

Capital Punishment

an individual who has been fortunate enough to secure more votes on election day than his two or three opponents? All of a sudden does he become better fitted to determine moral issues?

● (2040)

I repeat, Mr. Speaker, I understand that on many issues I should be better equipped intellectually than many of my constituents because it is my job to be better informed, to have studied more, and to be better equipped. However, I find it difficult, indeed impossible, to extend that position by saying my moral conscience is better than the conscience of those I represent.

Finally, let us look directly at the issue. I have attempted to avoid the use of statistics because all too often they are misleading or, at the best, not very helpful. However, it is important to put into perspective the numbers of convicted murderers with whom we may be dealing. Prior to 1968, when a person could be executed for capital murder, statistics show that in the previous five years, during which there were 200 to 300 murders a year, the following numbers were sentenced to death, although most had their death sentences commuted, and indeed there have been no executions since 1962. In 1963 there were 12 such sentences; in 1964, 5; in 1965, 17; in 1966, 11; and in 1967, 10. Therefore we are talking about less than 10 per cent of all convicted murderers who could be executed. Of that 10 per cent none would be executed if the jury recommended mercy because commutation has been virtually automatic in all such cases.

I have no statistics for the last nine years because during this period capital murder cases involved only the murder of a police officer or prison guard, but I expect the proportion of premeditated or cold blooded murder remains about the same as the pre-1968 figures.

In his March 1975 statement that I referred to earlier, the Solicitor General said:

Given the sudden, unplanned nature of most homicide, it appears unlikely that most individuals who commit murder take into account the existence or non-existence of capital punishment before carrying out the act.

What kind of red herring is this, Mr. Speaker? We are not debating capital punishment for murder resulting from domestic quarrels or other hot-blooded or impulsive murder. The Solicitor General does no service to himself or his government with such foolish statements. Of course the death penalty does not deter such killers. The killers the Solicitor General should be concerned about are the cold-blooded assassins—the inmates who choose to execute prison guards—hardened criminals who are ready, at the drop of a hat, to use a firearm in the commission of a robbery or similar offence.

I am the first to admit that the return of capital punishment in itself will not solve the problem of law and order in Canada. It is only but one small part of a very complex and urgent problem. On the other hand, I cannot reject the death penalty as a useless element in law enforcement.

I wish to make one other point regarding the government's conduct in bringing in this legislation. This bill has been highly touted as providing for a minimum 25 years prison term in place of execution. The Solicitor General has said this 25 year provision is harsh, that it may be

[Mr. Jarvis.]

counterproductive with respect to rehabilitation, that it may increase the problems in our prisons and for our prison guards. He does not know whether the 25 year rule in capital murder cases will act as a deterrent.

In view of all this I, and others, must ask why the 25 year minimum rule? And the only answer that I can find is that the government, by instituting the 25 year sentence provision, may garner enough votes in this House to abolish capital punishment. It is the price it will pay to eliminate the death penalty which is unacceptable to it.

What happens then if this bill is passed? There are two classes of murder. A person convicted of either class may receive a sentence of life imprisonment. In spite of the sentence is the murderer eligible for parole? Sure, in the case of first degree murder, the minimum 25 year rule applies. Does this mean that a murderer convicted of a cold blooded murder has to wait 25 years to become eligible for parole? No, that is not what the bill says. It says that after 15 years a convicted first degree murderer may have his case reviewed. What does all this mean? It means that life imprisonment is not life imprisonment, but 25 years. And it means that 25 years is not really 25 years, it is 15 years. And the government wonders why the Canadian public is confused and angry.

Some hon. Members: Oh, oh!

Mr. Jarvis: I hear shouts of "no" to my left. I defy hon. members to convince me—and I have a great deal of respect for their judgment—that 25 years is 25 years, because it is simply not the case even in the event of conviction for capital murder.

May I conclude on a more temperate note, Mr. Speaker. The important thing for all of us to understand today is that neither Canadians nor their MPs are unanimous in their views on the death penalty. People feel equally strongly and equally emotionally on opposite sides of this issue.

To those of my colleagues who oppose the death penalty, may I say that I freely and readily acknowledge the validity of the principles that they have adopted in forming their opinion.

Therefore, while I cannot and will not ask them to agree with my position. I do ask, and I do hope, that they will respect the principles that I have adopted in reaching my decision to vote for the retention of capital punishment.

Mr. John Gilbert (Broadview): Mr. Speaker, this is the fourth time that I have participated in the debate on capital punishment. You will recall that it was Mr. Larry Pennell who introduced the legislation in 1967 which set in motion the abolition of capital punishment, and at that time there were certain restrictions. Because of my participation in the other debates I will impose upon myself a limitation of time.

Some hon. Members: Hear, hear!

Mr. Gilbert: I am rather proud of the debate thus far because there has not been the acrimony and the emotionality which could easily creep into this type of debate. I have not heard the abolitionists say that capital punishment is sadistic, barbaric or savage, and I have not heard