

individual rights require constant vigilance. The state that can kill one of its own once can kill a thousand times thereafter.

At the risk of digressing somewhat from the actual provisions of the bill, I should like to argue further that the abolition of capital punishment and its inherent implication of sanctifying the right to life can be linked to another question that is currently before the nation and another that is waiting on the political doorstep. I refer of course to the questions of abortion and euthanasia. I do not want to go into the substance of these questions, but merely point out the principle involved in abortion and euthanasia in my mind is the same as the principle involved in the matter of capital punishment—the right of society to make a subjective moral judgment as to the value of continuation or termination of a life. For this reason, Mr. Speaker, I am absolutely against euthanasia for any reason, and abortion as a method of birth control by the parent or the state. Furthermore in each of the three issues the possibility of any metaphysical factor cannot be discounted, cannot be disproved, and as with our concept of justice must be given the benefit of the doubt unless otherwise established.

In conclusion, Mr. Speaker, I should like to say that although I have tried to take a fresh approach to the question of capital punishment, that does not mean that I do not agree with the standard abolitionist arguments as admirably spelled out by the Solicitor General, my colleagues, the hon. member for Ontario, the hon. member for Egmont, and the hon. member for Greenwood. Capital punishment is not a deterrent; the possibilities of an irreversible injustice are real; and the existence of the “final solution” intimidates juries in capital cases, resulting in the unjust mitigation of sentences and even outright acquittal. I therefore support this bill wholeheartedly.

**Mr. Douglas Roche (Edmonton-Strathcona):** Mr. Speaker, when I last spoke on the capital punishment issue in this House on May 22, 1973, I supported the extension of the trial period of partial abolition for a second five-year term ending in 1977. That trial period will not end for 20 months. Now we are suddenly confronted with a bill that would abolish the death penalty completely. It is impossible to evaluate the effectiveness of the trial period since the federal cabinet, in commuting every death sentence put before it, has thwarted the very intent of the partial abolition step.

It might seem that, as one who hopes that Canada will one day be an abolitionist country, I would welcome this bill. But I do not. The government's action in bringing in a total abolition bill now is an underhanded way of evading its responsibility in carrying out the present law. It will be impossible to build public support for total abolition while the public thinks that the enforcement of present laws, including the partial abolition law, is too lax. We must move forward slowly, surely, and honestly if real progress is to be made.

● (1720)

Canada is not ready for total abolition. A chief reason is the growing crime rate combined with the government's ineffective dealing with crime. Violent crime in Canada increased 90 per cent in the ten year period 1965-74. In 1965

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there were 243 murders in the country; in 1974, 545. The murder rate in this period has doubled from 1.2 per 100,000 population to 2.4. Despite the fact that 38 policemen and jail guards were murdered in this same ten year period, no convicted murderer has been executed. Is it any wonder that the public is upset? Far from there being support for an abolition bill there is a strong demand for retention of full capital punishment.

Public confidence in the administration of justice is further weakened by the parole system. The actual time served in prison by 42 murderers paroled between 1968 and 1974 averaged only 13.35 years. In 1974 alone, 1,019 temporary absence permits were issued to inmates convicted of capital murder. It should be clear to all of us that the public does not want convicted murderers paroled in an average 13 years, or out on day passes. The public has a perfect right to demand the highest standards of safety in society; what the public sees is growing crime and weak law enforcement. It is in this climate that the government introduces a total abolition bill. What grotesque timing!

Much as I desire abolition, I cannot vote for it at this time. It is not sufficient in parliament to vote for a principle regardless of the applicability of the principle. It is clear to me that abolition would seriously divide the Canadian people in a way that would risk the credibility of both law and the democratic process. In other words I cannot isolate the principle of abolition from real conditions in our country. The reality is that it is better to keep capital punishment in limited cases than to rush total abolition and diminish respect for the law.

I fall back on Aristotle for my guide in this judgment. He writes in *Politics*: Book IV:

The best is often unattainable, and therefore the true legislator and statesman ought to be acquainted not only with (1) that which is best in the abstract, but also with (2) that which is best relative to circumstances”.

I believe Aristotle is telling us here that we ought not only aspire to the ideal but take account of circumstances, and even be prepared to preserve an inferior type of law if necessary.

A capital punishment debate always raises the question of an MP's conscience. Should the MP always follow the wishes of a majority of his electors even when his conscience would lead him in an opposite direction? We are dealing here with the highest question members of parliament can face, the question of life itself. We cannot slough off our responsibilities in the guise of adhering to questionable public opinion surveys. We are responsible to our constituents and to parliament itself to use our best judgment in resolving the capital punishment issue.

The people who sent us here must be able to evaluate our reasoning process. To insist that the MP always vote the popular opinion would be to turn him into an automaton. On the other hand I do not regard my right to enter the House of Commons as a licence to do whatever I want. I accept my responsibility to my electors, but I interpret that responsibility as one in which I should form unbiased opinions and come to mature judgments as best I can.

I have the greatest respect for those many constituents who press on me their belief in the reinstatement of full capital punishment. Their argumentation contains within it the frustration at seeing the murder rate climb and