

Capital Punishment

The threat of death is considered to be a strong deterrent among criminals themselves. This is the way gangsters and hoodlums assert and maintain their authority in the underworld. They apply death without mercy. Retribution is not a barbaric reason for punishing. It is the right reason, for only so can the community affirm, the moral order on which it is based, and citizens can be satisfied that justice is being done. Take that away and you erode society's faith in itself as a moral community where men are trusted to obey the laws and, if they disobey, are punished as agents responsible for their own actions.

The enforcing of capital punishment under proper circumstances upholds the dignity of man, and rightly places a high value on human life.

An objection to capital punishment sometimes held in religious circles is that no one has the right to take human life except God. This area is related to the belief that the person who executes a criminal is as guilty of murder as the one he executes. If there is no secure instrument of justice, all law and order would soon end. That would be so if this is carried through to its conclusion. In that case it would be wrong for a nation to defend itself against an aggressor, it would be wrong for a city or province to maintain a police force. We would be defenceless, and no one would have the right to defend himself from the violence of evil men.

Some persons take the position that an individual who commits murder is mentally ill and should be institutionalized until cured. To overlook the possibility of mental derangement in one guilty of homicide would be wrong. But, to maintain, as some do, that every murderer is mentally ill, is to mishandle the truth.

Most forms of criminality are the result of a breakdown in morals, not emotions or mental imbalance. Others advance utilitarian objections. They say that capital punishment is not a deterrent to crime, so why employ it? This assumes that the first responsibility of our courts of law is to deter criminals in their actions. I question that. This ought to be one of the results of properly handled law courts. But the first obligation of law is to protect society and to punish wrongdoers. Should the courts take the position that they will not send car thieves to prison because people continue to steal cars in spite of the prison sentences meted out to car thieves? Of course not. The demands of justice are met first.

An equally wrong idea is that a prison sentence is sufficient punishment for murder. Where cold-blooded, premeditated murder is proven, a prison sentence with probationary periods is not punishment commensurate with the crime committed. Prisons should certainly be operated in as humane a way as possible, and prisoners should be treated as human beings, but punishment must fit the crime, or men will laugh at the courts and conduct themselves in society in any way they please.

Capital punishment is an emotionally charged issue, Mr. Speaker. It is my feeling that the question of capital punishment should be settled once and for all.

There are many precedents for the holding of a public referendum on capital punishment. In the United States, if I might cite a few examples, where criminal law is within state jurisdiction, public referenda have been held on this issue; in New Hampshire, Arizona, Ohio, Michigan, Oregon, Colorado and Massachusetts. In 1972, California voted by a public referendum to restore the death penalty.

● (1620)

In our nation we have asked the public for its view on two occasions: prohibition in 1898 and conscription in 1942. Capital punishment has been a bone of contention in Canada for many years. A national referendum on the subject would have the following advantages for Canadians. First, it would allow public opinion to be expressed clearly and provide a definite direction for Parliament by a process of direct democracy. Second, it would remove from a member of Parliament the unfair burden of deciding whether to vote against his own conscience. Third, in a democratic fashion it would finally resolve a problem that has been the cause of dissension and public argument for many years. Fourth, it would avoid the growth of resentment against the government and against Parliament by members of those groups in society that have struggled to be heard on this topic and have felt ignored. Fifth, it would renew the faith of the ordinary people in society in their ability to influence government decisions in a democratic way.

If the people indicate they want a change in the law, then I believe the Criminal Code should be amended to reflect that desire. I have expressed my own personal feelings on certain instances, that capital punishment should be brought back. I am hopeful this motion will be acceptable to the House. There is but one way to have the majority opinion heard; that is, by a national public referendum.

I hope the hon. member for Edmonton East (Mr. Yurko) will speak during this debate. He will also second my motion because he believes in abolition. We are both convinced that the people must decide.

Some hon. Members: Hear, hear!

Mr. Prud'homme: Will the hon. member permit a question?

Mr. Fretz: Yes, Mr. Speaker.

Mr. Prud'homme: I take for granted, having listened to the hon. member's speech, that this penalty is a deterrent. If such is the case, does the hon. member believe that in order to really deter, the penalty should be administered in public and not in private?

Mr. Fretz: Mr. Speaker, no, I do not believe it should be in public. I believe there is justice and there is dignity of mankind. There is no dignity in displaying the death penalty by killing someone in public. I believe it should be a dignified process.

Mr. D. M. Collenette (Parliamentary Secretary to President of Privy Council): Mr. Speaker, indeed it is a pleasure to