

*Criminal Code*

I entirely disagree with those who hold that this question should be put to the electorate by means of a national referendum. The representatives of the people can and must come to a decision on this matter in the light of studies and information made available to all hon. members.

Since the 1961 amendment of the criminal code, capital punishment is applicable only in cases of capital murder, that is one which has been committed deliberately and with premeditation, a crime with violence, the murder of a police officer or a jail guard. Providing for compulsory review by a court of appeal, the right of appeal to the supreme court and the recommendation of the jury for or against clemency in that category of murders, those were logical amendments restricting capital punishment to the most horrible crimes, those where the criminal was in full possession of his faculties and the charge was proved beyond all doubt, crimes committed in such circumstances that the criminal deserves no sympathy, there being no extenuating circumstances. I do not think there has been since sufficient motivation to change the law again and abolish capital punishment, which is now only applied in very specific cases.

It is unfortunately true that the crime wave now sweeping the country, as elsewhere, is growing yearly. Not a day goes by without newspapers reporting details of murders, thefts with violence, serious attacks, rapes and all sorts of other crimes. I read recently that in the United States a major crime is committed every 12 seconds and a murder, an attack with intent to kill or a rape, every two and a half minutes. In 1964, one policeman out of 10 was the victim of a deliberate attack; 57 were killed. It is remarkable that adolescents between the ages of 10 and 17 were responsible for almost half of all crimes against property. Three quarters of the individuals involved had already been up before the law. The percentage is comparable in Canada. It is obvious that this avalanche of different crimes has frightened the public which does not feel safe and well enough protected.

We must not be surprised at that and blame it considering the methods used and the daring of certain bandits who fear nothing. This is not the time, in my opinion, to reduce the protection given to society by abolishing the death penalty for the most hateful crime of all.

An outstanding justice of the Ontario appeal court said a few years ago, and I quote:

The irrevocable character of the death penalty is a reason why all possible measures should be taken against injustice—not for its abolition. Nowadays, with the advent of armed criminals and the substantial increase in armed robberies, criminals of long standing if arrested, must expect long sentences. However, if they run no risk of hanging, when found guilty of murder, they will kill policemen and witnesses with the prospect of a future no more unhappy, as of one of them put it, than being fed, lodged and clothed for the rest of their lives. In addition, once in prison, such people who are capable of anything could kill their guards and their fellow inmates with relative impunity.

It is clear that those words are as timely as ever. Nobody will deny that the execution of a murderer and everything that surrounds it is a terrible thing but the murder itself is even more so.

Capital punishment must be retained to prove the sanctity of that most precious thing which is the gift of life; it embodies the repulsion and horror that we feel for the greatest of crimes.

Society has the right to protect the integrity of the human being and the life of its members against what threatens them. That is why it exists. Because the government of a country has the duty to protect and defend the common good, it has the right to take the necessary legal steps to protect the physical, moral, emotional and intellectual welfare of the community as a whole.

If the state has the right and the duty to defend the community against outside aggression, such as in time of war, and within the country, for instance, in case of treason, crimes against the state, etc., and that to the extent of taking the life of the aggressors and guilty parties, if the citizen wants to protect his own life by killing whoever attacks him without any reason, the state can do the same when a criminal attacks and endangers the life of the community by deciding to eliminate summarily another human being. I think that society represented by the government can use capital punishment to eliminate a person who, willfully, does not follow the laws of society and endangers the life of a member of the community, if it is proven that such a punishment, by its nature, is a good protection for that same society, particularly against the repetition of this odious crime by protecting people who otherwise would be future victims.