

*Capital Punishment*

who have some type of an emotional bond with each other. Many of these murders take place in association with alcohol intoxication or intoxication by other drugs. These domestic murders tend to be committed impulsively. In those circumstances there is no stopping to consider the consequences. Even those who say that the death penalty is a deterrent, which is questionable, would surely not say that it can be a deterrent if a person is intoxicated and/or enraged and not carrying on in a logical fashion.

To counter this tragic situation of domestic violence and domestic murder there are many measures that can be taken. For instance, there can be more prompt police response, which means being willing to spend a little more money on policing. There can be tighter controls instituted to minimize spur-of-the-moment purchase of firearms. Basically, something can be done with the whole social services infrastructure such as jobs and service to help remove the basic social problems that put families and individuals into stress and conflict.

● (1320)

A small number of murders in Canada are committed by mentally ill people who are not in touch with reality and who certainly would not be deterred by the prospect of capital punishment.

Then we come to murders committed under orders. Perhaps when people think of capital punishment they tend to think in terms of contract killings or armed robberies planned by criminals. These are the minority of murders, but these are the murders which perhaps represent the real risk to all of us.

The person who orders a murder often escapes punishment. It is true that we have laws that deal with conspiracy, but in the case of contract killings the paid killer does not usually reveal the name of his employer. All of us in the House have received information from time to time about persons who have ordered killings from their desk, in some cases from penitentiary, and have been able to go scot-free. Changes are needed to ensure prompt and effective apprehension and punishment of those who issue orders to kill.

I think we must look again at our rules of evidence. Our whole legal procedure was put in place when the death penalty was in place. All kinds of procedures were built in to avoid the awesome responsibility of an innocent person being put to death. This means that while it is reasonable that the onus of proof should be on the accuser, that the person should be presumed innocent until proven guilty, our procedures have gone so far that many people are saying that the procedures really favour the guilty, especially the guilty who have a lot of money and can afford to pay high priced legal help. I think there is a very good case to be made for reviewing all our legal procedures and the rules of evidence. In fact, I understand the Law Reform Commission has recently made some recommendations along those lines.

There are other matters which I think should be looked at, such as guidelines in respect of compensation for police

informants and police protection of witnesses. Again I am speaking in the context of murders committed by criminals in the course of their criminal activities, where there is profit motive or a motive of vengeance and where paid killers are used.

I also happen to think that the Government should at this point institute a royal commission into organized crime which would recommend ways of eliminating violent crime from this source. I have a Private Member's Motion on this topic which has thus far had two hours of debate in the House. If we can ensure that the proceeds of organized crime are not used to infiltrate and influence our institutions, if we can prohibit the laundering of proceeds of organized crime through legitimate Canadian businesses, if we can remove some of the profit motive from organized crime, and if we can remove their trafficking in drugs, I think we will also be taking a major step forward in reducing murders.

I would like to see this kind of concentrated attempt to protect Canadians from violent crime. I think this would do very much more for Canadians than reinstating the death penalty and killing a few people after the event.

The last time we had a debate on capital punishment in the House was in May 1976. I took part in that debate, and at that time I reviewed the history of capital punishment in Canada. It is quite interesting to see some of the changes which have come about since then, but also to see what happens when we had capital punishment on the books.

Members will know that in 1967 the Government of the day, headed by Prime Minister Pearson, introduced and Parliament enacted a Bill to abolish the death penalty for a five-year trial period. In 1972 Parliament was faced with the option of extending that Bill or returning to the death penalty. The decision in early 1973 was to introduce a Bill for a further five-year extension, and this occurred. However, prior to that 1973 extension, and in fact prior to the 1967 Bill, there had been no executions in Canada since 1962, the reason being that most executions were commuted by the Governor General by Order in Council. Indeed, there is a very long tradition in Canada of commuting sentences.

The authority to commute sentences, including sentences of death, has existed since Confederation, in two ways; first, the ancient right of the Crown to grant mercy, a right which was transferred to the Governor General by letters patent in 1947 and, second, the statutory power of the Government of Canada. Even as far back as 1869 one finds mention in the statutes of Her Majesty's royal prerogative of mercy.

These powers, both the royal prerogative of mercy and the statutory power of the Government of Canada, were used extensively and, as I said, from 1962 there have been no executions in Canada.

As one looks at the history of capital punishment in Canada and in all civilized countries of the world, one is impressed by the procedural safeguards which exist all through the process of charging an individual with murder, the hearings, and the