

### Capital Punishment

who have been imprisoned and released have murdered again, executing an innocent individual without trial, without charge and without judge and jury. While I do not have firm statistics on this, it would appear that the possibility of a murderer murdering again is much higher than the possibility of the Crown hanging an innocent person. So, we must decide where our obligation to society really lies.

I want to point out that I do not feel emotional about this issue. I am looking at it as objectively as I can. While I have dedicated a portion of my life to the saving of people's lives through the work I have done in the past as a physician, the arguments in favour of retention of capital punishment seem to be much stronger than those in favour of abolition of it. I know from information obtained that there are some types of personalities that are not capable of rehabilitation. I know also there is no way to determine whether a murderer will murder again until he actually does it. There has been a significant amount of discussion as to whether criminals should be treated by means of a rehabilitation program only or whether punishment should be part of the treatment as well. I am of the impression that discipline is a good thing and that it can be better achieved through the use of selective punishment. But I agree also with those who say that discipline should not be carried out as a form of revenge, but rather as a rehabilitation measure in itself.

From the statistics I have previously read, I am convinced that capital punishment does have a deterrent effect, in spite of the emotional arguments put forward by the abolitionists. Quotations have been used which suggest that convicted murderers have indicated they did not think of capital punishment at the time they committed murders. There have also been quotations of statements made by individuals who had committed a crime indicating that they would have committed murder had they not been afraid of capital punishment. So, arguments incorporating this approach cancel each other out. I think we must look at this question from the point of view of protection of society, particularly in respect of repetition of murder by the same individual. This of course could be done by a mandatory life sentence without the possibility of parole, but that so far as I am concerned does not carry the same degree of deterrent effect.

Finally, Mr. Speaker, we must consider the views of the population of Canada. It has been clearly indicated in many studies and constituency surveys by various members, including myself, that the majority of Canadians are in favour of retention of capital punishment because of its deterrent value. The practice of commutation in respect of all capital punishment sentences in the past few years is of some concern to me because it undermines the authority of the law and of parliament. If parliament passes a law which suggests capital punishment for certain crimes, then the government is obligated to live by this law. The cabinet has not been doing so, creating the impression that the cabinet itself disregards the law as it exists. The average Canadian might well say if the cabinet does not live by the laws it passes, why should I? Therefore, this practice of commutation of the sentence of all murderers is not acceptable. If commutation is the course the government desires to follow, then it should bring in a bill which would abolish capital punishment completely. This would

[Mr. Yewchuk.]

give members in this House a clear-cut bill on which to express an opinion. Once that is done, the government should be prepared to live with that decision.

**Mr. R. Gordon L. Fairweather (Fundy-Royal):** Mr. Speaker, because the whips are not here we can disagree with our colleagues. It is rather interesting for me to follow my hon. friend who, as he mentioned, is a physician. However, the figures he quoted, obviously in an effort to support his case, concerning the repetition of murders by the same murderer conveniently overlook an important point. It is my information that only one such murder has occurred in the last 20 years. I am open to correction on this. The other point on which I must disagree with him is the matter of commutation. Commutation, the royal prerogative of mercy, has not changed. It was not changed by the law of 1967 and it will not be changed by this law. I very much hope the cabinet would continue the practice of commuting sentences. However, I do not see how that aspect of the debate adds very much to the issue.

In any event, I am an abolitionist and have been a convinced one for many years. I think there have been many eloquent speeches in support of this bill, but sadly the discussion is really a continuation of other debates on the subject which have grown in intensity during the past 10 or 15 years. It is a pity—and here is where I indict the government—that the government and parliament seem unable to face the issue squarely and abolish capital punishment once and for all, because this debate will have to be repeated in another five years. I think in a sense we are postponing the inevitable. I believe it is a pity we did not face this issue in 1967. We are faced with it again now, and we will have to face it again in a period of five years.

I wonder whether in all the words which have been spoken—and I certainly include the words I will say—in this and in other debates on the subject, the case for abolition has been put more shortly, more convincingly and with more personal feeling than did Mrs. Pauline Maitland, a brave widow of a brave Toronto policeman brutally murdered in February, 1973 while on duty. This young woman, facing not the strident and blood-curdling outcries of constituents which make many of us cringe, but the terrible tragedy of her husband's death said, "I don't believe in capital punishment. Taking another life would not bring my husband back." I think really that that says it all. I can think of no more poignant statement, and I rather apologize for taking another few minutes, Mr. Speaker, because Pauline Maitland has said all that parliament needs to say on this issue of capital punishment.

● (1610)

I happen to be a convinced abolitionist and will vote for this bill as the second best alternative to outright ending of the death penalty. The death penalty, of all forms of punishments, is the one most rarely carried out. The last hanging in this country took place in 1962, but as members of parliament we do not seem able to take the final legislative step which would end state killing forever.

This is a curious debate because very few of us will be moved by what others, who are opposed to our views, say on the issue. It is a debate in the sense that people are making their speeches for the record. Some of us, of