

### *Capital Punishment*

I think it is important at this stage to point out that the rights and duties of the state are different from those of the individual. Jack McIntosh, a Member of Parliament for Swift Current—Maple Creek in the 1966 debate, said:

We have one duty as individuals and because we are Members of Parliament we have another duty so far as the state and its laws are concerned for we are members of that state. If such an interpretation is not correct, than in my view there is no Christian justification for pride in being a member of the Armed Service and no Christian justification for asking anyone to join the Armed Services.

As an individual you cannot kill, but if you are a member of the Armed Forces of the Government, you must repel an aggressor.

Another popular argument is that the death penalty is nothing more than state sanctioned murder. To say that the state should not under any circumstances have the right to kill is simply nonsense. The state has a duty to protect its citizens from threats and violence, externally and internally. Every November 11 we honour the hundreds of thousands of Canadian men and women who served in three wars and who gave so much that we might enjoy the freedoms of today. Some of them killed the enemy in order that we might be free to assemble and debate in this House. Their actions, far from cheapening the value of life, strengthened it. Those who killed did so as instruments and representatives of the state. Their actions were justifiable because they were done as part of, and on behalf of the Armed Forces of Canada in time of war. They did not murder, they killed, and there is a difference.

There is a duty on the state to protect its citizens against the enemy in peacetime as well as in war, whether through defence expenditures to provide a deterrent against would be aggressors, or through the kind of justice system which provides the appropriate penalties to punish those who offend against society by breaking its laws.

The murderer who says "You are no better than I am", seeks to bring law abiding society down to his level. This is a false argument. Clearly the state has rights the individual citizen does not. In a democracy, these rights are given to the state by the electorate. The execution of a lawfully condemned killer is no more an act of murder than is legal imprisonment an act of kidnapping. If an individual forces his neighbour to pay money under threat of punishment, that is extortion. If the state does it, that is taxation. The rights and responsibilities surrendered by the individual are what gives the state its power to govern. This contract constitutes the very foundation of civilization itself.

Some say the death penalty creates an atmosphere which breeds violence. It appears that not everyone wants the responsibilities, especially the difficult ones which come with law enforcement.

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Back in the early 1960s a woman was assaulted and murdered on a New York street. Bystanders looked the other way. The neighbours who heard her cries for help did nothing. They did not even call the police. In such a climate, surely, the

criminal must inevitably grow bolder. In the words of Ed Koch, the Mayor of New York City:

The death of anyone—even a convicted murderer—diminishes us all. But we are diminished even more by a justice system that fails to function. It is an illusion to let ourselves believe that doing away with capital punishment removes the murderer's deed from our conscience. The rights of society are paramount.

When we protect guilty lives we give up innocent lives in exchange. When opponents of capital punishment say to the state: I will not let you kill in my name, they are also saying to murderers: You can kill in your own name as long as I have an excuse for not getting involved".

It is hard to imagine anything worse than being murdered while neighbours do nothing. But something worse exists. When those same neighbours shrink back from justly punishing the murderer—the victim dies twice.

Abolitionists also suggest that capital punishment brings out the negative side of humanity—bloodthirstiness, vengeance and so on. With respect, this says to me that our society is indicating more concern for the murderer than for the victim. I question this dismissal of the victim with a shrug saying that he or she cannot be brought back to life and therefore let us help the murderer, let us rehabilitate him.

Protection of the criminal appears to become the primary objective of punishment. The rights of the victim have been forgotten. Surely, our society must first provide resources for the victims of crime. The state must get its priorities in order. It is wrong, it is indefensible, it is irresponsible to endanger the lives of law-abiding Canadians by sparing a homicidal sex offender with a previous record of murder.

If we have priorities in Canada I would place the rehabilitation of murderers way down the list. A much more positive approach would involve the reform of our corrections and parole system, a system under which over the past 10 years 95 inmates released under mandatory supervision committed homicide, a system wherein 37 inmates on parole committed murder.

In this context I welcome the remarks made earlier in the debate by my colleague, the Hon. Member for Ottawa West (Mr. Daubney), whose Justice Committee will be looking at the parole system. I urge him to tighten up bail procedures and all forms of early release for violent offenders.

Again, I quote Mrs. Lee-Knight who said:

But if common sense prevails the innocent will have a better chance.

If a "life" sentence becomes "Actual Life" and-or if the death penalty is reinstated so judges have some scope of sentencing to choose from, then your life may be spared, your daughter has a better chance of living, your friends and relatives could feel safer. A lot of good it will do to society if you are murdered before you've had a long enough life to establish the Utopia you concentrate on so single mindedly.

Opponents of the death penalty say that an innocent person might be executed by mistake. Our system of criminal justice has evolved over hundreds of years. It is a system which provides every safeguard to an accused, one under which I would consider execution of an innocent person to be virtually an impossibility. Indeed, Adam Bedau, one of the most resolute opponents of capital punishment in the United States, said: