

### *Capital Punishment*

act of justice, based on the supreme laws that exact justice from all. For only by having justice can we have freedom.

**Mr. William C. Frank (Middlesex):** Mr. Speaker, I rise as one more member in this House to speak on Bill C-2 relating to capital punishment, a responsibility I feel first of all to my own conscience, and secondly to the views of the majority of the constituents in my riding.

We have all heard many times the comment that we as members should vote as our conscience tells us. This statement comes almost 100 per cent from those who are abolitionists. I feel that in some cases there is an insincerity in this remark—what percentage, we will never know—since these particular abolitionists present this argument to known retentionist members knowing that they have only to change one mind, that of the member.

I am also satisfied that a certain percentage—and here again we will never know how many—are just as insincere in trying to convince the pro-abolitionist member that he should not vote as his conscience dictates but in accordance with the wishes of his constituents, because they well realize that the majority of the people of Canada support the retention of capital punishment. These people know that by trying to convince the pro-abolitionist member to vote as the majority dictated, they would have a better chance of their opinion winning, because it would mean that many thousands of people would have to reverse their decision before they would lose their case. But, Mr. Speaker, this is one problem that I am not faced with; I will be voting as my conscience dictates and as I sincerely feel the majority of my constituents would want me to vote, namely, against a meaningless type of bill for another five years.

We have heard many hon. members quoting statistics, members on both sides of the debate. The abolitionist says that execution is not a deterrent; the retentionist, just as sincerely, quotes figures showing that it is a deterrent. We hear the abolitionist referring to statistics which show that policeman and prison guard murders are no higher in number than they were previously. On the other side, the retentionists contend that murders in 1961 were at the rate of 230 per year, whereas in 1971 they rose to 430, practically double the former rate.

These are all credible arguments in what will probably be considered one of the most emotional and sincere debates that we will witness in this twenty-ninth Parliament. However, as I said before, I do not necessarily feel that statistics prove the point either way. But there is one argument proving that capital punishment is a deterrent—and I challenge any member of this House to contradict me—and that is the pure and simple statement that it deters the one-time murderer from committing a second murder.

I think this is the issue that we are all faced with in this debate. We have conscientiously to ask ourselves which is more important—the ultimate protection of society, or the protection of hardened criminals? As I said before, we have all heard many arguments that capital punishment is no deterrent. If it were, why did not it deter the murders that have been committed in this recent trial period, of policemen and prison guards?

[Mr. Epp.]

With all due respect to the right hon. Prime Minister (Mr. Trudeau) and his middle-of-the-road approach to this very serious and emotional debate, it is pretty hard to convince Canadians in general that each and every one of the potential subjects for execution in the last several years was worthy of commutation. That, Mr. Speaker, is no meaningful deterrent as far as I am concerned. The so-called trial period that we have had for the past five years, and which this government is asking us to reinstate once again, is nothing short of being a complete farce in view of the way we have seen it administered by this Prime Minister's government and that of his immediate predecessor.

At the very first all-candidate meeting that was held at the beginning of the election I made the public statement that I was in favour of retaining capital punishment, or at least to keep it within the Criminal Code for the protection of our law enforcement officers and prison guards. I felt very strongly about this being at least moral protection for our law enforcement officers. If we could not at least do this to support them, eventually we would see a gradual exodus of our law enforcement officers until all we would have left would be a so-called sadistic, power-hungry, gangster-type individual who would not be afraid to protect our society on the theory that he would shoot first and ask questions later.

I am sure if I wanted to take the time to cite the experience of individual states of our neighbour to the south, and also in one of the larger cities in our own country, I could find policemen in those particular areas who would fit the category of the individual that I have just described. I know Canadians would not want to see this kind of deterioration within the ranks of our law enforcement officers. Canadians can be proud of these members of our society who are dedicated to keeping law and order; and there can be no better example than in the fine young men we see every day around this great institution that we call Parliament Hill.

As I said before, that was my opinion at the beginning of the campaign last September. Having very seriously considered and reconsidered the many aspects revolving around this decision we have to make, I have conscientiously to say that not only do I still have that same opinion but I have had it strengthened to the point that I think capital punishment in some form should be meted out to all criminals who have been found guilty of capital murder.

It has been said many times in the past there is the chance of executing an innocent man. With the opportunities open to our courts today, if there is just the slightest degree of doubt as to a man's guilt, the court can change the charge from capital to non-capital murder. This to my mind takes away any possibility of the execution of an innocent victim. The government still has the sincere and conscientious right to commute that sentence should there be any further doubt.

I cannot help but ask which is the greater crime, the state carrying out an execution of a criminal or the state being directly responsible for the death of numerous citizens, the victims of these committed criminals if and when they should make their escape? Judging from the recent pattern, it is not a case of "if"; it is just a case of when will