

• (9:50 p.m.)

As I say, Mr. Speaker, I would expect that most of us would do this because it is a generous impulse that provokes this rage and indignation. But it is not a generous impulse that suggest, "Let us get the hangman. Let him go and hang this man for us." I say this because I think we should realize that in no murder trial is it possible for all the facts to come out. The facts go far behind the actual crime of murder. I have heard a great deal in this debate about protecting society from those aberrant individuals, but I have heard practically nothing in this debate about protecting the individual from what society does to him. Unless we can go along the strange, dark, twisted road that a human being has to go before he finally commits the crime of murder, we are in no position whatever to judge him. We are judging not a man who has suddenly become a murderer, we are judging a man who, through force of circumstances or how society has treated him, has been twisted and brought to the point where he is able to commit this crime.

I think the proof of our real attitude toward this fellow, Mr. Speaker, is how we go about it. We do not take the murderer and hang him in the market place. We do it in the dead of night. We do it in secret and in private. Whenever we do something on those terms, it is something we are ashamed of doing, otherwise we would not do it this way. We are ashamed of it even though we will not admit it.

Usually we are ashamed of evil things. I know there are many who are not convinced by this argument. I know there are many who still have fears and apprehensions they have been unable to overcome. They have been unable to overcome their quite natural fear of murder. To those I would say the amendment produced this afternoon by the hon. member for Rosedale (Mr. Macdonald) putting forth the idea of a five-year trial period, should be the answer. Last year in November in Great Britain the British House of Commons passed the Murder (Abolition of Death Penalty) Act. It was passed on November 9, 1965 and is to expire on July 31, 1970, unless the British parliament by affirmative resolution of both houses otherwise determines. The abolition of the death penalty for murder was for offences corresponding to murder, murder under the Army Act and under the Naval Discipline Act, and substitutes instead a sentence of imprisonment for

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life, except in the case of a person under 18 at the time of the commission of the offence, who is to be detained during Her Majesty's pleasure.

On sentencing a person to imprisonment for life, as above, the court may declare the period which it recommends as the minimum period which should elapse before release on licence; and no person convicted of murder is to be released on licence unless the secretary of state has had prior consultation with the Lord Chief Justice, together with the trial judge if available.

The act reads as follows, Mr. Speaker:

No person shall suffer death for murder, and a person convicted of murder shall, subject to subsection 5 below, be sentenced to imprisonment for life.

On sentencing any person convicted of murder to imprisonment for life the court may at the same time declare the period which it recommends to the secretary of state as the minimum period which in its view should elapse before the secretary of state orders the release of that person on licence under section—

For the purpose of a proceeding on or subsequent to a person's trial on a charge of capital murder, that charge and any plea or finding of guilt of capital murder shall be treated as being or having been a charge, or a plea or finding of guilty, of murder only; and if at the commencement of this act a person is under sentence for murder, the sentence shall have effect as a sentence of imprisonment for life.

I would plead with those who, after giving serious consideration to this, feel they cannot support the abolition of capital punishment without some provisos, to give this five-year trial period a chance. Let us see what comes out of it. Five years should be sufficient to settle this argument as to whether or not capital punishment is a deterrent.

Mr. Vincent: We have had a three-and-a-half year trial now.

Mr. Cameron (Nanaimo-Cowichan-The Islands): Yes, we have had a three and a half year trial. If we want to take that into consideration, then there is your proof that capital punishment is no deterrent and that the abolition of capital punishment does not promote homicide.

I am suggesting that unless you are prepared to accept that, and any rational person would be, then we now have a chance to have a certain set period from the date of the passage of the amendment to the Criminal Code, in which to see if the statistics which we have had to date are borne out during that five-year period. As I said, I am not going to enter into any argument as to