

### *Capital Punishment*

chance to vote against it on third reading or at the report stage.

The hon. member for Kingston and the Islands (Miss MacDonald) made this point in her speech of May 22, and the hon. member for Peace River (Mr. Baldwin) also made the point very well this afternoon. When the hon. member for Kingston and the Islands spoke, she said she supported the principle of abolition but did not like many aspects of this bill. Others have said that they would support the abolition of capital punishment if some improvements were made in the parole system and in the penal system. Is not this the sort of thing that can and should be considered by the committee? There will be an opportunity to present amendments in the committee and also at the report stage of the bill. If a member votes against the bill at this stage, he will eliminate any opportunity for further discussion or amendment.

I personally feel there should be improvements made in the parole and temporary absence system. It is for this reason that we announced in the Speech from the Throne that improvements would be made in the prison and parole system. Because we were very concerned about this, my predecessor set up the Hugessen task force in 1972. Later this week, or possibly next week, I will present proposals to the House for improving the parole and temporary absence system in a general way. I might say, further, that we are also studying several possibilities for changing the parole provisions as they apply to convicted murderers, and I would be willing to discuss these proposals with the justice committee if and when the bill is sent to that committee.

There are other areas in which we could amend the bill as well. When the bill was introduced in January—it was one of the first bills that was introduced—at that time we did not have the murder statistics for 1971, which was one of the reasons for putting forward a bill that would continue the previous law in force over the last five years. We now have another year's statistics. Also, in that time we have been able to get to know each other in this House. This was a new parliament and when we presented the bill we did not know what to expect. We had a minority government and we did not know what would be the opinions of members with respect to capital punishment. We now have a better feel of what is in the minds of hon. members, and again this will provide us with the opportunity to accept and consider amendments.

Many hon. members have asked why we have a bill that retains capital punishment for the murder of two categories of individuals, policemen and prison guards. If the House remembers, when this measure was introduced in 1967 the basis for its introduction was the British experiment. The British parliament had decided to try an experiment for five years in which it abolished capital punishment for murder, except for the murder of prison guards and policemen. At the time we felt this would be an appropriate experimental move for ourselves. Since that time the five-year experiment expired in Britain and the British House of Commons decided to completely abolish capital punishment. However, this year, as hon. members know, there was an attempt by a number of private members to have capital punishment reinstated by another vote. On that occasion the British House of Commons

[Mr. Allmand.]

again turned down the reinstatement of capital punishment.

● (2120)

I might say that in the five and a half years since we partially abolished capital punishment there has been no certain trend. At the beginning of the debate I pointed out that immediately after partial abolition, in certain provinces, and in particular in the province of Ontario, the largest, most industrialized and most urban province in Canada, for three successive years there was a decline in the number of murders. After three years there was a slight increase. In other provinces there was a steady increase, although slight in all, right through 1968. In some provinces there was a decrease in the latter part of the five-year trial period. There has been no definite trend following partial abolition in 1968.

As I said at the beginning of the debate, I would prefer complete abolition, but first of all this is a government bill decided upon by the government to be put to the House. In putting it forward I am speaking on behalf of the government. This is to be a free vote, but it is a government bill. The same thing occurred in 1967 when a considerable number of members in the government party voted against the bill.

We put it forward as a compromise move toward total abolition in the best way we could. At the time we put the bill forward, we felt that if we proposed total abolition at that time it might be defeated and we would be left with the 1961 law which would probably, from the abolitionist's point of view, be much worse and would provide for many more executions than under the law we have had during the past five years.

For this reason, I find it very difficult to understand members who have spoken in this debate declaring themselves complete abolitionists and saying they would vote against this bill because it is not abolitionist enough. I fail to understand that argument, because if they are abolitionists and vote against it they will be left with a law which will provide for a much larger area of capital punishment. I cannot understand how a person who is really an abolitionist could fail to vote for a bill which moves toward the goal of total abolition, but instead would vote against the bill which is a move backward.

Some members during this debate have said they will not vote for this bill because it is a hybrid bill, neither abolitionist nor retentionist. As I pointed out this afternoon, if they vote against the bill they are left with a law which in itself is a hybrid law. They are left with the law of 1961 in which there is capital murder and non-capital murder. In other words, the law that will apply if they defeat this bill is a law under which certain types of murder will lead to life imprisonment and other types of murder will lead to capital punishment. So they are not being consistent in their arguments. The difference between the two laws is that this bill will provide for a greatly restricted area of capital punishment, and the law that will be in force if this bill is defeated will provide for a much larger area.

I said I would try to deal with some of the arguments put forward during the debate, an important one being that put forward by the right hon. member for Prince