House in 1976. Dealing with the question of referendum itself, I question why on this issue, as opposed to so many other issues which might be conceivably raised in the public form, this member of the Conservative party is proposing a referendum.

I have no doubt whatsoever, if there had been a referendum, for example, on the subject of Petro-Canada and the Conservative's plan to dismantle that company, that some 75 per cent or 80 per cent of the population of Canada would have supported our opposition to that referendum. Yet, there is no suggestion by Conservative members of referenda on issues such as this, which are certainly of great concern to the people of Canada. There is no suggestion of referenda on issues which may go against the philosophy of the Conservative party.

I suggest that in attempting to have a referendum on this subject, whether one is an abolitionist or whether one supports capital punishment, one is engaging in an act of political cowardice. I do not use those words lightly. I suggest that because I believe, as the hon. member from Toronto has indicated, quite properly, that we have responsibilities in this House. Some of them may be difficult and at times the questions raised may be contentious, but we have responsibilities to take tough decisions on those contentious questions after having considered all aspects.

Had there been a referendum on certain other controversial subjects which the House dealt with, the results would have been very disturbing, indeed. Had there been, for example, a referendum at the end of the Second World War on the question of whether Canadians of Japanese extraction should be sent to Japan, I have no doubt historically that 75 per cent or 80 per cent of Canadians, in an emotional referendum on this subject and considering that they were just coming out of World War II, would have said yes. What a serious and disastrous error that would have been.

I have no doubt that in 1970, at the time of the imposition of the War Measures Act, when perhaps 85 per cent or 90 per cent of the Canadian population had they been asked whether they were in favour of the imposition of the War Measures Act and the Draconian curtailment of civil liberties which it entailed, would have said yes. Yet in retrospect many Canadians have come to realize that the imposition of the War Measures Act was a serious mistake.

Had there been a referendum taken at that time on the subject of the War Measures Act I have no doubt the majority of Canadians would have supported it. Fortunately, and I am very proud to be able to say, the New Democratic Party, and Tommy Douglas particularly, stood up at that time and said no. We were prepared to take a stand in principle on a subject,

a stand which subsequently the then leader of the Conservative party, the Hon. Robert Stanfield, indicated he thought was the correct stand.

We must be very careful when we talk about the use of referenda as an abrogation of political responsibilities. I think we should also look at the history of referenda where they have been used. I would suggest that the possible consequences of a referendum on capital punishment are very serious indeed. What, for example, would be the situation if a majority of the people in the province of Quebec voted against the imposition of capital punishment, and a majority of the remainder of Canadians were to vote in favour?

Our criminal law must be uniform across the country, yet we would be in the invidious position of having that kind of regional division on a subject which is certainly of very great importance. We must accept our responsibilities as legislators in this chamber to deal with questions which may be complicated and controversial. Yet, were there to be a referendum, it could very easily tear the country apart through a kind of emotional outpouring that could result from regional divisions.

There is no suggestion that there would be any requirement in respect of majorities in each region of the country. There is no suggestion in the wording of this particular motion of what the wording of the referendum itself would be. Would the wording restrict capital punishment to cases of premeditated murder? Would it broaden capital punishment to certain other cases? What about those people who support capital punishment in certain circumstances and not in others? In other words, to word such a referendum in order that it have any meaning, would be virtually impossible.

It would not only be difficult to word such a referendum question, it could be a very, very divisive question in this country. One need only look at the conscription referendum in 1942, to which my friend has referred, as being evidence of the kinds of consequences which can result from a referendum in this country. That is an example which should never be repeated in Canada, on any subject whatsoever.

I say on the question of a referendum that, while it is certainly important that the views of the people of Canada be respected and that they be listened to, we have a responsibility within the atmosphere of this chamber, having heard all the different positions, both pro and con, and having had the opportunity to assess those in an objective fashion, as legislators, to make the final decision. In some cases that decision on questions which face the Canadian people will go in the face of what perhaps is at a particular time a majority sentiment in the country. But, surely, to suggest that a referendum at any given time should determine what legislation should be implemented in this country would be a very serious mistake. On the question of referenda, particularly on the sensitive subject of capital punishment, I would suggest it would be a serious mistake to implement the motion before the House today.

What about the substantive question attempted to be dealt with by the motion, the question of capital punishment itself? There was reference earlier in this debate to gangland murders in the underworld; gangland murderers use this kind of justice