

Criminal Code

performance of his duties, otherwise, it is non-capital murder.

Mr. Speaker, even abolitionists say that only one out of seven persons accused of murder is sentenced to death.

Fourth, that capital punishment is an act of revenge. Mr. Speaker, capital punishment is a just and proper penalty for murder. More than any other penalty, it expresses the revulsion and horror society feels for the most odious of crimes. As retribution, capital punishment must not be based upon a thirst for revenge but it is reproof by society for the odious crime of murder. With time, as a result of capital punishment, a deep feeling of aversion has developed toward murder.

If imprisonment actually consisted of solitary confinement for life, it would be more cruel than death; life imprisonment leaves no hope to the criminal nor is it an inducement to repentance, as is the immediate prospect of the supreme penalty.

Mr. Speaker, it is a fact that no one is interested in a murderer as long as he is at large: it is a police matter. Only when he is brought to justice is sympathy or antipathy felt for him, according to individual dispositions. If an abolitionist were asked why the difference, I think his answer would be: obviously, one cannot feel anything for someone one does not know. I would say this is a good answer. In such a case, how can the lawmaker feel vengeful against future murderers he does not know and probably never will?

As a matter of fact, the question is much simpler. Faced with a wilful murderer, society is in the position of a surgeon before a gangrenous limb. Distressing, cruel though it may be, amputation is required. It would, however, be sheer insanity to claim that the surgeon is seeking revenge against the amputated limb. Society does not seek vengeance; it is simply performing a strict duty to protect its worthy members and to provide for its own security.

While it is true that many would like to do away with capital punishment, many more are in favour of it and accept it. This support reflect the aversion of the public for murder, the "crime of crimes". Likewise, the aversion of the public for murder admittedly reflects a traditional attitude resulting from the fact that this punishment is particularly reserved for this crime. The abolition of a punishment traditionally accepted as a just and effective deterrent could only be recommended if there was definite proof that the ordinary citizen

[Mr. Clermont.]

thinks this punishment decidedly ineffective. The experience of other authorities indicates that the abolition of capital punishment when the public is strongly in favour of its retention may lead to doubt and confusion, which is harmful to the administration of justice.

Mr. Speaker, at a time when the state has a long way to go in its fight against crime, more thought should be given to the protection of society than the criminal. There are reasons to think that capital punishment is a deterrent against armed robbery, and the abolition of capital punishment could be interpreted by those who despise the law as a signal for committing other criminal acts.

[English]

PROCEEDINGS ON ADJOURNMENT MOTION

SUBJECT MATTER OF QUESTIONS TO BE DEBATED UNDER ADJOURNMENT MOTION

Mr. Deputy Speaker: Order. It is my duty, pursuant to provisional standing order 39A, to inform the house that the questions to be debated at the time of adjournment tonight are as follows: The hon. member for Danforth (Mr. Scott), Housing—consideration of royal commission on urbanization; the hon. member for Vancouver-Burrard (Mr. Basford), Shipbuilding—British Columbia—discussions respecting subsidies; the hon. member for Nicolet-Yamaska (Mr. Vincent), Agriculture—eggs—request for change in deficiency payments.

CRIMINAL CODE

PROPOSED AMENDMENT REGARDING CAPITAL PUNISHMENT

The house resumed consideration of the motion of Messrs. Byrne, Nugent, Scott (Danforth), and Stanbury:

Resolved, that it is expedient to introduce a measure to amend the Criminal Code for the purposes of

(a) abolishing the death penalty in respect of all offences under that act;

(b) substituting a mandatory sentence of life imprisonment in those cases where the death penalty is now mandatory; and

(c) providing that no person upon whom a mandatory sentence of life imprisonment is imposed shall be released from imprisonment without the prior approval of the Governor in Council.

And on the proposed amendment thereto of Mr. Gauthier.