

Capital Punishment

[Translation]

Mr. Claude Wagner (Saint-Hyacinthe): Mr. Speaker, I must admit there are times in the House when we have the impression it is absolutely useless to make a speech. As regards the discussion on abolition of capital punishment, I think we can state, if we consider the position of the cabinet, that it would be pointless to extend this debate. However, as the majority of Canadians have already showed that they do not agree with the position of the federal government, we should try once again to give them a little common sense, a little logic and to inform the leader of the government and his staff that the protection of Canadian society is more important than the personal principles of any member of the cabinet.

An hon. Member: Tell that to Mr. Clark.

Mr. Wagner: I already did.

[English]

Mr. Speaker, I think before continuing with this debate on capital punishment, and without intending to prolong it needlessly nor to repeat arguments that others have already advanced, I should like to congratulate those members of the House who courageously and persistently have fought so hard both in the Standing Committee on Justice and Legal Affairs and at report stage in this House for the cause of social order and common sense in advocating the death penalty for premeditated murders. Without discriminating against anyone may I with your permission, Mr. Speaker, single out the determination and the resourcefulness with which the hon. member for Burnaby-Richmond-Delta (Mr. Reynolds) has led the fight.

Some hon. Members: Hear, hear!

Mr. Wagner: He has been an inspiration to everyone, and he has sincerely believed in the necessity of keeping capital punishment in order to check and prevent the numerous activities of organized crime.

After a conscious examination of the views expressed in favour of the abolition of capital punishment, I must admit that I remain unshaken in my opinion that, especially because of the existence of organized crime and in order to protect the lives of innocent people and to secure a greater degree of safety for our policemen and prison guards, Bill C-84 must be defeated on third reading.

During this debate I have been particularly impressed with what a convinced abolitionist like the right hon. member for Prince Albert (Mr. Diefenbaker) said about the necessity of retaining capital punishment for such odious crimes as high treason or espionage in wartime. His experience as prime minister during a difficult period of the cold war and his lifelong devotion to the cause of fundamental freedom and penal reform should have been enough to convince the government to amend this bill on this point at least. It should also incite some members who voted for the bill on second reading to reflect further and, hopefully, to reverse their position and join the ranks of the retentionists.

[Translation]

It is no mere coincidence, but the result of a vast experience and constant devotion to the cause of law and order that another abolitionist of international fame, Mr. Jean

[Mr. Speaker.]

Imbert, whose book entitled *La peine de mort* is authoritative in this field, also comes to the conclusion that the state must maintain capital punishment for crimes of high treason and those of spying in times of war.

Is it not terrifying, Mr. Speaker, to think that the adoption of this bill would leave Canada without any real punishment for those who would conspire against the security of the state or the lives of its leader and other officials?

[English]

As discussion progressed in the Standing Committee on Justice and Legal Affairs members of the House discovered a series of serious omissions, shortcomings and deficiencies in the legislation, giving the bill all the appearance of having been unduly improvised and rushed to this House. For instance, there is no provision for a more severe penalty—which could be death—for the commission of a second or even a third murder, yet it is not using scare tactics to suggest that the possibility of escape accompanied by murder by hardened criminals, is very real. Nobody can deny that. But under this bill the worst punishment such murderers can expect is to be condemned, for a second time, to life imprisonment. Mr. Speaker, there must be an end to softness or, as we say in French: il y a une limite à la bonasserie.

● (1120)

Had the government been sensible enough to accept amendments providing death sentences for high treason and second murder, I am sure some of the retentionists would have been more inclined to vote for this legislation. But as it stands now I, for one, cannot in conscience accept that the security of the state or the safety of prison guards and policemen should be put in jeopardy by the adoption of Bill C-84.

While I disagree with him, I do respect the views expressed by the Prime Minister (Mr. Trudeau) in the course of this debate. I know that he is sincerely convinced of the rectitude of his position, as I am of my own. But I less than admire one argument brought forward by the Prime Minister when he spoke on second reading. Making his appeal to the House on June 15, as reported in *Hansard*, page 14499 the Prime Minister said:

It is not open to anyone among us to take refuge in the comforting illusion that we are debating nothing more than an abstract theory of criminal justice, and that it will be the Cabinet's sole responsibility to decide the actual fate of individual murderers if this bill is defeated. I want to make it very clear that, if a majority of hon. members vote against abolition, some people are going to be hanged. Their death would be a direct consequence of the negative decision made by this House on this bill.

Some people have held this statement from the Prime Minister as showing strong leadership. I personally regard it, on the contrary, as an attempt to scare and even to blackmail the opponents of Bill C-84 into voting against their own convictions for fear of being regarded as executioners.

There is something frightening in the Prime Minister's tactics; for members of parliament, while open to compassion, should nevertheless remain above such personal considerations as the ones the right hon. gentleman mentioned. Be it for murder, rape, theft or even a minor offence, we are here to determine the law of the land and