

*Capital Punishment*

capital punishment. As you will recall, Your Honour, the Solicitor General (Mr. Allmand) had brought before the House a bill which would abolish capital punishment except in cases where a policeman or prison guard was the victim of murder. On that occasion I said the following:

For one thing, the minister—and I would predict, almost all of his cabinet colleagues—are abolitionists. Yet they present us with a bill that provides for the death penalty in the case of murder of a prison guard or law enforcement officer. If that alone is not questionable, surely the hypocrisy of this legislation is clear when the government presents us with a proposal it has no intention of carrying out. If a government is unable, or just plain unwilling to carry out legislation, it insults this House by presenting such legislation...

The present government would not enforce the penalty provided for in this legislation for the murder of a policeman or prison guard. To suggest it would do so is preposterous; to incorporate that suggestion into legislation is hypocritical.

I do not quote from my previous speech on this subject made when the Solicitor General brought forward the partial abolition bill because I want to claim credit as a prophet. It did not require powers of prophecy to see through the sham of the legislation he was presenting. I quoted my remarks to show that I understood the real designs of the Solicitor General and the government. Now, before the expiry of that experimental legislation which he claimed was so necessary and of paramount importance to the country, the Solicitor General says to us: "Let's wipe out the experiment. Let us forget what we promised with regard to another five-year period in which we would partially abolish capital punishment except in cases involving the murder of a policeman or prison guard. We are going to call the experiment off, abort the experiment in midstream, so to speak, and end capital punishment in this country." I say that the track record and attitude of the Solicitor General in matters concerning parliamentary democracy can only be viewed with deep regret.

It is interesting to note how government supporters proceeded when this bill was before the committee. When any ordinary piece of legislation is being considered, the members of this House, wishing to represent their constituents in the best way possible and not being experts in all fields, find it necessary to call witnesses to appear before a committee and to testify. Members hear what experts say about the application of this or that legislation. As I say, hon. members do not claim to be experts in highly controversial, difficult, and involved fields. We are a collection of commoners. Yet when this bill went to committee for study, the proposal of those opposing the bill to hear representatives of policemen and prison guards was turned down by the government majority on that committee.

**Mr. Baker (Grenville-Carleton):** That was a bad thing.

**Mr. O'Sullivan:** As the House leader of my party says, that was a bad thing. It is apparent that the government is not willing to listen except when it suits its own convenience. We believe that those witnesses should have been called and heard. If anyone has his or her life hanging in the balance on the outcome of this debate and this bill, surely it is the men and women who serve on our peace enforcement forces and as guards in the prisons of this country.

● (1730)

Earlier in the debate, speaking on the amendment of the hon. member for Oxford (Mr. Halliday), I discussed the situation of the Canadian penitentiary system as I found it while studying that system as part of a special subcommittee of this House. Little did I know at the time that support for the assessment which I gave of the prison system in Canada would come from Dr. Ezzat A. Fattah, the great friend of the Solicitor General and this government relating to this peace and security legislation, in particular in its proposals to abolish capital punishment. After bringing in his report he wrote an article for Simon Fraser University weekly publication. I quote from that article:

It is a barbaric act, an act of unusual cruelty, to put people in cage-like cells for a minimum of 25 years without the faintest hope. Anybody who knows the living conditions in our penitentiaries would agree that this amounts to a slow death one hundred times worse than rapid death by execution. It is simply hypocritical to abolish a cruel, barbaric and savage punishment such as the death penalty while replacing it with another punishment even more cruel and more barbaric.

Dr. Fattah does not agree with the stand that I have taken on capital punishment, and I do not agree with his findings. However, we both agree, he an abolitionist and I a retentionist, on the barbaric cruelty that one finds in the prison system and the suggestion of the Solicitor General that we box people in them without offering them any hope, or any reason for maintaining themselves in a manner which would not endanger the lives of others.

The government decided that we should not hear representations from spokesmen for policemen or prison guards whose lives are on the line. Their own proponent, their own so-called expert advancing the cause of the abolition of the death penalty, says that it is a barbaric act to cage people like this. It will obviously create tensions that will endanger the lives of both inmates and prison guards. Somehow the government does not think we should listen to those representations or that side of the story.

I do not look down on public opinion. There seems to be an undercurrent of argument put forward by some in this House that members of parliament who support the maintenance of a strong law and order system through the retention of capital punishment are somehow capitulating to the forces of public pressure.

At no time have I ever suggested that anyone should support capital punishment only on the basis of what his or her constituents suggest should be done. At the same time, however, the same members of parliament who at election time return to their constituents with plaudits and praise for the good common sense of the people, asking for their trust and seeking their support, are not in a position to turn around and say that we who have been sent here by them somehow have a greater wisdom, a more developed social conscience that permits us to block out representations we receive from constituents. That is folly. It undermines democracy.

We serve our constituents best when we do what we believe to be in their best interests, when we do what we believe to be right, and when we do what we believe will bring the maximum possible good to the maximum number of people. However, in our search for putting forward