

### *Capital Punishment*

as the best way out. That class of murder should perhaps be punishable by a five-year prison term.

I think it is imperative that the government review its thinking about the bill before us as it relates to crimes involving the taking of life. The proposals now before the House are unsatisfactory. We have already spent ten days debating the subject, and I understand that member after member still wishes to speak. This clearly indicates that the House is extremely dissatisfied with the legislation brought before it. I suggest to the minister that the Bill ought to be withdrawn and something better produced.

During the last election campaign, I told the people in my constituency that I would be in favour of capital punishment for those who murdered police officers or prison guards, those who murdered in the course of airline hijacking and those who murdered when it was proven they were paid killers. Since that time I have altered my views. I have done so partly as a result of representations made to me by people in my constituency, partly as a result of perusal of answers to questionnaires, and as a result of hearing speeches made in this House and exchanging ideas with members of the National Parole Board and others involved in law enforcement. Some of the considerations which have led me to change my mind are as follows.

The first which occurs to me concerns the question of capital punishment being a deterrent to murder. The idea of deterrence runs through our entire criminal law. Provision is made in the criminal law for various degrees of punishment depending on what is considered to be the gravity of the crime committed. There is undoubtedly a supposition throughout the criminal law that punishment will deter a person from acting in a certain way. The offence of keeping a common gaming house, not too serious a crime, attracts a two-year penalty. Indecent assault brings a five-year term. We have often heard friends who go to cocktail parties refuse another drink with the explanation that they have to drive home and do not wish to be charged with impaired driving. Clearly, penalties do deter. I suggest to hon. members that the prospect of a penalty is similarly a deterrent in the circumstances we are now discussing.

Our whole concept of the organization of life revolves around the idea of nemesis, the feeling that if a man undertakes certain acts he is inviting retribution. The preponderant feeling of those who commit premeditated murder is that they are inviting the death penalty as the only adequate response society can make to that kind of crime.

A great deal has been said in criticism of the parole system and the penal system. As a lawyer, I had to deal with a great many people incarcerated in jails or allowed out on parole. While at times the National Parole Board has made serious mistakes by allowing certain people to get out too easily, by and large it is motivated in the right way; it is working for the reform of prisoners and it is doing a good job. What I find abhorrent in this debate is the attitude of those who say that anyone who commits murder should be thrown in to the hole and kept there for a minimum of 25 years with no hope for the future. This seems to be the course which people opposed to capital punishment are recommending. It is not possible to reform

[Mr. Blenkarn.]

everyone. On the other hand, our aim should be to reform those who are capable of being reformed. As for persons who commit heinous, premeditated, animal-like murders, there is not much chance of reforming them, and when we retain them within our penal system, the whole system has to be organized accordingly, with regrettable consequences. Maximum security precautions must be in force at all times to contain them, because we dare not let them out; they are animals. This means there are less funds and fewer resources available from our limited social capital to reform those who are capable of reform. Thus, what we have left is the worst of both worlds.

The recent reform of bail procedures has also attracted criticism from some quarters. I commend the present bail reform legislation though, it is true there have been some shortcomings in its implementation. I remember practising law in the days when a man charged with careless or impaired driving was picked up and put in the Don Jail and kept there until he could find \$200 bail on a Monday morning.

The bail reform legislation has done a great deal to help people by allowing them to be free on their own recognizance rather than treating the public on the basis that only those who can raise the cash can get out on bail. Some limitation of the act is required, since it appears there have been certain abuses. But it really bothers me when I hear opponents of capital punishment argue that people should not be let out on bail in any circumstances. I suggest to you, Mr. Speaker, that they are adopting a regressive attitude.

● (1630)

If we are to improve our penal system, we must recognize that there are some people who can only be handled by giving society the maximum of protection. Many people who abhor capital punishment use the great hoax of the rope and the trap door; you can almost hear the trap door swinging open and the horror of public execution by hanging. I, too, am abhorred by hanging, but I suggest that any argument based on the rope and the trap door is a poor argument against capital punishment. It is not a reasoned argument. There are many other ways today that are much more humane for removing people from society.

In my view, the law of this country must respect the wishes of the vast majority of the people. Every poll that I have taken, every poll taken by newspapers in my riding and across Canada, every poll taken by high school students on a statistical basis throughout my riding, indicates that for heinous, premeditated murder of the kind I have described the overwhelming percentage of the people of this country demand the death penalty. Justice must appear to be done. The law must reflect the mores of society. Any suggestion that this parliament can enact laws that do not reflect the mores of this society, the clear, overwhelming feeling in society, is wrong. A member of parliament who votes for a law that he clearly knows does not demand the respect of the society that he represents is acting wrongly and that member does not deserve to be here.

It has been suggested that in a criminal trial there is a possibility that an innocent person will be charged with murder and executed for that murder, that that possibility