

*Capital Punishment*

correct the errors of our human legal processes, and they are human and fallible.

Many thoughtful speeches have been made during this debate and the debates during these past ten years or more in the House on this subject. I will not try to repeat the arguments which have influenced my thinking. Many of my constituents have written me, telephoned me and discussed with me in person this issue over the past ten years. If there is any member of this House who has attempted to consult his constituents, to stimulate their participation in the democratic process and their commentary on current affairs and national issues, I hope I am one. I have felt that it is my duty as a member of parliament, a duty given me by those who elected me, to study an issue of this importance as deeply as I can and to reach a responsible and conscientious decision based on the facts as I found them. During these past ten years I have searched for evidence that would persuade me that the death penalty is a necessary part of our law. In the process of this consideration I have, perhaps incorrectly but in my own mind correctly, eliminated every other justification for the death penalty but one, and that is the protection of society.

In all the debates and all the evidence in this House during these past ten years I have not been persuaded that the death penalty has anywhere in the world been effective in reducing the incidence of capital crime. If it were otherwise, I would not hesitate to accept capital punishment. I do feel that the state has the right to levy such a punishment, but only where it is clearly demonstrable that society achieves some protection as a result. I have not been so persuaded and I am, therefore, still very much convinced that capital punishment should be removed from our statute books.

What is the responsibility of a government in this respect? Much has been said about that in this debate. For me, this is a free vote, but I must say I do not think it should be. I feel that a free vote in many ways is an abdication of responsibility on the part of the government. Why capital punishment should be less a matter of commitment on the part of any government than bilingualism, than divorce, than any other subject which is constantly put before this House by a government, for which a government takes responsibility, I do not know. I would have much preferred that the government had not only put forward a bill in the terms which met its convictions, but that it had been prepared to stand or fall as a government on the way in which this House dealt with it.

The government initiative on which we are now about to vote is long overdue. I regret that the impression has been allowed to build over the last few years of an almost routine commutation of death sentences. The cabinet, I have reason to know, takes each case very seriously and considers the merits of each one. However, the longer the government put off committing itself to abolition and carrying out its intentions in the most direct way, with the approval of parliament, the greater the chance there has been that the public would lose confidence not only in the government but in the processes and administration of the law. I welcome this initiative for abolition. I wish it were an initiative on which the government were prepared to take full responsibility as on other important measures, but I am prepared, as an individual member, to take my

[Mr. Stanbury.]

responsibility as will all other members when they vote tomorrow.

It has been suggested that as members of this House we must vote according to our estimation of what our constituents want. I believe in consulting my constituents. I believe in their wisdom, and what they tell me influences my thinking a great deal. However, I believe members of parliament are here in the best British parliamentary tradition to take responsibility for their own decisions and not to pass the responsibility for those decisions to those who sent them here.

● (1630)

I believe it is incumbent on each member to satisfy himself or herself about the wisdom of a decision that he or she is called upon to make, and if they do not do so they are short-changing those who sent them here. So I will cast my vote, as I have in the past, bearing in mind what my constituents have told me on various aspects of this matter, bearing in mind my own feelings and conscience but, most of all, I will base my decision on the facts as I have found them to be and on the judgment that I can bring to bear as a responsible and conscientious representative of my electors.

Probably all members have received a letter from a man in Biggar, Saskatchewan, who wrote very movingly about his 17 year-old daughter who was killed in 1973. This man wrote:

Courtrooms, laws and even the hangman's noose seemingly provide no influence or restraint whatever over an anxious, distressed or afflicted mind.

He suggests that hanging is meaningless and even disgraceful for this day and age. The noose, he says, will only serve to indicate our backwardness. He goes on:

You and I have an obligation in attempting to erase as much of human suffering and punishment as is possible. We, the Canadian people look to you as a member of the Parliament of Canada for the required leadership toward such an end.

I hope that on whatever side of the matter members find themselves, we will attempt not simply to reflect the mass feeling of the moment but that we will exercise our conscientious judgment, bearing in mind the interests of society as a whole, not simply those who might be under sentence of death now or in the future, and that we will put our emphasis on the prevention of crime and suffering and on respect for life; in short, that we will exercise leadership. In so doing, I hope sincerely that tomorrow we will dispose of this question in the Canadian parliament once and for all.

**Mr. Deputy Speaker:** It appears that the debate on third reading of Bill C-84 has been concluded, as no other hon. member is seeking the floor. However, the House will recognize that it would be improper for me to put the question on the motion for third reading until the House has pronounced itself on the amendment. Does the House agree that the debate on the motion for third reading of Bill C-84 has now been concluded, and that the question will be put, if necessary, immediately after disposal of the question on the amendment which has been deferred until tomorrow?

**Some hon. Members:** Agreed.