

*Capital Punishment*

premises. He suggested that the commutations which have taken place in recent years are based on the royal prerogative of mercy; at least, that is how I understood his argument. I stand to be corrected, but believe that the commutations in question have not been based on the royal prerogative of mercy. There may be one or more cases in which that prerogative has been exercised. In general, however, commutations have not been based on it. They have been based on a section of the Criminal Code authorizing the governor in council to commute sentences without using the royal prerogative. Surely the hon. gentleman is misleading the public if he builds his case of distrust in the governor in council on the royal prerogative of mercy argument when this very parliament gave the governor in council authority to commute sentences without using the royal prerogative. That prerogative has been untouched.

That will be my only intervention in this part of the debate, Mr. Speaker.

**Some hon. Members:** Five o'clock.

**Mr. Arnold Peters (Timiskaming):** Mr. Speaker, I am not speaking just because the government House leader said we shall adjourn if there are no more speakers this afternoon. I want to say a few words on third reading. Since there are not too many people present whom I can bore, this is a good time to speak.

I do not agree with the hon. member for Northumberland-Durham (Mr. Lawrence) who suggested there has been unfairness in this debate. In my time as a member of the House we have discussed capital punishment four times. We have gone through a good deal of emotion, discussion and soul-searching in this matter. In the end it boils down to this: either you believe in capital punishment or you do not. When all is said and done, all the arguments about capital punishment being or not being a deterrent really come down to one thing: you are either for capital punishment or against it.

About a week ago, when speaking with constituents who were berating me for being an abolitionist, I pointed out that I had fought three elections since I had made known my position publicly and they had not objected. Judging from my last questionnaire, the majority of people of my area were in favour of abolition. If they have changed their position, it is not known to me; although I must point out that retentionists have made their position known vociferously.

I asked my constituents how many people they thought would be executed in one year if we were to reinstitute capital punishment. One chap said he thought about 5,000 would be executed; another said the number was not so high, maybe about 3,000. I said to these people that if we executed that number every year we should quickly eliminate the criminal element right down to the level of pick-pockets or kids who go joyriding, because it would not take long for the message to get across to people in jail that crime does not pay. But I do not think even retentionists suggest we should hang that many people.

When I told my constituents that the retention of the death penalty might mean that we would hang, say, ten or 15 people a year—unless something really drastic were to happen within the next few years—one of them, I think the one who thought we would hang about 5,000, said,

[Mr. O'Connell.]

"Then you're making a hell of a lot of fuss over such a small number of people." Perhaps because of the small number involved the deterrent argument is no longer being used.

I did not vote with my party when the House divided on motion No. 4, which would allow a convicted person to choose death instead of imprisonment because I have for long felt that an extremely long prison term is the highest price anyone can pay for an offence. I felt, when the Solicitor General (Mr. Allmand) said that there would be imposed a 25-year mandatory sentence for first-degree murder and a 15-year mandatory sentence for second-degree murder, that he was calling for an extremely stiff penalty. I know that in certain cases the court might recommend reduction of sentence. Even so, think of it this way: the person of 40 or 50 years of age faces the prospect of spending the rest of his life in jail, with no hope of getting out, with no hope of being with his friends and relations. He must be locked away for the rest of his natural life. I suggest he will pay far too great a price, and in those circumstances I would favour providing the prisoner with the means to end his own existence. That does not mean the state should execute him; it means he should make the decision. Because he is in confinement, the state must provide him with reasonable means for eliminating himself. Frankly, I think a lot of people would take that choice. I think it would be a good choice.

Mr. Speaker, we will soon be faced with the problem of mercy killing. I am thinking of the person in hospital, terminally sick and suffering untold agonies. I am thinking of those whose minds have gone, an example being the young lady in the United States who was in a coma for a long time. People like that obviously have lost the ability to decide. Equally obviously, any prudent person caught in such circumstances would, if capable of making a decision, take that way out.

• (1500)

Some have said that it is a barbaric situation to allow people to commit suicide. However, we may remember a situation not too long ago with our neighbour to the south which is not considered barbaric. Many of that country's citizens berated Francis Gary Power for not taking the cyanide capsule he was given when he fell into enemy hands. Because of his special mission, it was anticipated he would take the pill and destroy himself. He carried a large number of national secrets. Therefore he was a great risk to the United States. They felt he should have done the honourable thing.

If it is all right in those circumstances, it should be available to someone with no hope for the future. A society that is socially well adjusted should make that kind of provision. I am sorry other hon. members do not see it that way.

I am not the least bit pleased with the way the motion has been written. If passed, I am not sure it will accomplish exactly what is intended. That brings us to another problem. Many motions presented during this debate have been poorly constructed. This indicates that members of parliament are receiving inadequate legal advice on how to prepare these amendments. This is something that should be looked into. A member who does not have legal training