

imprisonment. We are saying to the prison guard that the only way we are going to protect him from being fatally attacked by prisoners is to keep them under his care for many more years. We are going to incarcerate murderers longer, and if they kill one, two, three, four—

**Mr. Guay (St. Boniface):** They can kill one very day, if they want to.

**Mr. Lambert (Edmonton West):**—all they will get is 25 years. There is nothing to lose.

**Mr. Darling:** Fifteen years.

**Mr. Lambert (Edmonton West):** Then there is the question of parole. I do not suppose anybody who killed a second time or killed in a prison would get much sympathy with respect to parole. But it is ludicrous to think that long-term sentences of this kind will provide protection for prison guards. Society has a responsibility for the protection of fellow prisoners as well. The fact that a man is sentenced to jail, for whatever crime he may have been found guilty of, certainly is not to be taken to mean that he is being sentenced to exposure of being killed by someone within the prison system. In practice, one might be so cynical as to say that is what some of the abolitionists may hope. It is a very harsh form of attrition, but I honestly think that some people hope that will happen. What a penal system we would have if we were to substitute the lawful executioner and put in his place the unlawful executioner within the prison system!

As the hon. member for Esquimalt-Saanich (Mr. Munro) detailed the other day, many sections within the National Defence Act still provide for the death penalty. That act says that every person—not merely a serviceman or servicewoman—who commits an offence under certain sections is subject to the death penalty.

What about all the bleeding hearts in regard to the elimination of the death penalty by the cabinet and those who support them? Why were no amendments brought forward in this bill to remove those sections from the National Defence Act? It would have been very simple, if the principle had been to eliminate capital punishment. But certain sections of the Criminal Code are amended to change certain categories of crime, parole is arranged differently, and the death sentence is left in a very important statute of this country to cover certain circumstances. I suppose it would be ironical to say it would be rather strange to see an event happen within the next few months which would bring the perpetrator of a certain crime under those provisions of the National Defence Act. That would be a really interesting situation.

● (1240)

As I said on second reading, the burden of proving that the change is for the better is on those who advocate support for this bill. It is not up to the so-called retentionists to prove their case; it is for the abolitionists to prove it. I will not go so far as to say that they must prove their case beyond any reasonable doubt, but it is their responsibility to prove that the abolition of capital punishment will be a change for the better and that our system of justice and protection of the public will be improved. I submit that the arguments put forward by the supporters of this bill are

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inadequate. They have not proved their case. They have failed to discharge the burden put upon them by logical debate. For this reason, any in this House who doubt that the abolition of capital punishment will be an improvement in our system of justice ought to reject this bill. I invite my colleagues in this House to do so.

**Mr. Fred McCain (Carleton-Charlotte):** Mr. Speaker, one of the aspects of this debate which I find most deplorable arose when the Prime Minister (Mr. Trudeau) virtually accused all retentionist members of parliament and Canadians of being seekers of vengeance who were not interested in justice. I suggest that was a false imputation and a harsh accusation. I submit there was no justification for so accusing those who in this House and elsewhere favour the retention of capital punishment.

I abhor the fact that some hon. members debated this whole question, as epitomized by the Prime Minister's speech, on the basis of what is a deterrent to murder. Arguments were put forward to show that capital punishment is not a deterrent to murder. I suggest that this debate should not have been conducted in those terms. Certainly, the Prime Minister should not have put the matter in that light. We are considering the imposition of capital punishment only in for a small category of serious crimes.

I agree that not every case in which a human being loses his life as a consequence of another human being's action should be considered as murder punishable by death. That is not the subject matter of this debate, notwithstanding all efforts to make some people believe it is. Mr. Speaker, in essence we are considering capital punishment only in relation to a few serious crimes against mankind and the state. Hon. members who proposed amendments to the bill felt that the offences which warranted capital punishment should include treason, piracy, hijacking and murder by hired killers, by the "kill for pay" people.

I think that most proponents of abolition would find themselves in an uncomfortable position if they were members of cabinet. I acknowledge that if I were in cabinet and had to consider the commutation of the death penalty, I should face a most heart-rending decision. Nevertheless, such decisions fall within the responsibilities of elected members. When seeking election, members know that they may be called on to face such hard decisions. The members of the cabinet must make hard decisions on behalf of all society. Abolitionists would face hard decisions: Any one of us, if we were in the cabinet, would face hard decisions in this regard. They would not be easy; they would be disturbing. Nevertheless, when we were elected we agreed to shoulder our burden of responsibility on behalf of all members of society.

I am concerned about the lives of individuals, and I am absolutely convinced that the abolition of capital punishment will not save lives in Canada. I submit that, on the contrary, it will cost lives in Canada. Perhaps lives will be taken within prison walls, as the previous speaker suggested. Perhaps lives will be taken on the streets. If capital murder were punishable by death, a criminal might think twice before shooting someone during an armed robbery. A criminal would think twice before shooting to kill. The retention of capital punishment would, I submit, save the lives of prison guards and police officers. Whether we shall