

*Criminal Code*

the death penalty, and others, talk about revenge and retribution and the fact that the death penalty is invoked for those reasons. In my opinion it is not revenge or retribution but it is punishment, and it is punishment not for its sake after the fact but for its sake before the fact, its sake as a deterrent to protect society.

A distinguished Queen's Counsel in Winnipeg, Mr. Maurice J. Arpin was outlining the case for the retention of the death penalty in a Winnipeg newspaper last week end and quoted a statement by a Lord Halifax speaking in the reign of King Charles II, who said:

Men are not hanged for stealing horses but that horses may not be stolen.

This is my view, sir, of the ultimate penalty, the death penalty or my choice as an alternative, the life penalty. The hon. member for York South (Mr. Lewis) in a distinguished address earlier today said that the abolition of the death penalty for non-capital murder has not affected the number of non-capital murders since 1961. With all respect I would ask, what sort of ammunition is that for abolishing the death penalty for capital murder—and this is what we are talking about.

It seems to me self-evident that the incidence of non-capital murder is not going to increase or decrease no matter what the law is, because under our judicial system non-capital murder is by definition unpremeditated and therefore unpredictable. What we are talking about here is capital murder, premeditated murder, plotted murder, syndicated murder, for which we still have the death penalty; and what we are asking ourselves is whether we should perhaps abolish the death penalty for it, too.

We are not debating this issue as something calculated to lift Canada out of the Dark Ages. We left the Dark Ages long ago in regard to the subject of capital punishment. We have come a long way in Canada on this question. I do not think enough debaters and participants in this debate have given the country and our society credit for this. There is a very enlightened law on our statute books today distinguishing and differentiating between capital and non-capital murder. Only a certain type of killer can be executed in Canada today, the adult killer over 18 years of age who chooses to take another person's life in cold blood. So when we talk about abolition of the death penalty we must not confuse the issue. We are talking about abolition of the death penalty for this type of

[Mr. Sherman.]

killer; not for our Steven Truscotts, not for our mentally ill, not for our killers by accident, not for our killers by passion. We have already abolished the death penalty for all of them and substituted a prison sentence from which they can be freed, conceivably, in something less than 10 years.

We are talking about abolition of the death penalty for the community's arch-foe, the deliberate killer who chooses to take another person's life in cold blood. I want abolition of the death penalty for him, too, sir—not for his sake but for my sake, and only if an equally strong deterrent is substituted in its place, something like the death penalty, that stops certain would-be murderers right now from carrying out their deeds of death.

I submit, Mr. Speaker, that the only alternative is the life penalty; not the type of life sentence our non-capital murderers get, because the deterrent must be as strong as the death penalty. I refer again to the Lord Halifax of the reign of Charles II, who said:

Men are not hanged for stealing horses but that horses may not be stolen.

Some hon. members, such as the hon. member for Kamloops (Mr. Fulton) insist that you cannot send a man to prison for life. This logic bothers me somewhat, sir. The hon. member says that you can send a man to the gallows, you can string him up like an animal and take his life by violence, but you cannot send him to prison for life. Certainly the life penalty is harsh, but then so is the death penalty. I say that the latter act brutalizes me and all society, and I do not want to do it. But it has its deterrent effect. It helps protect society. It is the extreme punishment for the extreme crime and I suggest it has stopped many men committing murder.

The substitute, then, while avoiding the brutalizing aspect, must be an equally powerful deterrent. I do not mind paying taxes to feed, clothe and maintain that foe of society for the rest of his life. For our protection he must forfeit his freedom. I will maintain him in an institution for the rest of his life.

What is so hideous about the life penalty, the life sentence, when it is only going to be meted out to a cold-blooded, deliberate, premeditated murderer? It is not something that is going to be sprung upon our capital murderers without warning. Once it goes into the statute books, the warning goes out to everyone: If you plot and carry out deliberate murder, if you choose to murder someone, then you forfeit your freedom, your life as a