

*Amendments Respecting Death Sentence*

justified according to law. The possibility of a miscarriage of justice, which is often cited as an argument in favour of abolition, is therefore so slight as to be in my opinion non-existent. Under our judicial system of British origin, wherein the accused is presumed innocent until the crown establishes, without the shadow of a doubt, that he is guilty, it is practically impossible that an innocent person should be convicted; innocence will always create a reasonable doubt which will bring acquittal. This possibility being so remote, it cannot be a factor where the common good and the protection of society are involved.

Under our system, it is understood that convicted people are denied commutation privileges, by virtue of the principle that granting acquittal is better than running the risk of convicting an innocent person.

Mr. Speaker, as was mentioned earlier, we are dealing here with an extremely serious issue, since human lives are at stake; moreover, it is a very emotional subject and sensibilities can turn both ways, first toward the victim, and later toward the convicted murderer.

We have an obligation, however, to think deeply about this matter before reaching a decision based on our conscience. And, contrary to what some members on the other side have suggested, I think this is a free vote where one and all can and must vote according to their conscience, and I do not believe that pressures have been exerted, at least on the members who sit on this side of the house.

Mr. Speaker, there are good arguments for and against the abolition of capital punishment. The debate of almost two years ago and the one we are having now have generally been maintained at a high level of discussion.

I need not quote statistics to show that the crime wave that our country is subjected to is on the increase from one year to the next.

You have only to read the daily newspapers to be convinced that there are more and more major crimes and that criminals are more and more daring. Moreover, we have to deal in our country with organized crime which does not have scruples about suppressing those who can interfere with their activities of all kinds.

● (9:20 p.m.)

I think it is not yet time to put on white gloves to deal with these people who do everything possible to destroy our country and our society. The death penalty is the

[Mr. Forest.]

ultimate way of protecting our community against this category of criminals. Besides, they will be the only ones to be executed. I mean those who, deliberately and knowingly, deprive their fellowmen of their sacred right to live.

The reason for the existence of capital punishment is the duty of society to protect the integrity and the lives of its members against those who threaten them. In the present circumstances, this protection against a conscious murderer is impossible without the death penalty, unless you submit him to an imprisonment that is humanly unbearable. Society and, therefore, the state have the right and the duty to defend the community against aggressors, from without, as in times of war, and from within, as in the case of treason, by demanding the death of the guilty; if the citizen may defend his life by taking that of his attacker, so can the state when a criminal attacks and endangers the life of the community by taking upon himself to murder his fellowman. There is really no other efficient means to protect the public against those who have defied the supreme law, namely that the individual does not have the right to kill.

That the death penalty should also be a deterrent, that it should force the potential murderer to pause, is a secondary effect that adds to its usefulness. But, alone, it would not make it legitimate, because society would not have the right to hang a murderer merely to scare others or to discourage them from doing the same thing.

But I am convinced that the death penalty has a true deterrent effect and that the fear of death really acts as a check. To think otherwise is deluding oneself because that is the conviction of every human being. There is nothing as final on earth as death, and where there is life there is hope.

Mr. Speaker, it is impossible to count those who were checked on the road to murder by fear of being hanged, but that is obvious and I am convinced that as a deterrent no substitute can be found for the death penalty.

Imprisonment of murderers for life will also encourage repeaters especially in case of escape. Despite the exception contained in the bill in regard to police officers and prison guards in the exercise of their functions, the prisoner would then be practically safe from any sentence other than the life sentence he already has to serve.

Mr. Speaker, I do not want to go over all the arguments against abolition of the death