

*Capital Punishment*

element in our society to hold law-abiding citizens at ransom. I might say that I am a retentionist for the very same reason that the two ministers across the floor are abolitionists. They say there are no figures or data to support the view that capital punishment would be a deterrent to murder. I could say that I am a retentionist because there is no real evidence to support the view that it would not be a deterrent. I support the theory that the very real fear of having to forfeit one's own life if convicted of murder would deter at least some murders, and longer mandatory prison sentences might reduce the numbers of other types of violent crime.

The real problem facing us is not whether the longer prison sentences proposed in this legislation would prove to be a workable alternative to the death penalty. The problem will be the same one that has plagued us for the past ten years, the failure of this government to carry out the will of parliament. I believe it was in 1967 that parliament adopted the present law regarding capital punishment. It was a compromise solution, partial abolition, and the compromise was proposed by the government of that day, essentially the same one that we have today.

We know now, and we have known for a very long time, that the government had no intention of abiding by the compromise legislation adopted by parliament in 1967 or in 1973. The present law calls for the death penalty for convicted murderers of policemen and prison guards where the court does not recommend clemency. All of us know that although there have been more than a score of convictions for such murders since that time, not one death penalty has been carried out; they have all been commuted by the cabinet—and those awaiting execution at the present time can be assured that their sentences will also be commuted.

Those of us who are retentionists—and we are by far the majority, according to all the polls on the subject—do not trust this government to carry out the law with respect to longer mandatory prison sentences in place of the death penalty. I am sure that most, if not all, of us could be swayed in favour of at least ensuring that convicted murderers and other violent criminals would be prevented from endangering law-abiding citizens. Before I would accept this solution in place of the death penalty, I would have to have that assurance, Mr. Speaker, and I simply cannot place that kind of trust in this government. We have already found in this and many other areas that the government, on the floor of this House, cannot be trusted to honour a commitment.

A couple of weeks ago the legislature of the state of Maine abolished the death penalty in that state and substituted a mandatory prison sentence. While that may sound just like the kind of solution that the government proposes in this legislation, there are some differences in the Maine legislation that might just make it work. For one thing, they have removed most of the discretionary powers of the parole board with respect to convicted murderers. The sentence has to be served. That is the one aspect of their legislation that gives it a chance of being an acceptable alternative to the death penalty. For instance, a person serving a 25-year term for premeditated or capital murder must serve the time without possibility of parole. The only time that can be commuted is that earned for

[Mr. Darling.]

good behaviour. That is certainly a more sensible and reasonable way to handle the problem than the one we have had for the past several years where convicted rape murderers, for instance, have been given passes from prison to go out and commit more rape murders.

In the legislation we are debating here, Mr. Speaker, there is still discretionary power in the hands of the Parole Board to decrease the sentence of convicted murderers, people who have committed deliberate, premeditated, heinous murders. This is not a deterrent and it is not an acceptable alternative. When you are dealing with today's enlightened social reformers, you just cannot win. It seems that they are winning their fight to abolish the death penalty, so one would naturally assume that they are prepared to settle for longer mandatory prison sentences with little or no possibility of parole. Not so, Mr. Speaker. They have a new angle, one that makes most reasonable people wonder just who, or what, these people are for.

We are now told that if we impose longer prison terms than the usual 20 years to life, where convicted murderers are back on the street again after a couple of years on weekend or day passes, it would be difficult to rehabilitate them. Right now, I believe the average time spent behind bars for murder is about seven years. Of course, as I mentioned earlier, there are the customary passes that are handed out *holus-bolus* to prisoners who have the ear of the Parole Board, and there is the provision for early parole. In fact, it is doubtful that violent criminals are treated more gently anywhere else in the world than they are in Canada.

It is strange that while the Minister of Justice and the Solicitor General are telling us that punishment is not a deterrent to crime, our Department of External Affairs cautions Canadians travelling abroad that most countries mean what they say when they sentence people to prison terms for smuggling, drug offences and the like. They caution our young people to avoid getting involved in criminal activities while they are in such places as Mexico, the Middle East and countries where the laws are stricter than our own for these offences. The plain fact of the matter is that there is a deterrent effect in imposing severe penalties for severe crimes.

Canadians who have run afoul of the police and the courts in Israel, the Arab countries, and other places where Canadians are serving prison sentences, know that there is a deterrent value in these stiff sentences. There are numerous examples of these people warning other young people who travel the world in search of fun, or whatever, to avoid getting into trouble in countries where severe penalties are imposed for drug-related crimes and other offences. Any thinking person would certainly deduce from that that there is certainly a deterrent value in imposing a sentence that fits the crimes. I certainly do not propose to exact the death penalty for drug-related offences in Canada as they have in Iran and Iraq, but it has had a dramatic effect in controlling drug trafficking in those countries.

To get back for a moment to rehabilitation of prisoners in our penitentiaries, I do not consider that to be the number one priority. What I would consider a high priority is the rehabilitation of as many law-abiding citizens as we possibly can, and I am thinking mainly of the hundreds of