

Capital Punishment

the government should allow a referendum on the issue of capital punishment.

I know that my friend and colleague, the hon. member for Surrey-White Rock, has good reason to move that a survey only be made at this time. I support that motion very strongly, and I know that the people in my constituency support it as well.

Some hon. Members: Hear, hear!

Mr. John M. Reid (Kenora-Rainy River): Mr. Speaker, it is often said that one of the functions of the House of Commons is to consent to proposals respecting the law. I entered this House in 1965, and before that was here in an executive assistant capacity. During that time one of the topics most frequently debated on the floor of the House of Commons has been capital punishment. There have been three major debates, and I recall innumerable discussions within party caucuses. The record shows that the subject has been well canvassed over 14 years and that there have been opportunities for members to express opinions and, more important, to cast votes.

What is so important about the exercise is that all these votes have tended to be non-partisan. By that, I mean votes cast irrespective of party policies. Members had an opportunity to vote as they saw fit according to their conscience or the conscience of their constituents. This brings up an interesting point about votes on capital punishment. It is an interesting dilemma to be faced with the kind of pressure that many of us felt from our constituents, where it was clear from the beginning that the majority of the people who elected us to this House wanted some form of capital punishment left on the statute books.

I recall quite vividly that in the 1972 election in my constituency the question of capital punishment and the way I voted was one of the main issues. I defended the position I had taken and, rightly or wrongly, was re-elected. I cannot claim, however, that the argument I made at that time was particularly the one espoused by constituents, but I was re-elected whether they agreed with my position or not. Although my constituents did not agree with my position on capital punishment, apparently they agreed with the position I took, or that my party took on a whole host of other matters. It seems to me that had they wanted to switch to someone who thought as they did on the issue of capital punishment, they would have chosen one of the other two candidates.

We had a choice in this House, and those of us whose thinking led us to one set of conclusions voted as we saw fit, while those who believed they should vote the way their constituents demanded, whatever their conscience, did so. There were, of course, those who faced no such conflict—those who believed in capital punishment and had no difficulty in accommodating themselves to the wishes of their constituents who also believed in it, and then those who believed in abolition and whose constituents felt that way as well. The latter two groups were, indeed, happy people. They had no

[Mr. Whittaker.]

difficulty with their conscience or with the opinion of their constituents. They had no difficulty in deciding how to vote.

The first two groups had a real problem, however. In our constituencies we had pressure from people who felt there ought to be capital punishment, and here we ran into a very difficult problem. While there is much agreement that there ought to be capital punishment, there is no agreement on whom that capital punishment ought to fall.

I recall, when drugs became a problem in Canadian society about 1967, constituents were telling me that we must do everything possible to get rid of them. When it happened that it was their son or daughter or a friend who became involved, however, they felt the law was perhaps too rigid and that the courts and the police were not taking all the circumstances into account. It was clear that while people generally felt the law was correct as it applied to drugs and other things, apparently its application was not correct.

There are other circumstances where people have got into difficulties with the law and, of course, have felt that full implementation of the law was not called for in their circumstances. It is not always justice we seek; most of the time we seek mercy. Perhaps that is at the heart of my difficulty in interpreting the views of my constituents as to the appropriate response to demands for capital punishment. From a series of circumstances I know it is not capital punishment just for the sake of bloodthirsty revenge that is demanded.

I also know, from speaking to people who have served on juries at murder trials, to Crown attorneys and police, that the situation is not as simple as it seems. Any honest Crown attorney will tell you that he has presented cases where he has been absolutely certain that the accused was guilty. However, the jury was not certain, and therefore the person was released. That is because if a jury makes a slight mistake, there is no way to bring a person back from the grave.

If there is no capital punishment for first degree murder, there is a greater chance of getting a guilty verdict because people are then not so concerned about the absolute taking of a life, from which there is no coming back. There are aspects which have to be considered in that way.

● (1732)

I want to go back to the question of the nature of the votes we have had in this House on the question of capital punishment. I go back to that because it seems to me that they were unique votes. Parties were split, with the sole exception, I think, of the Social Credit Party, which voted en bloc. I believe there was a small split in the New Democratic Party, and there were significant splits in the Conservative party and in the Liberal party. That indicated that the vote was a genuine free vote and that members had an opportunity to make decisions.

Mr. Friesen: Come on, John.

Mr. Reid: If we examine the breakdown of the vote, we find that there was a greater proportion of Liberals who voted