

*Capital Punishment*

package the government has presented. There are three bills that have been introduced to deal with these questions. Capital punishment must be viewed in the light of these proposals taken as a whole because they constitute a package to deal with this central question.

Bill C-71, dealing with bail reform, switches the onus so that under this legislation the individual must now prove that he will not constitute a threat to society after release on bail. I think this is a welcome change which gives a great deal of protection to citizens in our society against dangerous criminals who might be too readily released on bail.

Bill C-83, which is presently before the standing committee, deals with the following items. First gun control is invoked, consisting of licensing of all gun users. I am not saying this bill is perfect but I support its central thrust of making sure that guns are not given to people or may not be purchased by people who are mentally deranged, have a history of violence in our society, or who perhaps have been regular abusers of drugs or alcohol and so on. I made a speech on gun control only a few days ago in the House of Commons and indicated my concern about that legislation. Therefore I shall not go into the subject further now.

Second, Bill C-83 deals with crime inquiries on the provincial level which are now being authorized through this legislation to fight organized crime in a more effective way. I think that is a responsible response.

We have further expanded detection and electronic surveillance to allow additional police powers so that we can deal further with organized crime. Dangerous offenders who may constitute a threat to the safety of the public are now subject to indeterminate sentences so that they will not be re-released into society if they continue to constitute a threat to the safety of the public.

There is also a broadening of the activities in relation to crime prevention and the imposition on all levels of government of stronger measures to ensure adequate custody and safe technique for release of inmates.

Bill C-84, with which we are dealing now, essentially covers the question of capital punishment, treason, and other offences of that nature. It deals with the problem in the following ways. First, first degree murder is redefined with a penalty of life imprisonment and with no eligibility for parole in less than 25 years.

Second, in respect to first degree murder, the judiciary may recommend a reduction of the non-parole period to a point not less than 15 years.

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Third, community membership is proposed to be included on the Parole Board in the determination of whether an inmate will be released on parole into a given community situation.

Fourth, first degree murder is defined as premeditated, and in addition to that, any homicide relating to police officers or prison guards, or murder committed together with hijacking, kidnapping, rape or indecent assault. All other murders will be considered second degree murder. The penalty here is also life imprisonment with no parole eligibility in less than ten years, and the court is entitled to

[Mr. Cafik.]

extend this period to a point not exceeding 25 years if it believes it is in the public interest.

In so far as temporary leaves and absences, day paroles from prisons and so on are concerned, those sentenced to life imprisonment will not be eligible for parole except in the last three years of their non-eligibility for parole period. In addition there will be a mandatory one to fourteen years added on for anyone convicted of a crime committed with the use of firearms. That is over and above the penalty they would normally receive for the original offence.

The next point I want to talk about for a moment is the feeling that so many have that our prisons are insecure and that the amount of time served by people in prison has become less and less over the past few years. I myself was surprised to learn that during the period from 1961 to 1968 those who had their death sentences commuted to life imprisonment had served an average of 12 years in prison. Those who had been sentenced to life imprisonment served an average of 6.2 years. However, during the Trudeau administration, from 1968 to 1974 those who had their sentence of death reduced by commutation served 13.2 years, which is more than such persons served in the preceding period prior to this government coming into office.

Those who had been sentenced to life terms also served more time than the same group during the period from 1961 to 1968 because the time they spent in prison went up from 6.2 to 7.7 years.

Let us look at the proposed legislation with regard to the time a person will in fact spend in prison. Those convicted of first degree murder will spend up to 25 years in prison instead of 13.2 years, unless a judicial review proposes to reduce the pre-parole period to less than 25 years, but more than 15 years, and the Parole Board agrees. That is a very substantial change. In the case of those sentenced to life imprisonment the 7.7 years actually served in the period from 1968 to 1974 will become never less than 10 and could go up to 25 years. I think that this illustrates to the public that their perception of this government being soft in terms of length of time being served by those convicted of criminal offences simply does not wash.

These are tough measures to combat crime in Canada, particularly violent crime, and I basically support them. However, there is still more to be done, particularly with respect to uprooting and eliminating the underlying causes of crime in society.

I should like to make a few brief comments about capital punishment per se. First, I am not opposed to capital punishment in principle. To vote for capital punishment would not in any way offend my conscience. I understand that a large percentage of those who are opposed to capital punishment oppose it because of some deep philosophical or theological reason. I believe, without any doubt in my mind, that the state clearly has the right to impose capital punishment if the protection of society genuinely requires it. The question is, to be adequately protected, does society require capital punishment? My position is a more pragmatic one based on my considered reason and judgment. My judgment is based on research and a careful consideration of the arguments which have been put forward by those who advocate capital punishment.