

*Criminal Code*

of certain traitors and murderers by more humane methods, but consideration of the principle involved prevents me from picking and choosing. Despite animal-like behaviour I am not prepared to admit that man is an animal, even when he is dangling at the end of a rope, or burning in a chair, or being boiled in oil as used to be the case in the old days.

We cannot hope to instil reverence for life in those who kill when they are insane; but they are not executed. We can hope to make progress with the ignorant and the underprivileged, and in Canada we have already done so and can continue to do so. Our capital crime rate is about one third of that in the United States. Some southern states have ten times as much trouble as we do in this respect.

In the United States in 1935 there were 199 persons executed. By 1964, due to the abolition of capital punishment, and commutations, only 15 persons were executed in the whole of the United States. This shows that our neighbouring society is either recognizing the preciousness of human life or the utter futility of exacting a life for a life.

There were many who were not unhappy with the distinction between capital and non-capital murder as defined by the last Conservative regime. Many thought that the hon. member for Kamloops (Mr. Fulton), as the then minister of justice, had affected some admirable amendments to the Criminal Code, but now it is plain that they have been scuppered by the age old prerogative of commutation, an executive act.

This was a likelihood that no one foresaw or admitted as likely at the time. The power of commutation was originally intended to be exercised only in cases of grave political import, cases peculiarly involving the interest and security of the state. Gradually this power became the "rule of no law" in the hands of the cabinet, and particularly so after capital murder was defined. This power to pick and choose a victim with an uneven hand was soon so obviously unfair and reprehensible that this government has been led to the position where all death sentences to date have been commuted.

I say to hon. members that I am not blaming either the former government or this government for this evolutionary and conditioning development, but I would like to make it clear that after sparing 20 or more murderers by commutation over the last

[Mr. Ryan.]

three years, to be absolutely fair, just and consistent this country is almost committed to abolish capital punishment for all crimes for all time.

I feel, Mr. Speaker, that sure detection, swift apprehension and proper punishment are the real deterrents to crime. In my own mind there only remain the questions of proper punishment and proper prevention. These are all that remain to be considered in respect to this resolution. In this connection I strongly feel that a mandatory life sentence for offences, that by definition in our Criminal Code presently bear the death sentence, is a proper punishment if it is carried out or is substantially carried out.

Our practice in Canada has been to consider a life sentence as a sentence of 21 years only and that lifers be released after serving about 12 years, or even the minimum requirement of 10 years for good behaviour. This practice is so common that a 25 year sentence is more feared than a life sentence by a hardened criminal. Mr. Speaker, the Parole Act, Revised Statutes of Canada 1958, chapter 38, provided that certain regulations could be passed in respect of time of parole. Regulations were passed on two occasions subsequent to the passage of the act. The most recent regulations were brought into effect by order in council, 1827 on December 3, 1964. By these amended regulations, section 2 of the Parole Regulations, as it then existed, was revoked and the following substituted therefor—and I will read only part of it:

(3) A person who is serving a sentence of imprisonment to which a sentence of death has been commuted, shall serve the entire term of the sentence of imprisonment unless, upon the recommendation of the board, the governor in council otherwise directs.

(4) The board shall not recommend a parole, in a case coming within subsection (3), until at least ten years of the term of the imprisonment have been served.

So the floor is now ten years. After that a prisoner can apply for parole even though he is sentenced to life. Under these circumstances, Mr. Speaker, I maintain the punishment is insufficient; there is not sufficient protection against repetition, and the house should therefore, I submit, amend the Parole Act and its regulations to put in a floor of at least 21 years on paroles in respect of a mandatory life sentence. I would settle for 20.

If a person be convicted of non-capital murder, as we presently understand it, then I would have no objection to part (c) of the resolution, save that these cases probably