

this time, on behalf of my constituents, would be to vote for the bill in its present form, with the hope that we can introduce an amendment to tighten up the parole situation so that we will not have a repetition of the mistakes that have been made in the past few years.

We are all concerned about the protection of society. This is our main aim. Perhaps there is something more we can do to assure Canadians that they are getting the best possible protection, from our laws and penal system, against all types of criminals.

Mr. Ed Nelson (Burnaby-Seymour): Mr. Speaker, when this debate on capital punishment concludes in the House of Commons the decision will be taken by a free vote. As I understand it, a free vote is one in which Members of Parliament vote according to the dictates of their own conscience. They are not necessarily guided by the opinions expressed by party caucus. Indeed, the party caucus should not impose direction on its members in this vote even though the subject may be discussed in caucus. Neither should a member necessarily be guided by the volume of mail he receives on the subject from his constituents, although his decision may be affected by the force of reasoning in a particular brief or representation.

The outcome of this vote should be a result of the individual searching of the conscience of each representative in the House of Commons and a result of his conscientious study of the latest material available. The vote is taken across party lines. There will be, as there have been so far, retentionists and abolitionists in all parties. I have every confidence that most members of the House will vote according to their conscience and I believe that anyone who uses the occasion of this debate to garner a few votes would be beneath contempt.

Certainly, a free debate would appear to be the best approach to the subject because the question of capital punishment, as so many have said, is such an emotional one that large numbers of people may tend to be influenced by those same forces that in the past led to such unjust acts as lynching, witch-burning and the like.

I heard it suggested by one speaker that the subject of capital punishment should be decided by a nationwide referendum. In my opinion this type of referendum is little more than an invitation to mob rule. One need only read the hundreds of letters one receives on this subject to realize that many of them are motivated by emotion and lack of logic, just as a nationwide referendum would be motivated by emotion and lack of logic. Imagine such a vote being taken on the day that a particularly brutal and atrocious crime had been perpetrated. This is not to say that one does not receive carefully thought-out and logical letters, but they tend to be in the minority on the subject of capital punishment.

One can hardly blame a citizen who experiences a feeling of almost ungovernable rage when he reads of the brutal murder and rape of a defenceless child, or of other atrocious crimes. We all share the feeling at the time. It is difficult to pit logic against such feelings of anger, yet we must attempt to approach the subject, if not from a logical point of view at least from a philosophic point of view.

For the benefit of my constituents I should like to mention the latest studies and debates that have been pub-

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lished on the subject of capital punishment. All hon. members are familiar with the two volumes available from the Queen's Printer, one entitled "Capital Punishment, New Material, 1965-1972" and the other "Study of the Deterrent Effect of Capital Punishment with Special Reference to the Canadian Situation," by Professor Fattah of McGill.

Most members of the House, on the basis of this latest material, are able to construct a logical argument to prove their points either for or against capital punishment. Therefore logic is unlikely to prevail. So, away with logic. Therefore I will not spend time discussing the deterrent effect of capital punishment since it is unlikely that I am going to convince anyone by quoting statistics or by taking that tack.

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It is a fact, however, that long before the suspension of capital punishment in Canada a potential killer had over a 90 per cent chance of escaping execution in any case. These figures are based only on known incidents of murder, but many murders are not even detected, so that the probability of escaping execution is even higher than the percentage just mentioned. In a sense, then, the whole question of capital punishment or abolition is an academic one since it is unlikely that anyone is going to be executed in future in Canada.

On the face of it, if any province in Canada has the right to insist on the reinstatement of capital punishment it would probably be British Columbia, since the homicide statistics there are higher than those of any other province. These figures, however, are somewhat deceptive because although British Columbia has the highest average annual homicide rate it has the lowest percentage increase of homicide in Canada. The unfortunate fact is that homicide figures in British Columbia tend to be weighted by the number of homicides which occurred in the year 1962. Following the year 1962, in which there were 11 homicides, the rate of homicides decreased noticeably.

The deterrent effect of capital punishment on the whole is discounted on the evidence of enough studies that one can easily accept the thesis that it makes no great difference whether we have abolition or retention so far as the number of homicides is concerned. We must look, then, for another motive for reinstating capital punishment. Certainly, a civilized society should not employ revenge as a motive since nothing is gained for that society from revenge except perhaps here and there a feeling of well-being that one has "got even" in some manner with the criminal.

It is pointless to go into the religious arguments for capital punishment because the retentionists would quote from one point of view and the abolitionists would quote from another point of view so far as the Bible is concerned. Most orthodox churches oppose capital punishment on the ground that the governing Christian spirit should be one of mercy and forbearance.

I do not believe that the people who speak for the retention of capital punishment are motivated by a desire to deter or by a desire for revenge. It seems to me that the governing motive of the people who desire retention of capital punishment is one of frustration in a society which