

*Capital Punishment*

If we carry on any kind of analysis or study of what is happening in respect of Canadian law and order today we see that a farce is being made of a system which should in some way be trying to shape human behaviour. Our system excuses and lets off people over and over again. Therefore people have the idea that with that kind of behaviour one can flout the law. Then what happens? Finally the judge recognizes that in order to protect society he should impose sentences of five or six years when there has been no behavioural training with regard to the person involved in the criminal act. I believe that is a most serious kind of approach, and we must readjust our whole concept.

I do not think the government of this country knows whether we have jails in order to be punitive, whether we have them for the purpose of protecting the public, or whether we have them for rehabilitation purposes. I think that if we travelled from one penal institution to another across this country we would find that the members of the prison staffs would not be able to tell us why they are there in terms of those three objectives. Until we have that clarified and crystallized, and begin to recognize that we must shape a court system that is aimed at trying to make the public behave in a certain manner, and then address all of our activities toward achieving that goal, I do not think we will ever have an adequate degree of success in terms of decreasing the violent crime rate in this country.

I wish to make some comment to those who have spoken of the inhumaneness of execution and life sentences. I would bring to the attention of those who take such a position that in West Germany where there is an extended sentence to life, but not the practice of execution, almost 50 per cent of those who were sentenced for what we would consider in this country to be capital murder committed suicide prior to the end of their term in jail. Of course that obviously leads to their terminating their jail sentence. The fact of the matter is that points out that there is a tremendous depression which takes place in respect of those who have long jail sentences. Is that more humane?

Further we know that psychologists have told us that once a person spends ten years within prison walls he really acquires the kind of psychic mind that cannot adjust to the full practice of a normal life as it was known before. I think that has to be borne in mind, and one should ask the question again: are we being any more humane in sentencing someone to 25 years in prison or in jail and assuming that somehow that is treating that person in an advanced and mature way?

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Finally I should like to mention again that I challenge those who take the abolitionist stand on the pretext that this is the higher ethic. Wherein does the higher ethic lie if we as a group of legislators legislate to do away with something that almost the whole of the nation wants? Where is the higher ethic in abolishing capital punishment when the citizenry want to retain it? Far better be it for us that we focus our attention on all these things—and we can list them from 50 to 100 different kinds of concepts that I was trying to enumerate before five o'clock today—which would decrease the violent crime rate in the country. What the government ought to do is to bear the burden of decreasing violent crime so that the public would give due consideration to the notion that it could get along without

capital punishment. It is not a question of whether or not we are abolitionists, but a question of priority.

This bill is called the bill on peace and security, I wish it meant that. If it did, it would have the courage to focus on the stimuli that affect human behaviour. The focus is on the punishment or reward system without including the whole cultural context of behaviour development. It must be treated as a package if it is to be effective. If this bill passes, it will not make a bit of difference in the crime rate of this country because that is not what is affecting violent crime. It is a myth to call it peace and security because nothing will happen to the crime rate unless we do something to the rapid growth of cities, the bad design of apartments, the noise levels in urban centres, child abuse, television, nutritional aspects as they affect this country, our economics, boring jobs, the lack of employment for many people in various parts of the country, stronger regulations in dealing with alcohol and drugs, children, sports and violence in sports, and the creativity of play.

I could go on and on dealing with the various aspects but I will simply conclude by saying that it is not enough to focus just on punishment. If we are going to address ourselves to peace and security we must focus on those stimuli that affect human behaviour. That should have been the first priority of the government. Had it earned that right, then perhaps in due course somewhere down the road, with a more satisfied populace, it would have earned the privilege to talk about abolition. At this time in history it has no right to bring that position before the country, and I think peace and security cannot fall from this bill. I only hope that the bill will fall.

**Miss Aideen Nicholson (Trinity):** Mr. Speaker, in rising to speak on Bill C-84 one is very much aware of taking part in a debate that has been going on for a long time.

The first bill concerning abolition of the death penalty to be introduced in the Parliament of Canada was presented in 1914, during the Borden government, by an opposition member. The bill did not pass. Forty-two years later, that is, in 1956, a joint committee of the Senate and House of Commons reported that it was in favour of retention of the death penalty for murder, piracy and treason; it did not recommend any change in the definition of murder and, in particular, advised against introduction of various degrees of murder. The committee, however, recommended that appeal procedures be improved.

Until September, 1961, all persons convicted of murder were sentenced to death and executed unless the Governor General, on the advice of ministers, commuted the sentence to life imprisonment.

From September 1, 1961, to December 28, 1967, the crime of murder was divided into "capital" and "non-capital" murder. The Governor General continued to review each case and to decide whether or not the sentence should be carried out. Section 202A of the Criminal Code defined capital murder as "planned or deliberate" murder during certain crimes of violence, or the murder of a police or corrections officer who was on duty.

On March 21, 1966, the then government House leader, Hon. George McIlraith, moved debate on the abolition of the death penalty based on a resolution put before the House of Commons by four members—two Liberals, one