

**The Acting Speaker (Mr. Boulanger):** Does the minister agree?

**Mr. Lang:** Yes.

**Mr. Fraser:** Mr. Speaker, I apologize to the minister because I did not hear all of his speech, but I wonder if he would be good enough to answer a question which I think troubles a number of us who are very sympathetic to much of what he has said. If one is advocating the abolition of capital punishment on the grounds that the minister has stated—and other hon. members have spoken along the same line—where is the logical distinction between hanging a frightened man who runs out of a bank and shoots a policeman, and not hanging a man who shoots the prime minister, or who may engage in the diabolical business of killing people for the underground? I would be interested to hear the minister's views on this particular problem.

**Mr. Lang:** Mr. Speaker, I very much appreciate that question. I think the hon. member for Vancouver South (Mr. Fraser) will appreciate from my remarks that I did not attempt to distinguish in any logical way why one particular type of murder rather than another should have capital punishment attached to it. Indeed, in my remarks I said that essentially I do not believe in the deterrent usefulness of capital punishment, and I may say that applies, in my view, to the situation covering peace officers and prison guards as well.

There have been some peace officers and prison guards who have expressed extra concern about their particular situation in the capital punishment provision, and in the course of the debate in 1967, five years ago, they were heard in the form of the compromise which was adopted by parliament at that time. The argument I make is that if, indeed, it is thought to be so important to them, that they attach so much importance to this particular provision, then I so value their service in their particular role that even while I disagree with them about the real value of the deterrent, I could go along with them in having a special exception for them.

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I would say to the hon. member that the logic of my remarks, and my further opinion is that total abolition would be the far better course and that indeed if, as I now believe, prison guards and policemen are more and more moving from the position of wanting special protection, it may well be that in committee hon. members can find a solution. It may be that an assured period of imprisonment prior to any possibility of parole will be a better solution than anything contained in the bill itself. I have spoken in the current context as a total abolitionist but I am willing to look at additional safeguards, to be perhaps under the discretion of the trial judge himself, which would predetermine the period of imprisonment before parole is permissible.

I agree with the hon. member for Vancouver South that I have spoken in this debate as an abolitionist. I am prepared to support the present bill even to the extent that exceptions for police and prison guards be put into it, although that appears to be no longer necessary. I would be happier with another solution which I have mentioned,

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which would deter the most serious of offences. Perhaps that discretion could be vested in the trial judge himself.

**Mr. Reg Stackhouse (Scarborough East):** Mr. Speaker, this bill is worth debating in parliament because Bill C-2 is no longer just legislation; it has become a symbol to many Canadians; it symbolizes the permissiveness that they believe is a threat to their safety. To them it symbolizes a "soft on crime" attitude that they believe is encouraging violence. To them it shows the need for a change of direction.

Last spring the Minister of Justice (Mr. Lang)—I wish he were here and not out of the chamber—indicated he saw the need for this change. When speaking to 500 lawyers at the O'Keefe Centre, Toronto, in March of 1972 he said that rising crime figures showed we must have more vigorous enforcement of the law. He said there was need to restore the balance between freedom and authority by effective law enforcement. He said the increase in crimes of violence was particularly significant and cited the testimony of the commissioner of the RCMP to the Senate Committee on Legal and Constitutional Affairs revealing how the crime rate in Canada has doubled in the past ten years.

He did not draw the conclusion that this warranted the restoration of capital punishment in Canada, but many people have concluded that the trend to which he referred merits the need for strong law enforcement, of which the restoration of capital punishment would be one part. I think this is evident in the trend that one sees in the United States, where 36 state legislatures are now considering in their jurisdictions the restoration of capital punishment, and where two states have already enacted that restoration. Certainly, an increasing number of people in Canada are of this mind. According to an article in *Week-end* magazine of October 21, 1972, there were 215 murders in 1963, and 426 in 1971. That kind of development shows the average Canadian that we need strong enforcement of the law. We need to express that conviction by restoring capital punishment.

The conviction is growing among a great number of Canadians that we need the death penalty as one way of reversing the permissive trend of the past decade. Advocates of abolition often speak as if the desire to retain the death penalty shows some kind of blood lust or perverse sadism, but that misjudges the Canadian people. Few citizens of this country find much pleasure in the sight or thought of a fellow human being hanged. But there are many who want some assurance that the law is going to be enforced and the public is going to be protected. They do not want cruelty shown to anybody, but they want the ordinary man, woman and child of this country protected and they want to say to the criminal element of this country that that element is on notice that society is prepared to defend itself. They do not find that kind of assurance in Bill C-2.

I say, Mr. Speaker, that the average Canadian knows this bill is a "nothing bill" which will do nothing to meet the crisis of crime and violence in this country today. It may purport to give protection to police officers and prison guards, but in the hands of a government committed to commute even these death sentences it will not do even that. This bill is a charade. It gives appearance