

Amendments Respecting Death Sentence

• (4:30 p.m.)

I am sure the minister has found this is the case. In cases where the accused is charged with capital murder the jury takes great care, the judge takes great care, and the court of appeal examines the evidence with greater care than it would examine the evidence, perhaps, in other criminal cases. Under the present circumstances the accused in a capital murder case is tried more carefully than if the sentence were mere imprisonment. What conclusion did the commission arrive at? On page 143, near the bottom at the right hand side, are found these words:

The question whether capital punishment is an appropriate sanction is a policy decision to be made by each state. Where it is retained, the types of offences for which it is available should be strictly limited, and the law should be enforced in an evenhanded and nondiscriminatory manner, with procedures for review of death sentences that are fair and expeditious. When a state finds that it cannot administer the penalty in such a manner, or that the death penalty is being imposed but not carried into effect, the penalty should be abandoned.

Now we are faced with the issue of abolition. As I have said before, capital punishment has been abolished *de facto*. One must be fair and recognize the minister's convictions. Members on this side of the house, friends of mine, also support wholeheartedly the complete abolition of the death penalty. Under this bill, nevertheless, a distinction is drawn between the ordinary murderer and the one whose victim is a police or prison official. The commission says that the victim is of no account, that there should be no difference in the treatment of the murderer when his victim is a prison guard or police officer.

In 1960 the murder rate in Canada was 1.3 per hundred thousand of population. In 1966 the murder rate was approximately the same. In England in 1957, before the law was changed, the murder rate was 3.4 per million of population. Their murder rate is lower than Canada's. That rate increased to 4.2 per million of population in the period 1957 to 1966, and we are aware of the movement presently on foot in Great Britain.

I will not take much more of the time of the house except to say that in the past we have seen, basically, an absolute cabinet dictatorship in this field. The cabinet has exercised dictatorial powers with regard to commuting sentences and for that has been criticized by the leading newspapers of the country. In defence of the minister we must not forget that any cabinet has the right to

[Mr. Woolliams.]

commute any sentence. Perhaps I might ask the minister a question. In western Canada a man has been convicted for shooting a mountie. Is his sentence to be commuted?

Mr. Pennell: Well—

Mr. Woolliams: Let me finish. Is the government to commute sentences of those who have murdered police officers? Does the minister mean to tell us that of the 27 accused who have been sentenced, not one has killed a prison guard or police officer?

Mr. Pennell: Will the hon. member permit me to reply to his first question?

Mr. Woolliams: Yes, certainly.

Mr. Pennell: In the case of the Royal Canadian Mounted Policeman, the accused was found guilty of non-capital murder and it will not be necessary for the cabinet to deal with the case. So far as other cases are presently concerned, I know of no convicted murderer who has been convicted for murdering a prison guard or policeman.

Mr. Woolliams: That brings up another point. Do I take it that the minister will not recommend the commutation of sentences in capital murder cases where the victim of the murderer is a policeman or prison guard?

Mr. Pennell: I respect the hon. member's views and I am sure that he in turn does not expect me to make a categorical statement. If the judge and jury recommend mercy we shall need to weigh all circumstances, and I am sure that my hon. friend from Bow River would be as insistent as other members in making sure that we do so. I cannot give a categorical reply to a hypothetical instance.

Mr. Gilbert: Hear, hear.

Mr. Orlikow: I listened to the hon. member's speech carefully and I have the impression, though he did not say so, that he intends to vote against the bill. Will he take the house into his confidence in that regard?

Mr. Woolliams: May I answer that question in this way? If every hon. member in this chamber has already made up his mind, that only strengthens my argument that we are wasting time in debating this bill.

The Acting Speaker (Mr. Tardif): The hon. member for Greenwood.

Mr. Cowan: I wish to ask a question of the Solicitor General following the remarks of the hon. member for Bow River—