

Capital Punishment

We are told the statistics are two years behind in preparation and a clear five-year period is needed before any really reliable conclusions can be drawn. If this is the case, I submit we in this House and our constituents in the country are entitled to ask why the government did not ask in the first place for a seven-year moratorium so as to get five clear years' statistics on hand when the moratorium expired.

Had the government insufficient experience with delay in the presentation of statistics to imagine that the full five years' statistics would be available at the end of that period? If indeed that is the case, is that the reason parliament is being asked to approve this proposal? I submit that is not the case.

I have already suggested one reason which I believe to be the case; the government has got its priorities mixed. Furthermore, I think that the present bill is a compromise, as has been suggested by many previous speakers. It is a compromise between those, on the one hand, in the Liberal party who are split on the issue but are prepared to accept the moratorium to absolve their consciences and those, on the other hand, to my left who are theoretical abolitionists, some of whom are prepared to stand up and say so and some of whom are not prepared to do so.

I have a third reason for suggesting that the reason offered by the Solicitor General (Mr. Allmand) is specious. This reason is closely related to the number of convictions for murder under study in Canada. We are told there were 12 murderers in jail when the present moratorium went into effect. Is it the study on those 12 cases that is two years behind? Or was that comment related to the studies being made in other areas of criminality to prove, show or demonstrate that, comparatively speaking, the rise in one sector of criminal behaviour is greater or less than in another since the moratorium was instituted? No, Mr. Speaker, this sort of reasoning does not stand up too well to the searching test of logic or practicality.

This is a compromise bill because the government did not have the gumption to come out on this matter one way or the other to let us stand and be counted, abolitionists or retentionists. This is a bill introduced to cloak the bankruptcy of the government in the area of economic reform directed toward alleviating unemployment, reducing inflation, helping the old age pensioner and relieving taxation. For that reason alone it deserves to be defeated.

It would be tempting to examine other features of the minister's speech in the cold light of logic and to reveal its many inconsistencies. That temptation must be resisted, if only because of the clock. We are, in any event, dealing with a very practical and serious matter; the death penalty, something of concern to all Canadians. Emotions run high, I know; I felt the pressures throughout the election campaign. The wind is still blowing strong. My information, based on a survey regarding which returns are still coming in, is that 85 per cent to 90 per cent of my constituents favour the restoration of the death penalty to the statute books for use, as judge and jury direct, in cases of convictions on the charge of murder. As I say, 85 per cent to 90 per cent are for restoration of the death penalty, with only 2 per cent or so undecided.

[Mr. Munro (Esquimalt-Saanich).]

• (1520)

Statisticians, sociologists, psychologists, academics of all sorts have provided us with their views on criminology. They have produced conflicting observations, conclusions and recommendations. Some argue that statistics show that the death penalty is no deterrent, and some that it is. These academics study either cold, inhuman statistics and from that material draw their findings, or they examine case files, interview a sampling of criminals and on that basis reach their conclusions. These conclusions are useful as signposts but they are conflicting; they are no substitute for evidence from those who know even more about criminals than statisticians, sociologists and psychologists.

There is a group of specialists in this field whose views we seem content to ignore, those who have to deal daily with criminals of all sorts. They are Canada's policemen. The Canadian Association of Police Chiefs has submitted a brief that recommends in favour of retention. Why do we turn away from this representation supported, as the police chiefs are, by practical, day to day contact with criminals of all kinds?

There are two or three other considerations I would like to lay before the House before rounding out my contribution to this debate. One of these deals with terminology. I do not quite know why we allowed ourselves to be sidetracked from murder, first degree; murder, second degree and manslaughter, etc., into capital and non-capital murder, and I care not which party produced the change. For myself, I find it hard to get the idea underlying non-capital murder. It is awfully capital for the victim, that is, if my Latin still serves me correctly.

Now we have a set of new terms being introduced—murder punishable by death, and murder punishable by life imprisonment. When, in Canadian law, have we associated a sentence with a charge? What sort of cock-eyed logic leads people to dream up such nonsense? First of all, on the charge sheet the indictment would set things out in a way that almost presupposes guilt. Where have our law officers allowed themselves to be led by coming up with such ideas? Not only is this clumsy, in my view, but it is also contrary to the spirit of our justice to cite the maximum penalty along with the alleged offence. Where are we heading?

Next I think we should somehow set the record straight about murder. Some speakers opposite and to my left have charged that for the state to restore the death penalty is tantamount to making the state a murderer. Those who use this argument disregard the definition of "murder". In the Oxford pocket dictionary, "murder" is defined as "the unlawful killing of a person with malice aforethought." The state cannot become guilty of murder, on that definition. If the law exists, the state's action to implement it cannot be unlawful. In executing the sentence there is no malice. There is forethought, certainly, but the state exercises forethought with a view to its self-protection and the protection of its citizens. I reject that form of argument. The state is no murderer.

Finally, I do think it is important in any discussion of the death penalty to distinguish between the principle of requiring the death of the convicted murderer and the manner in which that penalty is executed. We are not here