

Without, of course, speaking against the parole system, I think people are worried, because they know that the sentence that the judge gives has in fact no real effect, since the parole system completely changes the structure and nature of the sentence that was given. Now, I think, Mr. Speaker, this is likely to destroy the judicial power and to endanger the security to which the population is entitled from the judicial power.

I submit, Mr. Speaker, that as long as the rights and powers of the National Parole Board would not have been fundamentally changed, it will be illusive to discuss any longer the question of being for or against capital punishment. In fact, I think all members have sentiments generous enough to know that this punishment is the ultimate resort and that we have in fact to determine if the death penalty is a dissuasive factor or not.

Theories and opinions may vary, but when the hon. member for Vancouver-Kingsway (Mrs. MacInnis) called a few minutes ago on the members' conscience, saying not to be too concerned with how their constituents might feel, I think she prompted me to join the hon. member for Leeds (Mr. Cossitt) who said that this is a matter of free vote, for we live in a democratic country.

Personally, I am inclined to become an abolitionist, and if I am hesitant to say whether capital punishment is a deterrent or not, I am convinced that 80 per cent of my constituents want me to express their views in this House. I think it is also my duty to say that I am in favour of capital punishment without believing that the people are wrongly concerned if they want this penalty for murder, and in this way express their concern towards the inadequate parole system and rehabilitation service. As a matter of fact, the latter has proved to be inefficient and there is a need to think about it in depth before going in for eloquent speeches or heart rending protests to say: I am in favour or against capital punishment.

As far as I am concerned, Mr. Speaker, the debate to decide if I am for or against the death penalty for a criminal is an utterly outmoded process and a totally inopportune one since a similar debate took place in 1967 without results. The proof is that in spite of restrictions, as I said at the beginning of my remarks, no death penalty has been imposed one way or the other.

I do not say it is bad. I do not say that the then Prime Minister and the Solicitor General or the Minister of Justice, who must sign the execution evidence, should or should not have done so. What I am saying it is that we should not thus dissect legislative and coercive measures, but rather introduce a set of laws which will reestablish in the public opinion the prestige of the judicial power and put again into the hands of those who have the responsibility to decide, with the members of the jury, what sentences will be imposed and to insure that these sentences are executed in nearly all cases.

This is the way we will restore confidence in the public opinion. I am persuaded that the population as a whole will then feel as strongly for abolition as does the hon. member for Vancouver-Kingsway.

I already discussed this question with several groups in my riding and I expressed the views of several hon. members in favour of the abolition of capital punishment,

Capital Punishment

telling them that I was not convinced at all that it was a deterrent against murder.

I also pointed out that the life of an individual or the execution of a criminal does not bring back the murdered victim. Obviously, it is, in a way, a panacea or a very clear element. But the moment those groups are assured that the sentences given will be fully carried out and that the Parole Board will not alter the decision of the judicial power, then, Mr. Speaker, people are relieved. We immediately witness a wish to become abolitionists, as are some members who expressed their views.

Mr. Speaker, since our duty is to protect the citizen and that about 80 per cent of the voters I represent are in favour of retaining capital punishment, not because they are enthusiastic about executing a criminal but because they want to show their insecurity in view of the inadequate laws that exist in the parole system, and since I am living in a democratic state, I shall vote against this bill which to my mind, has not been applied, since it was implemented.

Therefore, I would urge the Solicitor General to table a legislation on an overall reorganization of the Parole Board to give back to the judicial power the authority it is losing over the population following the erosion and the continuous cuts which are made in the sentences given by the courts.

[*English*]

● (1600)

Mr. Elmer M. MacKay (Central Nova): Mr. Speaker, at the outset I should like to associate myself with some of the remarks made by the hon. member for Montmorency (Mr. Laflamme) who has just spoken. I also enjoyed some of the remarks made by the hon. member for Scarborough East (Mr. Stackhouse) when he spoke yesterday, and the excellent speech made by the Minister of Justice (Mr. Lang). As a comparatively new member of this House, I have listened with great interest to some of the history of this topic we are debating today. The hon. member for Montmorency also alluded to it. I know that in 1966 there was an interparty resolution which called for the abolition of the death penalty and the substitution of the mandatory sentence of life imprisonment. That was rejected by the House in a free vote by 143 to 112. Then, as the hon. member for Montmorency said, there was the 1967 development which resulted in the present five year trial period which has just come to an end.

Since 1968, I believe there have been four convictions for the murder of police officers and the government commuted the sentences in all cases. The Governor in Council, of course, has the power of granting mercy or clemency and this is as it should be, but it can also be argued, I suggest, that the present practice of invariably commuting every death penalty to life imprisonment is undermining both the legal process and the power of parliament. It can also be argued with some effect that this practice has removed any deterrent effect that the death penalty may have, in theory.

In speaking on this bill I think one cannot avoid the philosophical, religious and legal questions. This bill makes no final determination of the fundamental issue of capital punishment and, in its present form, it discrimi-