

performance in the application of the law dealing with capital punishment as well as in the administration of penitentiaries and rehabilitation programs, one might easily conclude that the trend under the present administration is to accept as normal ever increasing amounts of crime as well as ever increasing numbers of murders.

There have been many speeches made by representatives of the government, including several ministers. I did not hear all of them, but it is my impression that none of them indicated any willingness to live up to the law as it has stood over the past five years in relation to carrying out executions of murderers of police and prison guards, and no minister to my knowledge has indicated there is any willingness to carry out this particular aspect of the law over the period of the next five years should this bill pass.

It strikes me as rather hypocritical that the government is not willing to take a position. If it is the intention of the government to abolish capital punishment, which was the tenor of the speech of the Prime Minister (Mr. Trudeau) and the Solicitor General (Mr. Allmand) as well as others, then why not do it? The Solicitor General has indicated that capital punishment for murder of a prison guard or policeman will be retained only as a concession to policemen and prison guards. He might have created the impression in the next breath that they do not intend to carry out that part of this law. This is an example of the lack of courage on the part of the government to carry out its own laws.

If the Solicitor General is truly convinced that capital punishment is not a deterrent, then why leave it in the bill? On the other hand, if he is of the opinion that capital punishment is useful as a deterrent in cases of murder of policemen and prison guards, people who are exposed to unusual amounts of danger, then surely he has to admit it is also a deterrent in cases of murders of any other type of individual.

However, let us take a look at some of the statistics. Prior to the trial period commencing in 1967 an average of 222 persons other than policemen or prison guards were murdered in each of the preceding seven years. That is a period when the death penalty was in effect for all capital murders. For the following four years when the death penalty was abolished for murders of individuals other than policemen and prison guards the average number of murders rose to 376. The figure for 1971 was 422, nearly double the average in the years preceding abolition. It seems to me that no argument is better than the actual figures. These figures indicate to me a very significant increase in the number of murders since abolition occurred. While the abolitionists put forward various arguments that other crimes have also increased, in my view they are irrelevant as far as the present debate is concerned. The fact is that the number of murders has nearly doubled with abolition, and that is a fact we must not forget.

If we look at the comparable figures for the same 11 year period in respect of the murder of policemen and prison guards, for which capital punishment has been retained, we find the increase was from 3.6 murders annually prior to the suspension to 4 per year following the suspension. If we put this into a similar range of figures for comparison

### *Capital Punishment*

purposes, as I have given for other types, it would increase from 360 to 400, a much less significant increase in the murder rate of individuals for whom capital punishment was retained, even though the deterrent effect of this was significantly diluted by commutation. This comparison has to be looked at as a very significant and major factor in this decision making process.

I previously said this bill does not really do anything for anyone. Those who are abolitionists can vote for the bill because it partially abolishes capital punishment, but they can also vote against it because it partially retains capital punishment. So, the abolitionists can, with a nearly clear conscience, vote either for or against it. Those who are retentionists can also vote for the bill because it retains capital punishment in some cases, and they can also vote against it because it abolishes capital punishment in certain cases. So, those who are retentionists can also vote for or against the bill with a nearly clear conscience.

The whole point is that the government has failed to make a decision or, if it has made a decision, it did not have the courage to put it into the form of legislation. As a matter of fact, the debate on this issue, for the reasons I have just stated, does not call on anyone to indicate whether he is for or against the abolition or retention of capital punishment because no matter where you stand you can vote for or against this particular bill. My firm belief is that the bill does not really change anything. If it passes, we will continue the same manner of law enforcement and the same treatment for convicted murderers because of the right the cabinet has to commute sentences.

Experience since 1962 shows that all convicted murderers have received commutations. From the remarks by the ministers and the Prime Minister, we have no reason to believe the situation in the next five years will be any different. If this bill is defeated, then the pre-1967 law will be in effect and the cabinet will still have the right to commute death sentences. Therefore, if the bill is defeated we have no reason to believe the cabinet will not continue to commute death sentences, just as it has done in the past. When we examine these facts we begin to wonder what the purpose of this bill is, and what the purpose is of putting forward a bill of this nature when the end result in the handling of murderers will be the same. As a matter of fact, it would have been the same had this bill not been before parliament and had this debate not taken place at all. In short, the debate on capital punishment is an exercise in futility because it is very doubtful that there will be any changes as a result of it in the application of the law or indeed in the treatment administered to convicted murderers.

● (1600)

The Association of Police Chiefs refutes the effectiveness of rehabilitation, and we all know that rehabilitation does not always work. We all know also that murderers who are imprisoned for the prescribed period of time and then released on parole have, on occasion, murdered again. The main argument against capital punishment which I can accept, and which really makes good sense to me, is the possibility that an innocent person could be executed. That argument in itself is almost enough to convince me that capital punishment should be abolished. But if we look on the other side of the coin, we find that murderers