

Capital Punishment

Mr. Broadbent: On a point of order, Mr. Speaker, I followed the hon. member's address with considerable interest and I wonder if he would be kind enough to answer one more related question. Did his decision regarding three-quarters of the term result from his reaction to what he senses to be the public mood in Canada, or was it in response to what he thinks expert penologists would recommend?

Mr. Reid: Mr. Speaker, it is a combination of both. It is in response to the need for security which the public feels, in terms of a long period in jail. It is also in response to the opinions of penologists with respect to the means of rehabilitating people into society after they have been away from it for so long.

Mr. Deputy Speaker: Order. Before the Chair recognizes the hon. member for South Shore (Mr. Crouse) I have to rule that in neither case was there a point of order; it was simply asking for amplification of the hon. member's remarks.

Mr. Lloyd R. Crouse (South Shore): Mr. Speaker, it is with some concern that I rise to speak on Bill C-2, an act to amend the Criminal Code, for many Canadians are today wrestling with their consciences over the complex question of capital punishment. They are asking themselves: does one man have the right to kill another even if that man is carrying out that act on the orders of the state?

Obviously, there are times when a man finds himself in a situation where it is necessary to kill or be killed. Here I am referring to a soldier who in defence of his country or in defence of his own life is justified in taking the life of another. It is also acceptable to society if one man kills another in defence of his family whose safety is threatened or endangered. The law in most countries provides that anyone in fear of his life during an attack may kill another in self-defence. There are, therefore, occasions when a sound case can be made for killing another human being. However, in the bill before us we are concerned with the right of the state to take the life of a condemned murderer or to commute his sentence by cabinet decree.

The purpose of this bill is to reinstate the five-year ban on hanging which expired on December 29, 1972, and to extend it for another five-year period to December 31, 1977. It would also eliminate the terms "capital murder" in relation to murder punishable by death and "non-capital murder" in relation to murder punishable by life imprisonment.

No matter how we vote in this House on this issue, it is my firm conviction that we shall never again see a man hanged in Canada or put to death by any other means. I say this in light of the facts, for the federal cabinet has exercised its so-called executive prerogative of mercy more than 60 times during the past ten years by commuting all death sentences meted out by the courts.

In 1968, parliament approved the present trial ban on capital punishment in all cases except the murder of a policeman or prison guard. The House will recall that this was approved by a vote of 105 to 70. But hon. members know the result: since January 4, 1968, there were 17 death sentences commuted to life imprisonment, and of

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these 12 were persons sentenced to death for the murder of policemen or prison guards. It is therefore obvious that the present law was not upheld. Those who murdered policemen are still living and, under present laws, may one day be allowed out on parole. It therefore seems that we have not as yet given proper thought to this problem, and neither this government nor this bill will enable us find a solution that is generally acceptable to the majority of Canadians.

The abolitionists declare that capital punishment is not a deterrent and they point out that in a murder trial there is always the possibility of a miscarriage of justice, followed by the execution of an innocent man. The retentionists claim that the death penalty is a deterrent and that when it is imposed it prevents repetition of the offence by the executed criminal. On this ground there can be no argument. But the question still arises in the public's mind: does the death penalty deter others from committing murder? I submit that to this question there is no factual or final answer. In my opinion, the real question is not, alone, capital punishment but the alternatives to capital punishment and unfortunately this bill fails to deal with any death penalty alternatives. I think that the alternative to the death penalty seems to be the real crux of the problem.

Many of my constituents have implied to me that they do not want to see condemned murderers hanged by the neck until they are dead. They also state that they do not want to see them walking down the street, coming toward them, some ten years after they have committed a brutal murder. Obviously, our parole system is in need of major revision. The hon. member for Kenora-Rainy River (Mr. Reid) who spoke immediately prior to me dealt quite adequately with this problem. I hope that members of the cabinet who are in the House and heard his speech will take cognizance of his remarks and comments, for they are in line with my thinking on this matter.

There has obviously been neglect of duty by the parole board. Obviously they have been too lenient in dealing with convicted murderers and this leniency has caused unrest, concern, frustration and alarm among many many thousands of Canadians.

In many countries that have abolished the death penalty imprisonment for natural life has become the alternative. In all my more than 15 years in this House I have been a firm believer in capital punishment and I have so voted whenever the issue has come before parliament. However, I would personally be willing to support the abolition of capital punishment on one condition, namely, that the alternative punishment be natural life imprisonment: the expression "natural life imprisonment" is only one of several titles for the same idea—imprisonment until death.

I believe that a convicted murderer by his own act has shown he can no longer be trusted and that he is no longer fit to live in our modern society. I believe he must be punished for his crime. It has been said that capital punishment in a humane manner is far less cruel than spending one's natural life in prison. Mr. Speaker, if we are looking for a deterrent to murder, I believe that the sentence of natural life imprisonment is a less compassionate sentence than the sentence of death. The key words in my