

*Capital Punishment*

murderers freed after 13 years. But it does not follow from this that full capital punishment is the answer. In fact the evidence in support of capital punishment as a deterrent to murder is inconclusive. The answer lies rather in a firm and fixed sentencing for violent crimes, a tightening of the parole system, effective gun control legislation, and a rooting out of the causes of violence.

Only when the public has confidence that such measures have been put into practice, resulting in a discernible decrease in the crime rate and a resulting increase in the feeling of safety in society, will the public generally be ready to consider abolition on its own merits. This is the argument I put before the Solicitor General (Mr. Allmand) in a letter last July 11 when rumors began about a new peace and security program. I urged the Solicitor General to demonstrate his commitment to justice by strengthening law enforcement without touching the present capital punishment law. I said it was wrong and divisive to couple a crime prevention bill with total abolition. Put crime prevention into place, reassure the public about the enforcement of law, and only then reopen the capital punishment question. Of course, Mr. Speaker, my suggestion resulted in just the opposite course by the government.

Immediately following Bill C-83 on crime prevention we now have Bill C-84 on total abolition. The government has made a package of the two. Bill C-83 is not even out of committee where considerable improvements in it must be made. Yet the government is rushing abolition.

I have therefore to ask myself why the government could not wait until the expiration of the present capital punishment law before introducing abolition. The only conclusion I can come to is that the government wants the successful passage of abolition now to remove the distasteful duty of considering the commutation of 11 convicted murderers now awaiting execution—three of them now past the judicial appeal stage, scheduled for July 15, 1976.

The government has the statutory right to commute death sentences, but more commutations would convince the public beyond all shadow of doubt that the government will not carry out executions, which is tantamount to ignoring the intent of the present law which provides the death penalty for those convicted of murdering policemen or jail guards. The government ranks will clearly be split on carrying out executions; a storm of political protest will erupt if the present law is seen to be continually ignored. Therefore the government has taken the expedient course of changing the law, and moreover, getting this change out of the way well before the 1978 election so that, hopefully, the public will have forgotten such legislative manipulation.

The issue we face at this time, Mr. Speaker, is not the pure principle of abolition, but respect for law and the legislative process. The government has so muddied the waters that a vote against this bill cannot possibly be construed as a vote against the principle of abolition. It is rather a vote against legislative expediency and manipulation. It is a vote for justice. Only justice being done now, and being seen to be done, can prepare the way for an abolition bill in subsequent years that will be capable of winning public support in a calmer atmosphere.

What is the proper course for the government? It should apply the crime prevention bill as improved in committee,

[Mr. Roche.]

and then extend the present capital punishment law for a third five year period. Let the public judge, on the evidence of its application, whether it is a good law. Only then should we be asked in parliament to make a definitive judgment on whether this country should live under an abolition or a capital punishment law. But free us from political machinations in such a deeply moral question. The common good demands that we take more time in coming to a final answer.

● (1730)

I want to emphasize that I will continue to work toward those circumstances that will ensure the viability of an abolition bill. I believe in a morality which excludes violence as permissible conduct. The sanctity of life is my starting point. When a murderer violates the sanctity of life by an act of violence on his victim, how is the sanctity of life preserved by another act of violence on the murderer, this time by the state? If we accepted execution as retributive justice in an earlier period, we should be thankful that society is becoming more sensitive and that there is a movement throughout the world for total abolition. I believe that in Canada, through the tolerant and patient application of the law, we can employ more effective means of protecting society against all crime, including murder.

**Mrs. Ursula Appolloni (York South):** Mr. Speaker, I regret I should have to follow the speech of the Pontius Pilate on the other side of the House.

Of all decisions we as legislators are called upon to make, surely this one is the most vital. We are, quite literally, being asked to decide between life and death. Mr. Speaker, my personal decision is to choose life.

I believe that to take human life is an action most foul. To take it in the name of the state does not, in any way, diminish the hideousness of that action. Only self-defence, in the most extreme of circumstances, could possibly justify this brutal, irrational and irrevocable step.

Would capital punishment act as a defence mechanism? Would it protect society? If we are to judge by statistics, then the answer is no. The possible deterrent value of capital punishment has been exhaustively studied. Staggering statistics and data, collected throughout the world, indicate a contrary value.

To place the matter nearer home let me point out that our policemen, unlike their U.K. counterparts, are armed. Criminals know, therefore, that in attacking our policemen, they face what could be in effect summary execution. That they are not deterred by this risk is evidenced by the sad number of murdered policemen.

In attempting to eradicate disease among humans it never occurs to civilized people to eradicate the diseased persons. Murder too is a plague, the most virulent of all social malaises; but in seeking to stem its proliferation I feel we should look carefully at its causes and work with all our might towards its prevention. This, then, would be the ultimate defence of society which must be our primary aim.

Greater minds than mine have studied, and continue to study the causes of violence. The death penalty itself breathes an atmosphere of violence into the society which