

Capital Punishment

world. The progress of psychology and criminology, less cruel detention conditions and improved rehabilitation methods have fortunately made it possible to save human lives and often allowed to rehabilitate those who has taken the road to crime. In this regard, and because it affects me more personally, the latest release of the Canadian Catholic Conference, that is the assembly of all the Canadian Catholic bishops, is absolutely clear. While recommending for compassionate reasons the abolition of capital punishment, the document stated and I quote:

● (1520)

In taking such a position, the bishops do not deny to the State the right to enforce capital punishment when circumstances require it; nor do they intend to bind every Christian in his personal opinion on the issue.

In fact, the bishops were only reiterating what Pope Pius XII, whose generosity cannot be questioned, said in 1952, and I quote:

It is the sole responsibility of the political powers to deprive a condemned man of the blessing of life in expiation of his offence, after he has renounced his right to life when committing his crime.

These words, Mr. Speaker, should reassure those among us who are still torn between their desire to efficiently protect society against murderers and that of saving a human life, even if it is the life of the worst criminal. It is my deep conviction that under present conditions and especially due to the existence of organized crime, capital punishment remains necessary to prevent if possible and—it must be said—to punish premeditated murder. Indeed, no matter how you rely on the preventive or curative effects of prolonged confinement of murderers, there will always remain a minority for whom crime, including murder, will be a usual activity. In the end only capital punishment can be an ultimate protection against that minority. Those who ignore the warnings of the law and do not hesitate to kill for despicable motives—profit for instance—should not expect the state to save them from the supreme punishment, particularly in these days when organized crime has become a way of life.

Besides, is it not surprising that ever since this debate started, the abolitionists have not yet been able to come up with the final argument which would put an end to all hesitations. Who will contend that an enlightened public would have rejected such a reform for so long if the realism and the prudence of men had not helped moderate the excessive optimism of these protagonists. And what is most ironic, Mr. Speaker, is that there has been die-hard abolitionists who finally stood up against the total abolition of capital punishment. And I am especially thinking of Jean Imbert whose work entitled “La peine de mort” is quite authoritative as far as the evolution of the penal code is concerned. In the conclusion of his book, this famous abolitionist writes, and I quote:

It would be very tempting to ask for the abolition of capital punishment, everywhere and for ever. To my mind, such an ambition is an utopie. On the one hand, certain people must keep, as long as they have not reached a certain degree of civilization, the threat of the most severe retribution, which can have a stronger deterrent effect than other forms of punishment. On the other hand, even in very highly civilized countries, to say that no one, not even the State, can deprive an individual of the right to live is just an abstract statement when presented with certain definite situations; in fact, any organized society claims it has the right and the duty to lead its members to death, first in times of war, then in case of subversive activities from within.

[Mr. Wagner.]

And, Mr. Speaker, at this very moment while I am talking to you, is there a more subversive form of activities than organized crime? Have a look at today's newspaper headlines and you will find the obvious answer. Is there a more dangerous threat than the hired killer, the professional killer? Is there anything more dangerous than their actions first against the lives of ordinary citizens and also against the very principles of social order and fabric established by society for the protection and the better-being of its members?

One argument which is very often put forward against capital punishment is the possibility of some miscarriage of justice. But the reform of the criminal code and of the legal proceedings has nearly eliminated any possibility of error as to the facts. No one is now condemned to death on simple circumstantial evidence; it is necessary to file an appeal up to the Supreme Court and this appeal enables the superior courts to review the files and to detect the slightest defect in the evidence submitted by the Crown. There still remains the exhaustive examination of the case by the Solicitor General and, finally, by the cabinet; the latter can always exercise its right to commute the death penalty. It goes without saying, Mr. Speaker, that at each one of those stages, the slightest doubt must, of necessity, serve the accused.

Even now, those who killed under the influence of passion, jealousy or anger do not incur the death penalty. Compassion is often shown those in special cases: I am thinking of the person who, in his excitement, fatally wounds the policeman who is trying to arrest him.

I am quite willing to accept his being shown some forbearance, though he did put himself deliberately in a situation inviting murder. But there remains, in particular, the extreme cases, the hired assassin, the professional killer, the expert in holdups, the expert killer of embarrassing witnesses. If I had time, Mr. Speaker, I could recount all that happened some years ago when embarrassing witnesses were massacred, one by one, by hired killers who could not have cared less about the threat of the death penalty, knowing full well that no matter what they did they would never get to the hangman's noose.

Do those professional killers deserve to live? Is it advisable to let them live? I am convinced it is not. As the right hon. member for Prince Albert (Mr. Diefenbaker) wrote on page 123 of his memoirs entitled *One Canada*—

● (1530)

[English]

This excerpt comes from that great book written by the right hon. member for Prince Albert (Mr. Diefenbaker). It reads:

Society must be protected from those who kill for profit or who regard murder as an occupational hazard in the commission of robberies or kidnappings.

[Translation]

This is proven, as is evidenced by a number of bloody evasions. Life imprisonment, even if those 25 years really meant 25 years, no longer provides adequate protection. There is always the danger and the possibility, indeed the probability of evasion with killings, on the part of those crime professionals.