

**Mr. Douglas:** An individual who has become so mentally sick that he will take another life or ravage a child is certainly not a mentally healthy or normal individual.

The third reason I am opposed to capital punishment, Mr. Speaker, is that I believe there are better ways to ensure the safety of society. I completely agree with the hon. member for Winnipeg South Centre who argued that we must be concerned about the safety of the public. When he asks which is the more important, the life of an innocent person who may be killed or the life of a murderer, there is no doubt that the life of the innocent person is the more important. But is the fact that we break a man's neck any guarantee that innocent people will not be hurt?

We are not suggesting removing the penalty. We are saying that the penalty which ought to be retained is one that will do the two things which are important. First of all, it must be a penalty which will remove the convicted person from human society as long as that person is likely to be a menace to the safety and well-being of his fellow men. Second, that person should be given an opportunity to receive whatever psychiatric treatment and rehabilitation is possible in the light of his own particular circumstances.

What we have to decide is what we are trying to do, Mr. Speaker. Are we thinking purely of punishing somebody because they have done wrong? Are we thinking purely in punitive terms? Are we thinking purely in terms of vengeance or retribution? Or are we thinking of the two things I have mentioned, first, the safety of society by incarcerating the convicted murderer for life and, second, the possible rehabilitation and redemption of that individual. There is additionally the third great advantage that if society has made a mistake it is possible to rectify the mistake, because justice is a human institution and like all human institutions it is liable to error.

I maintain that society has no right to take from a man something which it cannot restore to him. If society makes a mistake and confines a man to prison, depriving him of his freedom, when that mistake is found out society can at least restore to him his freedom and provide him with some compensation for the years he has been incarcerated. But if we hang a man and then find that a mistake has been made there is nothing at all which can be done to make amends.

### *Criminal Code*

My quarrel with the death penalty is that it is purely a negative attempt to promote the safety of society. We need to adopt positive measures to promote the safety of society. For instance, we need better law enforcement. In both Canada and the United States every year a great many unsolved crimes are committed. One of the best deterrents is for the criminal to know that if he does commit a crime he will be found out, that he will be incarcerated and put in a place where he can no longer be a menace to the community. We need quicker crime detection methods. For some types of crimes, particularly for those involving psychotics, there ought to be indeterminate sentences.

• (4:10 p.m.)

We all recall a case a few years ago in which a man sexually assaulted a child. He was sentenced to five years in jail. To my mind this was ridiculous because it was based purely on the punitive concept and not out of regard for the safety of the community. It was assumed that at five years less one day, when he was in jail, he was a menace but at five years plus one day he was no longer a menace. Such individual ought to be sentenced to be kept out of circulation until such time as a panel of judges, psychiatrists and social workers are as certain as a human person can be that the individual is no longer a menace to the safety of the community. I think that in many cases indeterminate sentences to keep out of circulation psychotics who are likely to commit crimes would be of great advantage. In the case I referred to the man got out of jail after five years. Within six months he had not only assaulted another child but had killed the child in the process. Had that individual been sentenced to an indeterminate sentence in the first instance he would not have committed this second heinous crime.

If we want genuine deterrents in this country we need a program of penal reform for the segregation of prisoners and for their rehabilitation so that young first offenders do not go to jail to take what is virtually a postgraduate course in crime.

Let us face the fact that when we talk about retaining capital punishment as a deterrent we are really trying to take the easy way out from solving our problems. In the long run society often gets the criminals it deserves.

Why do we have criminals? What is wrong with the society that produces criminals? Some years ago when I was attending