

Capital Punishment

● (1540)

My third point is this. How does Canada stand in comparison with the rest of the world on this question? If we become an abolitionist nation, will we be in step with the rest of the world, or will we make ourselves a veritable island among nations which have retained the death penalty? There can be little doubt about the facts. United Nations' figures show that the world trend is increasingly to retention. More and more states are retaining the death penalty. It is clear, if one examines what is happening in the United States, that the trend in that country is to reimpose the death penalty. It is not in favour of more and more abolition.

When the United States Congress in 1974 passed anti-hijacking legislation dealing with air piracy, it specifically provided for the death penalty for air piracy. Yet we in this country, by passing Bill C-84, will do exactly the opposite of what has been done in the United States. Also, Mr. Speaker, the United States Congress is not alone in reinstituting the death penalty. Earlier in this debate I said that the United States supreme court had made it clear that the death penalty may be introduced in the states of the union and that it is not against the United States constitution. We began debating this question in the twenty-ninth parliament when this country began moving in the abolitionist direction. It is interesting to note that since 1972 no less than 35 states of the United States have introduced legislation which would make the death penalty mandatory or an alternative option, for many crimes, to life imprisonment.

Let me put on record which states south of the border have reintroduced the death penalty, together with the date of passage of the legislation. I wish to make it clear that the states I am about to list reintroduced the death penalty for one or more crimes. Mr. Speaker, Alabama passed such legislation on September 9, 1975, when it became a retentionist state. Maryland passed such legislation on July 1, 1975; Missouri, on June 23, 1975; Virginia, on October 1, 1975; Washington passed such legislation last year; Arizona passed it on August 8, 1973; Arkansas, on July 24, 1973; California, on January 1, 1974; Colorado held a referendum on November 5, 1974 and passed legislation on January 1, 1975; Connecticut passed it on October 1, 1973.

I emphasize that the dates mentioned are those on which legislation reimposing the death penalty was passed or became effective. Delaware passed the law on March 29, 1974; Florida, on December 8, 1972; Georgia, on March 28, 1973; Idaho, on March 27, 1973; Illinois, on July 1, 1974; Indiana, on April 24, 1973; Kentucky, on January 1, 1975; Louisiana, on July 2, 1973; Mississippi, on April 23, 1974; Montana, on January 1, 1974—and amendments were subsequently passed, effective later in 1974. Nebraska passed its law on April 20, 1973; Nevada, on July 1, 1973; New Hampshire, on April 15, 1974; New Mexico, on March 20, 1973; New York, on September 1, 1974; North Carolina, on April 8, 1974; Ohio, on December 22, 1972; Oklahoma, on May 17, 1973; Pennsylvania, on March 26, 1974; Rhode Island, on June 26, 1973; South Carolina, on July 2, 1974; Tennessee, on February 27, 1974; Texas, on June 14, 1973; Utah, on July 1, 1973; and Wyoming, on February 24, 1973.

[Mr. Stevens.]

In short, since 1972 no fewer than 35 states of the United States of America have brought back the death penalty. The United States Congress in 1974 brought back the death penalty for air piracy. Therefore, who is out of step with whom? Can we be absolutely assured that by abolishing the death penalty tomorrow, if hon. members so choose, and making this an abolitionist state, we shall move in the right direction? Will we not be out of step with the rest of the world by joining the mere one per cent of the population of the world which is abolitionist in the sense in which we shall be abolitionists if this bill carries tomorrow?

Let me now touch on the question of the misrepresentation that there is a free vote on this bill. It should be drawn to the public's attention that of the 133 members who supported the bill on second reading, 27 were cabinet ministers who voted en bloc. Clearly, since more than 10 per cent of the members of this House voted en bloc, according to a previous understanding, the vote was not entirely free. If you were to ignore the vote of the cabinet, the members of which voted en bloc, the net result of a truly free vote would have been that retentionists would have cast 125 votes, as against 106 abolitionist votes. In short, I believe the government intends to make this an abolitionist state; otherwise it would have allowed a truly free vote.

I suggest that the proper procedure would have been to allow a private member to introduce the bill and then to allow each member to vote on it according to his or her conscience. There should have been no suggestion of government involvement. I remind hon. members of that moment in this House, when he voted on June 29, when the question arose as to what extent the rules should be warped in order to allow us to finalize the vote. Hon. members will remember that the Prime Minister (Mr. Trudeau) rose and indicated to all members on his side of the House that they should vote in accordance with his wish. Was the vote free?

Mr. Allmand: That was a procedural matter.

Mr. Stevens: The Solicitor General says it was a procedural matter. But it was a procedural matter touching on what was supposed to be a free vote in this House.

I next touch on the suggestion raised by abolitionists that in place of the death penalty the sentence for murder should be true "life" imprisonment. I challenge that. I do not think there is such a thing as life imprisonment as that term is generally interpreted. Certainly, we shall not impose the kind of life imprisonment whereby we can say to a prisoner that he will never regain his freedom, never be released on parole and never see his sentence lessened.

We must be honest with the Canadian public. In place of the death penalty we say that we shall impose life imprisonment for 25 years, but the sentence can be reviewed after 15 years and there is a possibility for the prisoner to be absent from prison for various periods, with escort. That sort of sentence is to be the alternative to the death penalty. Tomorrow, when hon. members cast their vote, they should remember this. I want to make it clear to the Canadian public that we are not substituting life imprisonment, in the true sense of the word, for the death sentence. It is simply life imprisonment for 25 years, open for review