

proposal—I would emphasize them—are natural life imprisonment.

• (1640)

I also believe that we need this type of deterrent as protection for society. All too often we hear that the rights of the murderer as an individual must be protected. I ask this House, is it not away past the time when we should begin considering the rights of the victims?

**Some hon. Members:** Hear, hear!

**Mr. Crouse:** When a man blows up an aeroplane in order to kill his wife and collect her insurance, I ask myself what respect he had for human life. When a man hijacks an aeroplane and shoots two or three, or more, of its passengers and then directs the pilot to some unknown destination, when he takes over a whole planeload of people, I ask myself what respect he has for the life of others or even for his own. Society, Mr. Speaker, is crying out for protection against this type of outrageous action, against this type of murderer.

When I am speaking about natural life imprisonment for convicted murderers I do not mean that they should spend the rest of their lives in a cell. Meaningful employment could be found behind prison walls which would enable the convicted man to earn his keep. This afternoon the cost to society of keeping a man in prison was mentioned. Mr. Speaker, I submit that the cost would be almost the same whether the prison was full or empty. The guards would still be there, the cost of heating and maintaining the institution would be the same, so under my proposal the convicted murderer would help earn his keep.

Within the limits of certain principles there is no reason why a prisoner for life should not be treated decently. He could be allowed opportunities for education and for responsibilities within prison society. However, he should not be given even the hope of freedom except as he can manage to find it within himself. As a result of his own actions he would be permanently excluded from ordinary society.

The criticisms of this proposal are quite straightforward, Mr. Speaker. One of the main arguments is that a man condemned to prison for the rest of his natural life has precious little to lose. He may in desperation try to escape and he may kill anyone who stands in his way. In answer to this I can only suggest the prolonged use of solitary confinement or the retention of capital punishment for those who commit murder a second time. In this way, the various grades of reward and punishment would be maintained. Since there appears to be no hope of change in the murderer's attitude and he will be a continuing menace to society, it seems to me that a maximum security institution is the answer since capital punishment is obviously no longer acceptable to this government and I question whether it will be acceptable to any government in the future.

I have checked the Criminal Code and find that in order to bring about the changes I have proposed it would be necessary to change the present law. The sentence of natural life imprisonment would apply to those crimes which under the present law carry the sentence of death.

### *Capital Punishment*

Since December 29, 1972, at which time the 1967 amendment to the Criminal Code lapsed, capital crimes have included all acts of premeditated murder as outlined in the 1961 amendment to the Criminal Code. No change in the definition of capital murder is required by my proposal. For example, section 218(1) of the Criminal Code specifies the punishment for capital murder: it reads as follows:

Every one who commits capital murder is guilty of an indictable offence and shall be sentenced to death.

This clause could be changed to read:

Every one who commits capital murder is guilty of an indictable offence and shall be sentenced to natural life imprisonment.

What I am trying to do, Mr. Speaker, is to make the law acceptable or equal to the actions of the government. Other changes in the law would also be required, but I believe natural life imprisonment is an alternative to capital punishment. While its implementation would not be a simple matter, it obviously would provide Canadians with the alternative they require for their over-all protection.

The case for my proposal is quite clear and straightforward. If society should say, and if members of this House should decide that capital punishment is barbaric, then it must be prepared to employ that alternative which both justice and security demand. It is a requirement of justice that there be a reasonable relationship between the seriousness of crime and punishment. In my opinion, excluding death there is only one punishment which approaches the seriousness of murder, and that is permanent loss of freedom.

There are many who believe, and their belief is firmly based on the record of past experience, that the man who has murdered may murder again. An example was given to the House this afternoon by the hon. member for Kenora-Rainy River. Even if the risk of this happening is slight, I believe society should be relieved of the obligation to accept that risk. The cabinet has the power of granting mercy or clemency, but in my opinion it has abused that power by automatically commuting every death sentence to life imprisonment, which in some cases means serving ten years or less. The cabinet is undermining our legal processes and the power of this parliament. This practice in effect removes any deterrent effect associated with the death penalty and makes a sham of the whole judicial process.

How can we expect society to have respect for the law when those who are supposed to uphold it make a mockery of its own rules and regulations? This can no longer be tolerated. We must set an example for the entire country if parliament is to remain supreme. In my opinion clemency, which is the prerogative of the Crown, should be granted only when mercy has been recommended at the trial or in the case of an established error in conviction. Until a suitable alternative to capital punishment is proposed as a protection for society, I feel that the government has left me no choice but to vote against this bill.

• (1650)

[*Translation*]

**Mr. Antonio Thomas (Maisonneuve-Rosemont):** Mr. Speaker, I am pleased to have the opportunity today to