

My opposition to capital punishment is based on several considerations. First, in my judgment capital punishment does not provide a deterrent against murder. Statistics neither prove nor disprove this statement. It seems to me that the burden of proof rests on those who think it is a deterrent when they are asking society to take another person's life. Second, no state should impose a penalty more severe than is required to protect the integrity of the state or the safety of its citizens. Capital punishment violates this principle. Third, capital punishment as a mandatory sentence for first degree murder would limit the number of convictions and result in more murderers being free in our society than would ever happen without capital punishment.

Fourth, statistics clearly show that our judicial system is fallible and that the risk of hanging innocent persons is too great. I think there has always been a presumption that it is better to let a guilty person go free than to incarcerate or hang an innocent one. I think that is fundamental to our whole institution and system of justice.

Fifth, the retention of the death penalty will create the false expectation that we will reduce the incidence of violence in our society, and I just do not believe that is true. Sixth, the retention of the death penalty will divert public attention away from determining ways and means of identifying and eliminating conditions which give rise to violence. Seventh, the state will not create in society an abhorrence for violence by resorting to such methods itself under the guise of protecting society.

In my view this new peace and security legislation which I have briefly detailed in my speech is a more reasonable and responsible approach toward the reduction of violent crime in society than the death penalty could ever hope to be. This new package will maximize protection for society as a whole, provide a more meaningful deterrent against crime in society and should eliminate the anxiety of many of our citizens respecting law and order.

As I have said, a great deal still has to be done to restore confidence in the law itself, its enforcement agencies and our judicial system. As parliamentarians all we can do is make value judgments and hope that the legislation we pass is sound, reasonable, and effective. We all know that such laws are not carved in stone, and if further changes need to be made the future will give us an opportunity to make them.

Many will be disappointed if the death penalty is eliminated, but I am confident that they are basically reasonable people and that they will support this proposed legislation and give it a fair and reasonable trial.

This new package is tough law, probably as tough, if not tougher, than criminal law in the vast majority of civilized nations. It substantially corrects the abuses of the past and significantly provides greater protection for the future.

In light of the present evidence and the arguments I have heard I am persuaded to believe that the broad public interest would be best served by the abolition of capital punishment and the passage of the two bills we have before the House and the committee to restore in our society the kind of law, order, and protection for our citizens which all of them expect and have a right to receive.

Capital Punishment

Some hon. Members: Hear, hear!

Mr. David MacDonald (Egmont): Mr. Speaker, I am very impressed by the words of the hon. member for Ontario (Mr. Cafik), and certainly by the number of factors he put before the House in the last few minutes with respect to the arguments which he saw as being of a pragmatic nature, as he indicated, leading him to believe that the abolition of the death penalty should now be finally approved.

I hope to keep brief the main substance of my remarks because I think the nature of this debate is such that it will be important that many hon. members can take part in the discussion. As a member who has taken part in at least two previous debates on this subject, there may be a number of other members on both sides of the House who would question whether I had anything of a substantial nature to contribute—

● (1600)

Mr. Chrétien: Just give us the page numbers.

Mr. MacDonald (Egmont): I could give the page numbers and let the minister go back and read the speeches. Perhaps they are better. I think there are a couple of misconceptions which are new, however, and I want to deal with them. There are also two basic aspects of what we are faced with in the legislation which I hope to touch on, perhaps by way of emphasis rather than with new material.

First of all we have to look at the context in which we approach the present debate. I know the debate is theoretically, and I suppose legally, on the subject of whether we will abolish the death penalty. As hon. members and the public realize, this is increasingly becoming a kind of theoretical issue. Since December, 1962, a large segment of the general public realizes that we have had a *de facto* abolition of the death penalty, and there have been many requests, petitions, letters and statements with regard to reinstatement of the death penalty. We should face the fact, however, that for well over a decade it has been accepted that the death penalty has not really been an option either in the minds of the courts or in any other aspect of the criminal justice system.

There is a real danger in having an unreal discussion, as if we were going to start something new next week or next month and have not had almost a decade and half experience with it already. That experience should quieten to a degree some of the hysteria about the great danger to society if capital punishment is abolished. Through a decade and a half of abolition I do not think people have been terrorized in the streets.

I have been increasingly impressed by the high degree of acceptance in Canadian society, compared to a great many other countries in the world, of the security that exists here. It is true that individual instances of violent behaviour are reported from time to time and that, particularly in urban areas, there has been some intimidation that tends to make people fearful. I am very much inclined to the view of the previous speaker, however, that we are in much greater danger of being terrorized by the kinds of violence portrayed on television and in the media, and by