

Capital Punishment

Mr. Gustafson: Talk about the economy.

Mr. Kaplan: I think we should be talking about the way the economy is performing, all right, about whether the Government can be trusted, about whether the country approves of the way the Government awards contracts, about 100 other matters that are more central to the concerns of Canadians, instead of those issues being the issues in the next election campaign. I can see a plot to beguile the Canadian people with the question of capital punishment. I think it is totally unworthy of a Government in a democratic society to seek to divert attention from its own performance and its own record to stir up public opinion on a passionate issue which, after all is said and done, when it is implemented, if it is implemented, will make very little difference to the crime rate in Canada.

Many people on this side of the House want to speak, Mr. Speaker.

[*Translation*]

Personally, I should like to continue and use up entirely my ten minutes, but it is quite possible, if I allow other Hon. Members to rise, that we may have the chance on our side to continue. To conclude, Mr. Speaker, I wish to express my sincere regrets that the Government, again through one of its promises, uses a very emotive issue to try and distract Canadians from the very serious problems for which the Government is responsible.

[*English*]

Mr. Les Benjamin (Regina West): Mr. Speaker, this is the kind of debate I do not think any of us relish. It is one that I have been through a couple of times before in this place. I want to say at the outset that I respect my colleague, the Hon. Member for Peterborough (Mr. Domm) and those who share his views. I fully respect his right to try to bring before Parliament an issue on which he feels very strongly. I must say to my hon. friend that I think he has, to be as nice as I can about it, misused the desires and the wishes of the church groups and other organizations in Canada who oppose capital punishment. I am not aware of any of them demanding hearings at a special committee or the regular committee in order to discuss the viewpoints and the pros and cons of capital punishment. One thing I am aware of is that if they have raised \$50,000, probably a lot more than that, they have raised it to fight just in case some Hon. Members want to return us to the 19th century.

I resent that kind of misuse of the motives, the capacities and the practices of all the church groups, the law societies, other organizations and so forth in using their names as some kind of a vehicle to justify the establishment of a special committee or use a regular committee of the House to discuss the pros and cons of capital punishment. I am not that desperate, Mr. Speaker, for any arguments I try to make on various measures in this place, and I sure as heck would not call upon those who disagree with me as evidence to support my case.

It has been said for decades to all Members of this House from all political Parties and on both sides of any issue that crops up that gathered a lot of public attention—and it has been said to us by many people in our respective constituencies—that you have to vote according to the wishes of your constituents. If all of us were to do that, we would be on one side of an issue one year and on the other side of an issue the next. If we were to do that, all of us would be all over the lot all the time on every issue, humming and hawing. To paraphrase Sir Edmund Burke, we owe our constituents our diligence, our best attention to their opinions and our maximum consideration of their views, but we are not their delegates. We are their representatives and we do not owe them our consciences.

● (1750)

While every Hon. Member has a perfect right to raise a matter such as this individually by way of a motion or a Private Member's Bill, it seems to me that if there is a commitment to change our laws by reinstating capital punishment, surely that is something that is a Government's responsibility. It is not up to a private Member. If the Government wants an expression of Parliament's views, it can put forward a resolution respecting the Criminal Code which would come to a vote that would be free for every Member of the House including members of the Government, i.e., the Cabinet. That would happen if the Government means business. If it is only going through the motions and is saying that there will be some kind of a free vote on the matter some way or another between now and the next election, methinks there is a lack of sincerity somewhere.

I can remember a famous Canadian who was once in this House with whom I agreed not too often but whom I always admired, and that was Mr. Diefenbaker. He always opposed the death penalty. I can recall him regaling us many times with stories of his out in the lobby or up in his office on his birthday. He told us that starting back in the early 1920s, he defended many people who were charged with murder about whom he has said: "I will go to my deathbed still convinced of their innocence".

I, like Mr. Diefenbaker and hundreds of thousands of others, would rather see a thousand guilty men remain in jail than take the chance of seeing one innocent person hang. As good as the courts are, even they make mistakes. With all our human frailties, I would rather see a person convicted of first-degree murder spend the next 25 years in jail than take the chance, no matter how remote it may be, of an innocent person hanging. My colleague, the Hon. Member for Burnaby (Mr. Robinson), has mentioned Donald Marshall as an example. Had capital punishment still existed, Mr. Marshall would be dead now and pardoned later. Surely no civilized society can countenance that kind of a risk.

Mr. Diefenbaker told a story about his great-grandfather who saw a boy hanged in Upper Canada for picking pockets in 1837. The boy was 17 years of age and everyone gathered for