

*Criminal Code*

[English]

**Mr. Eldon M. Woolliams (Bow River):** Mr. Speaker, today we have heard some arguments by the abolitionists and also some strong arguments by the retentionists.

• (5:20 p.m.)

**An hon. Member:** What arguments?

**Mr. Woolliams:** Somebody asks, "What arguments?" This perhaps brings me straight away to the meat of what I am about to say. All arguments or points in reference to the abolition of capital punishment have for more than 100 years been brought out, studied and repeated. Hence it is very likely that nothing new will come from this debate. However, it is best to review the situation.

The question of the abolition or the retention of capital punishment, as we have seen this afternoon, is a highly emotional and controversial subject and one on which well informed and objective thinking persons disagree. If we look at the picture presented we can see how some hon. members got into the realm of emotion by simply thinking of accused awaiting trial, the time of the trial, the time spent awaiting the death penalty and so on. Men and women in society can go into an emotional frenzy when talking about this subject and we saw some of that emotion this afternoon.

No matter how monstrous a crime the accused may have committed, when some people look at the consequences of that crime they go into an emotional frenzy. When questions are asked in public about these things, these people then go into the same emotional frenzy and become as disturbed as if they were witnessing a deed which had been planned and premeditated.

Marullus referred to mass emotional psychology in the Shakespearean play, "Julius Caesar". When the people of Rome one day rejoiced over the victories of Pompey and a short time later rejoiced over the defeat of Pompey by Caesar, Shakespeare, through his character in the play, said:

You blocks, you stones, you worse than senseless things! Oh, you hard hearts, you cruel men of Rome, knew you not Pompey?

This analogy emphasizes how quickly the reactions of people change. I am not sure that the reactions of members of parliament have not changed. One day society cries out for the death penalty and another day it demands abolition. I suppose this is not unusual but is just human behaviour.

[Mr. Cantin.]

At the outset I cannot say, as some hon. members have this afternoon, that in the past I have been a crusader for the complete abolition or retention of capital punishment. It may be that in this debate I shall become convinced that society will be as safe, as moral, and as good a place in which to live if capital punishment is abolished. It is hoped that crimes that are monstrous, that are planned and deliberate murders, will be dealt with effectively by substituting life imprisonment for the death penalty. But when we talk about life imprisonment do we mean imprisonment for life until death? I point out that life imprisonment in Canada does not mean that now. Life imprisonment in Canada may mean a term of eight, 12 15 or 20 years.

Those who are strong advocates of abolition may have to answer that question. Up to the present I am far from satisfied that the abolitionists have answered it, but I still have a searching and open mind and it may be before this debate ends I shall be able to reach some compromise. I am not suggesting that the subject is one with regard to which it is proper that there should be compromise as between those people who favour the retention of capital punishment in some form and those people who support complete abolition. It may be that there are some kinds of monstrous crimes for which capital punishment should be retained.

I listened to the hon. member for Royal (Mr. Fairweather), I listened to the very emotional speech preceding his and I listened to the hon. member for Vancouver East (Mr. Winch) for whom I have great respect. I know that he has been studying this question for some years and looking into its problems. He dealt with methods. I do not think that this is a debate to deal with methods. I should also like to say that I am not going to quote from writers because we all have the opportunity to read them and each member has only 20 minutes at his disposal.

I should like to say, however, that I have acted as senior counsel in murder cases and have had personal experience. When one does act in that regard, one is alone. When one is senior counsel defending an accused before the bar of justice and the only penalty for the crime is the death penalty unless it is commuted, then counsel is alone. Counsel must weigh any evidence that may be given by the defence. One of the most important responsibilities he has to weigh is whether in the kind of crime he is defending the accused should be called as a witness at his own trial.