

parties. Certainly my own personal wish is for this smoke-screen to collapse totally and for this parliament to regain some of the dignity and prestige it has been losing in past years by voting in accordance with the wishes of the majority of Canadians.

In any case, as I was saying earlier in my remarks, it is time for action in dealing with violent crime in Canada, and it is also time for the Prime Minister to appoint people to those two ministries who will do more than just stand around wringing their hands over the fate of the poor, misunderstood murderers. If these actions are not dealt with, and if the government, starting with the Prime Minister himself, does not begin, first, to follow the laws of the land as set out by parliament, and second, to abide by the wishes of the great majority of Canadians when it comes to an emotional issue such as this, then there certainly should be no other alternative but, as I said earlier, to dissolve parliament, call a general election, and place capital punishment on the ballot for the good and well-being of all Canadians.

The Canadian people want action, and they want it now, and I can only say to hon. members on either side of the House who will vote for the abolition of capital punishment that they should live with their consciences over the death of each innocent man, woman and child who has been brutally murdered by individuals who need not have respect for the law because all they have to do is follow the example of the cabinet.

Miss Flora MacDonald (Kingston and the Islands): Mr. Speaker, my intervention in this debate will be brief. While I agree that there is nothing of greater importance to discuss and decide than the matter of life and death, nevertheless I feel too much of the time, attention, effort and energy of this House and of Canadians generally are being devoted to the question of abolition or retention of capital punishment, and not nearly enough to the causes and eradication of crime.

Some hon. Members: Hear, hear!

Miss MacDonald: In 1973 I voted for Bill C-2 with reluctance, stating that I would much prefer to have seen legislation introduced at that time which would abolish capital punishment totally. This time I shall vote for Bill C-84 with reservations, not because I have in any way changed my views as to the necessity for total abolition, but because I am gravely concerned about those clauses of the bill which call for the establishment of mandatory minimum sentences. To my mind, that aspect of the bill makes it a very retrogressive piece of legislation.

Surely everyone in this House and every responsible member of society is deeply concerned about protecting society from the crime of murder. The protection of the public takes precedence over every other concern. The question is, then, how best can we ensure that protection? What are the means to enforce it? Is capital punishment a protective measure? While statistics have been cited to show that it is a deterrent, as often as not those same statistics are used to show that capital punishment has no deterrent value.

Many organizations and studies have been quoted on this matter. Let me add one more. It is from the Canadian

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Association of Elizabeth Fry Societies, and that association states:

The most frequently used argument in favour of capital punishment is that it serves as a deterrent. Many studies, including recent ones at the University of Montreal and the University of Toronto, have shown that this is not so. While the murder rate in Canada has risen in the past five years, during the temporary suspension of capital punishment, the rate of other crimes of violence has increased even more quickly in this same period. The incidence of murders in many countries around the world indicates that the number of murders is related to economic conditions and the temper of the times, but has no relationship to whether or not the death penalty is used.

Another common argument in favour of capital punishment is that it serves to protect society. We point out that such protection is not necessarily complete, because even if the death penalty is retained the courts might often accept the plea of manslaughter to avoid a capital sentence. On the other hand, if adequate safeguards are built into the parole system, it should be possible to protect society without having to resort to capital punishment.

I believe that capital punishment is ineffective as a deterrent, and I also believe that Bill C-84 in its present form is largely ineffective as a measure for the better protection of society.

Let me elaborate. First of all, I believe the arbitrary nature of some of the distinctions between first and second degree murder is counter productive to the intent of the legislation to protect members of society. A planned or deliberate murder would be considered first degree murder under this legislation and would carry a penalty of a mandatory minimum sentence of 25 years. Thus an individual convicted under this charge, involved in a single act against one individual, would be imprisoned for 25 years. Yet scientific evidence in recent years—in particular, two specific findings of criminal research—shows, first, that convicted murderers have low recidivism rates, and second, the longer the imprisonment, the slimmer the chances of rehabilitation.

However, let us consider the case of an unstable individual who, in a rage or acting on an impulse, murders several people, an occurrence which has been too sadly familiar in recent years in this country. This individual would be considered subject to the charge of second degree murder, and the terms of this bill would make that person a less dangerous threat to society. In reality the risk to society is often higher in the case of impulsive, irrational behaviour, yet the arbitrary nature of this legislation creates more stringent restrictions against those who plan one act.

Another questionable point of arbitrary classification in this legislation is the charge of first degree murder in cases where murder is committed during an attempted rape, indecent assault, kidnapping, forcible confinement, or hijacking. I do not for one single moment underestimate or underrate the heinous nature of these crimes and the abhorrence of murder under these circumstances, but by what criterion is a life taken during an attempted robbery less valuable than one taken during an indecent assault?

In terms of the protection of society this distinction is just not valid. According to a publication from the minister's own office, 66 per cent of murders committed during the commission of other criminal acts between 1961 and 1974 were murders associated with property and monetary crimes. Yet these murders, under this new legislation, would be deemed less threatening to society and have less