

Criminal Code

look back and find what has happened following the socialist revolutions, what happened to great jurists and scientists, executed out of hand; today, the same people travel all over democratic countries to promote the abolition of capital punishment.

I admit that since the opening of this debate on capital punishment, I have assiduously been collecting information, both pro and con, to be certain to reflect the opinion of the majority in my riding, while keeping a happy medium.

Several persons, as a matter of fact, contended that in abolitionist countries murders have not increased, and others have proved that the retention of capital punishment provided security to their country.

There are contradictory statements such as these I have read on the first page of a document dealing with capital punishment and I quote:

It appears from these figures that the abolition of capital punishment was followed by a considerable increase in the number of murders known to the police during the years 1941-48. But this does not necessarily imply a causal connection, there were increases during that decade also in Queensland, where capital punishment was discontinued many years ago, and in New South Wales, where executions were carried out up to 1939 but have been stopped since.

• (6:40 p.m.)

Finally, other countries found it necessary to re-establish capital punishment. Even England is considering re-establishment of capital punishment today.

This is the dilemma we will face when we vote.

Our society can best be guaranteed protection by the deterrent effect of the death penalty. After all, this punishment should not be considered from the point of view of the murderer himself, but from the point of view of the whole society requiring the fullest protection from such individuals.

If the punishment must fit the crime as far as the guilty person is concerned, it must above all be a deterrent factor as far as society is concerned.

Laws are primarily made for the protection of society in general and, second, for the protection of the individual. And, I soon realized that this was borne in mind by the thousands of people I have questioned right across my riding on this matter.

As a matter of fact, Mr. Speaker, 90 per cent of the people, nearly 2,000, to whom I put the question: are you for or against capital punishment? answered they were in

[Mr. Gauthier.]

favour of maintaining the death penalty, while only 10 per cent were against.

Can this be explained by the many murders of all sorts committed in our regions these last few years? Murders as foul as that of Dion and others and all the murders involved in criminal fires and fraudulent bankruptcies? Are honest people terrified by all these sentences commuted to life imprisonment? I think that this sight alone and the resurgence of organized crime and theft should incite the government to return to full capital punishment instead of asking questions. It is often said that the voice of the people is the voice of God, or that in a true democracy the voice of the majority should rule.

Therefore, it would be very difficult for me to vote against the wish of 90 per cent of my constituents. For that reason, I will vote for the retention of capital punishment.

At this point, Mr. Speaker, I wish to move an amendment, in order to make clearer the motion now before the house, for I find it too categorical—

Mr. Caouette: Unacceptable.

Mr. Gauthier: —and unacceptable in its present form.

Consequently, I move, seconded by the hon. member for Villeneuve (Mr. Caouette):

That the motion be amended as follows:

First, by adding after paragraph (a), the following words: "except for capital murders, as currently defined, committed while a sentence of life imprisonment is served".

Second, by adding, after paragraph (b), the following words: "except in the case of a capital murder committed while a person is serving a sentence of life imprisonment".

Third, by inserting in paragraph (c) immediately after the word "imposed" the words "or with regard to whom a death sentence was commuted".

Mr. Speaker, as I said a while ago, I respect the opinion of the 10 per cent who believe that capital punishment should be abolished, for various reasons.

On the basis of the answers of all those who favour retention, human nature being what it is, I think fear remains the strongest argument to invite men to abide by the law. Mr. Speaker, the member who spoke before me stated that the prisoners were fear-ridden.

Well, let me tell you that some prisoners have so little fear of prisons that, especially during the winter, they get into mischief in order to spend the winter there . . .