

or count it—that there is a place for capital punishment in our system of justice. I insist that this House must respond to that concern.

It is also true, I think, that there is a great variety of opinion among retentionists about what place capital punishment ought to have in our system. You cannot hold a referendum on the subject because some people feel you should retain capital punishment for hijacking, treason, and kidnapping; others, that it should be retained in the narrow case of murderers who commit murder for pay. Some retentionists also question the power of commutation and how that power ought to be exercised.

Before I make my recommendation, I wish to point out one of the difficulties we shall encounter if we proceed to vote on the bill in its present form. I think that the matter will be decided by a narrow majority on one side or the other. A large minority of members, who will represent a large segment of public opinion, will oppose that decision, no matter how the House decides on that important question. For that reason I wish to make a proposal for an amendment, for which I hope there will be a fair degree of consensus. I will bring forward a proposal which I think can be supported by abolitionists because it recognizes their point of view, but which will preserve capital punishment among the panoply of remedies available under the Criminal Code.

**Mr. Jones:** Mr. Speaker, I rise on a point of order. There is not a quorum present. I think the House should adjourn.

**An hon. Member:** The quorum has been called.

**Mr. Kaplan:** Mr. Speaker, I consider that a solid life sentence is as effective a deterrent, in general terms, as capital punishment. I am prepared to argue, from the moral point of view, that a solid life sentence, if I can put it that way, is just as rigid and just as oppressive a punishment as capital punishment itself.

● (1630)

I listened with interest to the hon. member for Fundy-Royal talk about his experience with the application of capital punishment. I invite him—perhaps he has already done it—to talk to some people who have had imposed on them a life sentence, people who have been in prison for 25 years or more. There are some in Canada who have had that. He should then come to a conclusion about whether the capital punishment that upset him as a youngster is more of a severe penalty than the penalty of life imprisonment.

I now come to the point. What I intend to propose when this bill goes to committee is an amendment that will continue capital punishment, not for the most serious criminal acts in general, but for those acts committed by individuals who are already subject to life imprisonment as a sentence under the bill proposed in the House today. In other words, I am saying that this heavy, solid life sentence is, as far as I am concerned, an effective deterrent in general. However, what is the deterrent in this sentence for a violent crime committed by a lifer while in prison?

As an example, I refer to prison executions. Almost every time convicts take over a prison, they kill two or three of the other prisoners to whom they take strong

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objection. When the Kingston penitentiary was recently taken over by the convicts, the first people they killed were the criminals serving long indeterminate sentences for sex crimes. Who are they to impose the death penalty on fellow prisoners? They pick the men who have nothing to lose, those already serving life sentences, to carry this out. They are not deterred by the life sentence when trying to escape or from being a danger to the life and safety of prison guards as well as to their fellow prisoners. I want to see us turn to an amendment which would reserve capital punishment for that very narrow area.

I am also going to put into the amendment that capital sentence should be non-commutable by the cabinet. It should be a definite, emphatic, non-commutable death penalty subject to only one thing, that being if the jury recommends clemency in the case of a lifer who commits a serious capital crime, the cabinet should have the power to review the decision and commute it.

I feel the position I have put forward can be viewed as an abolitionist position because it eliminates capital punishment for a very broad range of crimes where the solid life sentence is an equal deterrent. However, I invite those who are concerned about protecting society to consider what deterrent there is for the person I have described who has nothing to lose by committing serious crimes in prison, trying to escape, or endangering the system of order within our penitentiaries, as well as the crimes he might commit after he escapes. This is a real problem where I would argue that capital punishment is an obvious deterrent and I think it ought to be continued.

**Mr. A. D. Alkenbrack (Frontenac-Lennox and Addington):** Mr. Speaker, once again this House is debating the question of capital punishment. I have spoken four times in this House on capital punishment over the past ten years; August 4, 1966; November 14, 1967; May 23, 1973; and October 19, 1973.

Sometimes it seems to me that this new liberalism that holds the reins of power in this country has developed and fostered a firm schedule of debate that includes deficit budgets, capital punishment, unemployment, inflation, and scandals in the ranks of the government. I do know that all this debate on capital punishment over the past decade has not availed us of a firm policy in dealing with murderers and other dangerous offenders in our society. It has not accomplished anything to improve the level of public security in our country. Because the government has adopted and maintained a namby-pamby attitude toward the treatment of dangerous criminals, we now have open season on law enforcement officers and prison guards.

The gist of this debate is the traditional basic reason for government; protection of persons and property. Neither the Prime Minister (Mr. Trudeau) nor his government care anything about the protection of persons and property. This has been shown recently in this House. Yesterday during private members' hour from 5 to 6 p.m. Bill C-255, sponsored by the hon. member for Burnaby-Richmond-Delta (Mr. Reynolds), came up for debate. This bill would greatly assist in the protection of persons and property. It would provide for the establishment by all Canadian telephone companies of an emergency telephone number.