

*Capital Punishment*

I spoke to several members of parliament who had various views on capital punishment, but to a woman and to a man those members at Westminster said the issue is over in Britain; it has been debated ad nauseam; decisions have been made—the issue is moot. I hope very much that this will occur in Canada very soon.

This is not to say that I think the issue is not important, Mr. Speaker. On the contrary I believe deeply in the sacredness of human life. I ask that we bear this in mind; that we bear in mind that a person who commits a crime is after all part of human society, just as his victim is. It occurs to me that although many speeches have been made about the victim, very few comments have been made about the compensation systems in place in many provinces which in money terms—and surely this is a most inadequate way to try to ameliorate the effects of death—but in money terms at any rate various provinces have tried to alleviate the problems of the victim's survivors. I had occasion myself to ask that the Ontario Compensation Fund be used for the burial of a victim of a murder. The fund responded rapidly and with very little red tape.

● (1620)

The taking of human life, I think we must agree, is an act of supreme arrogance. My conviction about the brutality and futility of capital punishment dates from my early boyhood when, if I can use a metaphor, our household was afflicted with the gloom of a veritable Good Friday as my father, who was a Justice of the Supreme Court, was importuned by people connected with the justice system, the judges and those in other walks of life, to spare the life of somebody who would, perhaps in a day or two, be executed. I need not go into the relationships involving the trial judge in those circumstances; but the request was made, nonetheless. The judiciary was not removed from those pressures. No judge who is human can be removed from them. I can only say that on those occasions in our household the deepest gloom prevailed.

That, of course, is not enough reason for me, now in adulthood, to support abolition. Obviously there are many other aspects of the question to be considered. But I do remember that our household was not a nice place to be in on those occasions. I hope my colleagues think that I have arrived at my present decision by the use of whatever reasoning and rational process are at my disposal.

As I said last night, as I have said 100 times, even 1,000 times, hanging will not save the life of a policeman; hanging is no deterrent to violent crime. It is time we decided the issue once and for all.

My colleagues will be glad to hear that I have almost finished. Yesterday the Secretary of State for External Affairs (Mr. MacEachen) was able to announce that instruments of ratification were in the process of being signed so that Canada could accede to the Declaration of Human Rights of the United Nations. It was a long time a'borning. This will be understood by those who understand the constitutional complexities of this country. Surely it would be the supreme irony if Canada, after waiting literally a generation, would become a signatory to the United Nations Declaration of Human Rights as the very time when parliament should reject this bill and start

[Mr. Fairweather.]

again his horrible aspect of the criminal justice system, execution by hanging.

Lastly I ask, as I did at the beginning, must night fall again in this country? Must ministers of the Crown, and must we all, since after all we all have a share in this decision-making, be asked to start this horrible engine again? The discussion has gone on endlessly. Surely it is time for Canada to take its place among the civilized nations of the world which possess certain intrinsic values which tell us that the time has come to abolish capital punishment.

**Mr. Bob Kaplan (Parliamentary Secretary to Minister of National Health and Welfare):** Mr. Speaker, this bill has been debated at length, and debate will continue for some time. I listened with interest to the arguments of the hon. member for Fundy-Royal (Mr. Fairweather). Having read what has been said and listened to in this debate, I observe that I do not think much more can be said on one side or the other of the question we are considering.

What has interested me is the extent to which similar arguments have been used on both sides of the question. Members have spoken on the effect of capital punishment. Some members argue that it has a deterrent effect; others, that capital punishment encourages the commission of capital crimes. We have heard arguments based on moral and religious grounds, based on Biblical justification, and so on. These authorities and justifications can be used to support arguments on either side of the question, it seems to me.

The House has discussed rehabilitation and the undeniable possibility of miscarriage of justice, of someone being found innocent, after all, after the sentence of capital punishment is carried out.

The argument which has moved me enormously is the one concerning the social implications of capital punishment, the argument that says that if we examine those who have been the victims of capital punishment over the decades we shall find that they are not a cross-section of Canadians, not even a cross-section of criminals in our system. They have been the poor, the people at the bottom of our economic and social system. They, invariably, seemed to be the ones to suffer the penalty of capital punishment.

Having said that, I wish to make a couple of other observations before putting a proposal to this House. I suggest that public opinion is an extremely important factor in the determination of an issue like capital punishment. The system of justice in our country after all is the people's system. It must be a system which accords with the population's sense of what is right and fair, and which makes the Canadian people feel secure. Although individual members of parliament perhaps spend more time studying this question than the man in the street, and are exposed to a greater cross-section of argument and expertise, all of which must be brought to bear on our deliberations, when you come right down to it we are asked on behalf of the people of Canada to provide a system of justice they think is fair.

I do not see how any member of this House can escape the undeniable fact that the majority of the people of Canada are of the opinion—however you want to measure