

*Capital Punishment*

more compatible with those of my riding in the last three and one-half years. Upon my first election I had just completed a legal career that included a limited amount of criminal defence work, including the defence of a capital murder charge. I confess readily that this case caused me, as a lawyer, a great deal of anguish, to such a degree that as I said during the 1973 capital punishment debate I could not possibly be objective about this issue and, therefore, I felt it improper to vote according to my own conscience. I suggest to you today that, next to accused murderers themselves, among the least logical and least objective persons, with regard to this issue, are lawyers who have practised criminal law.

Since 1973 I have had an opportunity to study parts of some reports, particularly those dealing with penitentiary riots and, much as I regret saying it, in some cases we are dealing with those who can only be described as "mad dog" killers and, an equally contemptible group, paid assassins. As a result of this exposure I do not find myself so disturbed about voting for capital punishment as I did in 1973.

The second point I wish to make is that to vote according to the views of one's constituents, a member of parliament must have an overwhelming or convincing consensus in his riding. My last questionnaire—and I doubt it was any different to that of many of my colleagues—showed 89 per cent in favour of the death penalty for cold-blooded murder. The questions in that survey were extremely carefully and fairly worded, the answers were tabulated by computer, and the results were well publicized in my riding. I am convinced of the accuracy of the results, and I am equally convinced that those replying were a representative cross-section of my riding.

My third reason for voting against this bill is that I reject unequivocally the accusation that a member of parliament who votes according to the wishes of his or her constituents, on the capital punishment issue, does so for his own political gain at the next election. I reject that outright. In 1973, during a shaky minority government, we had a capital punishment vote and shortly thereafter a general election. Just as many of those who voted for retention were defeated as those who voted for abolition and, similarly, just as many on both sides of the issue were re-elected. I know what it is to lose votes on election issues. Many members of our party were defeated during the last election for whatever reason—and I do not pretend to know—but capital punishment is not one of the issues which elects or defeats a member of parliament at a forthcoming election.

Fourth, I reject the accusation that one who votes according to the wishes of those he or she represents is abrogating his or her responsibilities. In the House of Commons, and in the various standing committees of which I have been a member, I have voted over the past few years on 300, 400 or 500 occasions, or maybe more. I have voted along party lines; I have voted according to my own conscience; I have voted to defeat the government, and I have voted to support the government. On only one occasion did I vote to reflect directly the views of my constituents, and that was the capital punishment vote of 1973.

Certainly there were numerous times when my vote did coincide with what I presumed to be the feelings of my

riding. Generally the value of my questionnaire results has been to assist me in making my point in caucus or committee meetings. You know, Mr. Speaker, and I know, that I cannot consult with my constituents on every issue. Sometimes there is not enough time. Usually I should have studied and been better informed than my constituents on most issues before parliament. The upcoming vote on capital punishment will be only the second occasion that I have voted to reflect directly what the majority of my riding wish. For that I do not feel compelled to make any apologies.

Much was said during the 1973 debate on capital punishment about members who proposed to vote according to the wishes of their constituents. Almost invariably those who were critical of members who voted in this way quoted Edmund Burke or John Stuart Mill. It is implied that a member who votes according to the wishes of his or her constituents is nothing more than a computer, a head counter, or a reflector of public opinion. If any of my colleagues in the House wish to attach these or other labels to me, they are of course free to do so. I submit that this is utter nonsense. When I—and others—on only two occasions in over three years, out of hundreds and hundreds of votes, choose to reflect an overwhelming consensus of the people we represent, I do not feel that, all of a sudden, I have rejected a prevailing political philosophy that I should, generally speaking, base my decisions on my own best judgment.

On many occasions during my relatively short tenure of office I have voted against what I believed were the wishes of my constituents. On many occasions I had no time to consult with my constituents on specific issues; on other occasions there was no question in my mind that, because of research and other facilities available to me, I was in a better position to make a judgment than most of my constituents on a particular issue of the day. However, Mr. Speaker, I am one who firmly believes in the widest possible consultation with those who selected me to represent them. I have found this communication helpful and, in many cases, enlightening.

I believe it is part of my responsibility to consult with my constituents, and I believe further that their opinions should be of substantial significance as one element, among others, that assist me in making a particular judgment. Frankly I do not think that this makes me merely a computer to reflect public opinion. To the contrary, I believe this consultation makes me a better decision-maker and, of equal importance, permits my constituents to be part of, and closer to, their government.

Fifth, I have a certain difficulty in convincing myself that, in issues such as capital punishment, my conscience is superior to the collective conscience of those I represent. I suppose one might defend such a position by saying that because members of parliament have received such a tremendous volume of research and other material on capital punishment they are better informed than most; however, as I have pointed out, so much of the material is contradictory and confusing that I cannot adopt this position. Furthermore, it seems to me to be more than just presumptuous to say that my moral character or integrity or ethics are superior to 89 per cent of my constituents. Is there some miraculous moral transformation that takes place in