

Capital Punishment

125 murders in this country. By 1964 our population had risen to over 19 million, and there were 218 murders. In 1974, when ever more restrictions had been placed on the individual, we experienced 545 murders. That represents an increase in the murder rate of well over 100 per cent between 1964 and 1974. Why did the murder rate increase so dramatically? Part of the reason is that the government took more and more decisions unto itself and left fewer to the individual.

I think many members misunderstand the history of this bill. In 1967 we embarked on a trial period during which capital punishment was to be abolished, except in cases involving the killing of a prison guard or policeman. I did not vote in support of that bill because I felt my wife, granddaughter and loved ones were entitled to as much protection as was being afforded to policemen and to prison guards. I felt that the trial period was not good for Canada. Since 1967 the government has fully demonstrated that it does not intend to carry out the will of parliament, the will enshrined in the 1967 legislation.

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That provision was reinstated in 1972, and again the same thing held true. Since 1972 the government has deliberately demonstrated to the people of Canada that it has no intention of carrying out the will of parliament. What does this mean for Canadians? Many abolitionists have argued that capital punishment has no deterrent effect and that the retentionists have never proved the contrary. Mr. Speaker, we have never been given the chance to prove that it has a deterrent effect because the government has deliberately gone out of its way to commute all death sentences.

I know there are cabinet ministers who will argue that they have a right to commute death sentences and that, this being the case, they did not deliberately disobey the law. My interpretation of the record leads me to an opposite conclusion. In my view the very fact that they are bringing forward this bill at the present time before the trial period is ended proves my case. Why are they bringing it forward now? It is because their conscience is bothering them. They cannot continue to disobey the legislation which was passed in 1972 by commuting all the death sentences which come before them.

If ministers could stand in their places and say they never deliberately disobeyed the will of parliament, but had logically studied every case individually before reaching a decision to commute, that would be one thing. But they do not. Perhaps my judgment is caustic. Perhaps I ought not to accuse them of deliberately taking the action they did. Well, let them rise and say now that they will continue to commute all the sentences which come before them for review or, on the other hand, that they will not. But ministers will not make such a statement. They want to abolish capital punishment.

What we are contemplating now is not a free vote of the House of Commons but the imposition of the will of the cabinet on backbenchers on the government side. It is an attempt to hoodwink members of the opposition into believing this is a free vote. I know the whip is looking at me with an angry eye.

Mr. Guay (St. Boniface): I am not.

[Mr. Horner.]

Mr. Horner: They may well be hoodwinking even him.

An hon. Member: That would be easy!

Mr. Horner: I maintain that the conscience, even of this cabinet, is becoming uneasy. Ministers feel they cannot commute all the death sentences which come before them and they want "off the hook". I say to members on all sides: do not let the government off the hook. This is a government which undertook to govern for the good of the people and by the consent of the people. There can be no question as to the wish of the Canadian people. They are opting from 70 to 80 per cent across Canada for the retention of capital punishment in cases of heinous crimes.

I should like to turn to one other aspect of the subject, one which is often debated in the House, the subject of rehabilitation. A former colleague of mine in this Chamber, now the ombudsman for the Province of Ontario, often spoke on this topic and his speeches were always very moving; they commanded a good deal of attention. He was a believer in rehabilitation. He would say, "Never give up hope for your fellow man; always hold out some hope of rehabilitation for him." I found that point of view hard to argue against whenever I discussed the matter with him. Now look at the bill before us.

Where do we find any hope for the rehabilitation of persons who commit a violent crime, the crime which is called capital murder? I see no hope for them. A man is sentenced to 25 years and it is true that possibly, following judicial inquiry, he can be released after serving 15. I see no hope for a man who commits a murder, now called non-capital murder, and who is sentenced to ten years because he loses his temper, or because in a fit of rage or passion he kills a loved one, or someone near to him.

Where are the true abolitionists in this House who can support this legislation, a bill which would destroy all hope of rehabilitation? I doubt very much whether my former colleague, the present ombudsman for Ontario, would support this measure.

An hon. Member: Yes, he would.

Mr. Horner: In that case, he would not really believe it. It is possible to support this legislation if you do not really believe it will be carried out. But if you really believe the letter of the law will be obeyed, then how can you support this legislation if you are an abolitionist? It leaves no room for rehabilitation.

One government member who has spoken in this debate says he intends to move an amendment to the legislation in committee. He admitted in his speech that the bill destroys all hope for certain persons. He maintains that in all cases where hope is destroyed and a second murder is committed, capital punishment should be enforced. Speaking to him privately he tells me that many hon. members support such a stand. This goes to prove that many of us accept that any hope for rehabilitation is destroyed if the letter of the law is applied. Mr. Speaker, we cannot buy this piece of poorly-drafted legislation which is put forward in an attempt to force parliament to get the cabinet off the hook. I do not want to get any government off the hook when it does not have the courage to obey the law of the land and the will of the people.