

HOUSE OF COMMONS

Tuesday, June 8, 1976

The House met at 11 a.m.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

MEASURES RESPECTING PUNISHMENT FOR MURDER AND OTHER SERIOUS OFFENCES

The House resumed, from Monday, June 7, consideration of the motion of Mr. Allmand that Bill C-84, to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

Mr. Dan McKenzie (Winnipeg South Centre): Mr. Speaker, I should like to continue with my remarks on Bill C-84 which I commenced last night. Last evening I suggested that the abolitionists should become jail guards; I think they would then find out first hand what a precarious occupation it is, especially when dealing with dangerous murderers like Lucas and Kelly.

I was commenting last night on Donald Kelly's latest escapade when he attempted escape from jail with a toy gun. I was pointing out that it was not only a toy gun, it was a gun plain and simple. If a fake gun can be smuggled into or manufactured in a prison cell, then just as easily can a real one. As romantic as he may be at a distance, Kelly is a convicted murderer with experience in prison breakouts. It was only a fluke that he was unable to take a hostage, a procedure for which a toy gun concealed is every bit as effective as a real gun exposed. His overnight seige in the North Bay jail might have ended in an escape or shoot-out; had the gun been real it almost certainly would have. North Bay was lucky this time, but that is all the more reason to ensure that there is no second incident. How did Kelly obtain the gun? Why was he in a cellblock area when he should have been in his cell? Only a thoroughgoing investigation will provide the answers and I think they should be provided promptly.

Members of parliament have received letters from psychiatrists with regard to dealing with these dangerous murderers. I should like to quote from a letter I received from two psychiatrists in New Westminster, British Columbia:

Dear Sir:

We are writing to recommend that you decide upon and vote in favour of retention of the death penalty. We also recommend that you use your influence to ensure that it is implemented where there are no extenuating circumstances to warrant stay of execution. More humane and acceptable methods than hanging should also be considered.

This is a matter I have raised on two occasions in the House of Commons. I presented a motion to the effect that this subject be transferred to the Standing Committee on Justice and Legal Affairs, where we could hear witnesses and discuss alternate methods to the rope. I feel that if we did find a more humane method of executing a murderer, maybe some of the abolitionists would reconsider, but unfortunately my motion was turned down by the Liberals. These two psychiatrists go on to say this:

Both of us were born and grew up in the heartland of Canada. We are well qualified psychiatrists who have spent the past twenty-five years interviewing and treating Canadians from all walks of life. We feel that this background and experience qualifies us to offer you an opinion on this subject, and that we have both a professional and social responsibility to do so.

That is the opinion of two psychiatrists, Mr. Speaker. They say plainly and simply that rehabilitation is impossible in many cases.

Recently there was a news article containing comments by two leading psychiatrists who are experts when it comes to dealing with dangerous criminals. They say that it is better to hang killers than to introduce long prison terms with no hope of parole. Dr. Elliott Barker, who developed Ontario's treatment program for the criminally insane at one of our big mental hospitals, and Dr. Barry Boyd, medical director of the hospital, have said that they are opposed to capital punishment but that the death penalty is a lesser evil than mandatory sentences of up to 25 years as proposed by the federal government.

Among the numerous communications relating to capital punishment that I have received in the past few weeks are many from people who are of the opinion that Bill C-84 symbolizes the permissiveness that they believe is a threat to their safety. To many people it symbolizes a soft-on-crime attitude that is only encouraging further violence. The vast majority of Canadians are calling for a change in attitude and direction.

I wish to make it clear from the outset that I believe capital punishment should be retained in all cases of pre-meditated murder and other extreme types of murder. I have on several occasions spoken and voted in favour of the retention of capital punishment, and that will be the tenor of my remarks today. There are those who claim that, as a result of nearly a decade of debating capital punishment in parliament, *Hansard* is full of every conceivable argument for or against capital punishment. Perhaps that is so, but the fact of the matter remains that the murder rate has been consistently increasing and the public is not satisfied with the solutions offered by the government.

A strong conviction is growing among Canadians that we need the death penalty as one way of reversing the permissive trend of the past decade. Indeed, every national survey has indicated that a vast majority favours the retention of capital punishment, including surveys commissioned by this government. Yet, rather than asking