

*Capital Punishment*

There is also the point of view that capital punishment is a deterrent to crime. I think the statistics speak for themselves. The number of people who have died through violent crime has decreased each year successively over the last four years. Why do we say that bringing back the death penalty would be a deterrent? The problem seems to be the social instability which this country and to a greater extent our friends south of the border face at the present time. This is true of all countries in the western world who advocate a free society. If we are to hold up people who carry guns, who run their cars across gorges, who brutalize and assault people with whom they come in contact as fashionable, we are going to have a much higher homicide rate in this society than we would like.

There are other points. Suppose someone is in death row awaiting execution. We have read countless articles of situations like that in the United States. They have not happened all that much, but each case seems to bring with it an avalanche of literature and editorials. One would think after reading these editorials for a few days that the person concerned really deserved an order of merit rather than to be facing the death penalty. There is no way we can challenge what people are going to write about concerning those who are sentenced to death for violent crimes. However, we do not have to accentuate it by bringing back the death penalty and allowing this to go on unfettered.

There are cases within the criminal justice system itself. Undoubtedly there are juries who have brought in verdicts of manslaughter because they did not want to see the death penalty imposed. We can say to juries that they must be completely objective in these specific cases, but human beings are human beings and because they are serving on juries cannot divorce themselves from their personal feelings. There are judges who supposedly have not tried a case involving first degree murder because they did not feel they could in good conscience sentence that particular person to death.

Are these particular incidents—the reluctance of judges and juries to bring back the stiffest penalty in cases of violent crime and people who are waiting execution being exalted for what they are going through—things that promote a strong retribution to someone who has just committed a violent crime? I suggest they are not. The death penalty primarily does one thing above all others, and that is it prevents the reforms necessary to increase the effectiveness of the criminal justice system.

Certainly the question of capital punishment is the most glamorous and easily debated one. It has been debated for years from the time that students are old enough to know what debates are. Why are we just debating the question of capital punishment? Our criminal justice system is not perfect; it never will be. We try to make it as good as possible, but it will never be perfect.

There are many things on which we could be concentrating rather than concentrating on the question of capital punishment. The best social defence and hope for general respect of the law and for law enforcement in our society is to proceed with the reforms necessary to increase the effectiveness of the

criminal justice system. We should not be dealing with questions upon which we cannot have an answer which will satisfy the proponents. These people, including those in the official opposition, will not be satisfied with another free vote because the next free vote cannot be any different from the last free vote.

**Some hon. Members:** No!

**Mr. MacLellan:** I am sure that any fair-minded, rational human being would agree with that point of view.

I want to deal with one of the points raised by the hon. member for Saskatoon East (Mr. Ogle), that of treason. The penalty for treason has been left on the books for a very good reason. Treason is a crime against the state. It is something about which we have no knowledge as to its seriousness or its frequency in the future. International terrorism in the western world in recent years has been extracting a very serious price. People who commit acts of terrorism and treason against their own country and other countries have to be dealt with in a way completely different from the justice system.

**An hon. Member:** Why?

**Mr. MacLellan:** Because of the safety of other people who are not involved in the particular action. If we do not deal with this type of crime in a unique way, then we may be faced with the problem of having terrorism spread. The experience of recent years is that other terrorists commit other acts of terrorism in order to get the release of the first group. This is a problem with tremendous international ramifications. Hopefully this type of crime is on the wane, but at this early juncture I am not that confident. There are other problems concerning early trials, which we are not discussing here today.

I personally do not feel that bringing back the death penalty will have any merit in our criminal justice system. In fact, I think it will only cloud other things that we should be looking at. Bringing back the death penalty will be a step backward in time. It will be a regression as far as society is concerned. It will be a regression that is needless and which will be harmful and will push us back from what we have all been trying to accomplish, namely a better and more just society.

**Mr. Thomas Siddon (Richmond-South Delta):** Mr. Speaker, previous speakers, but particularly the hon. member for Hillsborough (Mr. McMillan) and the hon. member for Cape Breton-The Sydneys (Mr. MacLellan) have called for evidence on this subject. Later I will present some of the evidence which is not being presented by the Solicitor General (Mr. Kaplan) or by the officials who prepare his speeches.

• (1710)

Mr. Speaker, citizens in a free society must accept responsibility for their actions. Canadians also believe that society and Parliament have a responsibility to implement laws and set penalties which provide some deterrent against crimes perpetrated against humanity. During the Trudeau reign, the "just society" that was just referred to, the incidence of violent