

*Capital Punishment*

I agree with many of the sentiments expressed by the hon. member for Parkdale (Mr. Maloney) and I shall later refer to them. Psychologically my approach and my feelings have always been for those who, possibly through no fault of their own or as a result of circumstances, found themselves in the toils of the law.

I also had the advantage of studying law under the late Sidney Smith, the former secretary of state for external affairs, and I practised law at the bar of Nova Scotia before extremely humanitarian judges who would have preferred to lose their own right arms than to feel that an accused person had not received a fair trial. I refer to the late Chief Justice Chisholm, the late Mr. Justice Mellish, the late Mr. Justice Hugh Ross and others.

Tonight as we approach this problem, let us do so calmly and realistically. We are dealing with human lives; and a human life, no matter how simple it is, is related to other human lives and can become extremely complex. There is no one in this house or outside of it who has a greater appreciation of the sanctity of human life than have I. I believe that it is one of the characteristics inherited from our English forebears that we must keep in mind.

I want first to commend all those who have spoken in this debate, whether for or against the abolition of capital punishment. I believe them all to be sincere. I particularly want to compliment the hon. member for Dollard (Mr. Rouleau) who gave a masterly exposition of the reasons why we should at this time retain capital punishment. I should also like to compliment the hon. member for Parkdale. Although I do not agree with his end result, I agree in the main with his premise and I shall refer to it later. I suggest that through a course of education and through the improvement of our social agencies we should so educate the Canadian people that there will come a time when capital punishment can be abolished with safety. We find—and I think the hon. member for Parkdale will agree—that crime is related to the educational standards and the mental characteristics of people. We must bring that level up before it is safe to abolish one of the safeguards we as Canadian people now enjoy.

I must say now that I intend to vote against the bill. In voting against the bill I am just deciding the single issue of whether or not we should retain or abolish capital punishment. It does not mean that I agree with the present law or the enforcement of it. It does not mean that, in my

[Mr. Stewart.]

opinion, changes are not necessary or advisable. I shall also refer later to that matter.

The mover of the bill set out a number of reasons why, in his opinion, capital punishment should be abolished. With all due respect to the hon. member, I do not think that any of those arguments will hold water in the light of the common sense field of law and common sense.

**Mr. McGee:** Will the hon. member permit a question?

**Mr. Stewart:** Certainly.

**Mr. McGee:** Would he care to point out why these arguments do not hold water?

**Mr. Stewart:** Certainly. I intend to do so, if I am given the opportunity.

The hon. member for York-Scarborough (Mr. McGee) set out six points. The first was that capital punishment was not an effective deterrent. I think that argument has been disposed of by the hon. member for Parkdale who said that it was effective. It might not be the only one, but it is certainly the most effective deterrent that we have at the present time.

Then his second point was that capital punishment was morally wrong. I have a great deal of respect for those who hold religious beliefs to that effect. I have great respect for any person's religion which differs from my own, and I do not intend to get into the metaphysics of the matter or discuss religion or theology. But I will say that religious tenets should not be made the basis for law except for those who agree with those tenets. The religious beliefs and the doctrines of certain organizations should not, I contend, have any bearing on this motion.

Then the third argument was that we hang convicted murderers with a feeling of revenge. I think that argument has been very effectively dealt with by the hon. member for Parkdale. Surely the hon. member for York-Scarborough would hardly stand in this house and say that a properly constituted judiciary composed of judge and jury would sentence a man to be hanged for revenge, or that any jury would convict a fellow man out of revenge. I say that that argument does not hold water.

The fourth argument was the risk of error. Apparently the hon. member for York-Scarborough has forgotten those many safeguards which British and Canadian law provide for a person accused of a criminal charge. He probably has forgotten that our forefathers, obtained from King John on the banks of the Thames the Magna Carta which was a codification of those inherent desires for fair