

Capital Punishment

of cogent arguments and not on the basis of irrational prejudices.

The purpose of the original trial period in 1967 was to allow for a period during which those crimes punishable by death would be severely restricted. This five-year experiment would be a time of intense study and analysis, the results of which were to guide the House's deliberations after December 29, 1972. We are beyond the termination date of that five-year period but, unfortunately, we do not have the full data for the entire five years on which to base studies and, hence, legislative recommendations. Statistics are some two years behind, and therefore at the moment we are only in possession of full data covering the first three years of the trial period.

We are just receiving the statistics for 1971. It seems to me that we must see the process, commenced in 1967, through to its logical conclusion. That further necessitates making no substantial change in the law until such time as we are in a position to fully understand the impact of the partial abolition. Bill C-2 will allow us to complete this evaluation. If the House agrees to the provisions of Bill C-2 we will be able to compare three periods of approximately six years when three distinct and different laws concerning the death penalty prevailed. If we are properly to acquit ourselves of our responsibilities to the public, Mr. Speaker, we must be prepared to grant the time necessary to study the effects of the three laws so that decisions can be made on sound ground.

• (1210)

In conjunction with the discussion of this bill, it appears necessary to dispel some erroneous information with respect to two other matters, that is commutation and parole. Contrary to some suggestions, there has been no policy of routine commutation exercised by the government since 1968.

Mr. Woolliams: That is rubbish. You can't believe that; you are joking. Whoever wrote that speech does not know the situation.

Mr. Allmand: Mr. Speaker, since 1968 there were four convictions for capital murder and each of these four cases resulted in commutation. On each occasion these cases were the subject of long and detailed examination by the cabinet. The procedure for reviewing capital cases by the governor in council is premised on the need for the fullest particulars in respect of the case at hand. Transcripts of trial proceedings are gathered along with detailed police reports and additional information relating to the condemned person's character and mental state. Representations from the defence counsel are made to the Solicitor General who then takes the question of commutation to his cabinet colleagues, each of whom has been supplied with a copy of all the relevant material.

At this point the case is discussed exhaustively and when a decision is taken an order in council is issued either commuting sentence or instructing that the execution should be carried out. Particular attention is given to any recommendation of mercy from the judge or the jury, and of the four cases since 1968 there were recommendations for mercy in three.

[Mr. Allmand.]

Notwithstanding the fact that no execution has taken place since 1968—

Mr. Woolliams: Mr. Speaker, I rise on a question of privilege. I know that the minister is a gentleman and I do not think he has done this deliberately. Somebody within the department has supplied this material. My question of privilege is this. I can count them up; I received this information from the department, there have been 12 commutations since January 4, 1962, yet the minister is dealing with a figure of four.

An hon. Member: He said since 1968.

Mr. Woolliams: I am sorry, January 4, 1968.

Mr. Speaker: Order, please. That is hardly a question of privilege. Perhaps the hon. member is asking a question of the minister, but that cannot be considered a question of privilege.

Mr. Allmand: Mr. Speaker, I heard the hon. member mention 12 cases during the question period and I was somewhat surprised, because I was given statistics indicating there were four cases of commutation since the new law went into effect at the beginning of 1968.

Mr. Lambert (Edmonton West): There were four in Alberta alone.

Mr. Allmand: I rechecked that after I heard the hon. member put the question, and the information I have here is that there were four cases, but I will check it again.

Mr. Lambert (Edmonton West): Oh, gracious!

An hon. Member: He said 1962.

Mr. Allmand: The information I have is that there were four cases since 1968.

Notwithstanding the fact that no execution has taken place since 1968, and I want to emphasize again that there has been no automatic commutation, that each case has indeed been examined in detail before a decision has been made, I should think that some hon. members on the other side who were members of the Cabinet before 1963 know that serious consideration is given to these matters.

There are some misunderstandings concerning parole regulations governing the release of individuals who have been sentenced to life imprisonment. The regulations stipulate that such a person shall serve the entire term of the sentence in prison unless, and upon recommendation of the parole board, the Governor in Council directs otherwise. However, the parole board may not recommend parole in such a case until at least 10 years of the term of life imprisonment has been served. I think it important to note that there are significant safeguards to ensure that such persons do not return to society unless the Governor in Council so provides. Furthermore, the National Parole Board must be convinced that rehabilitation has taken place before it would recommend such a release. Since 1867 only one person convicted of murder and sentenced to life imprisonment has killed a second time while on parole.