

*Capital Punishment*

to the anguish of the guards who are spoken of by some here as less than human. I have heard a member of the NDP talking about bad prison guards. We assign them to the role of protecting us. How dare any member suggest that these people should expect to die or that they are less than human.

It is the attitude of some that our prison guards and policeman are less than human. As if this were not bad enough, inside prisons policemen and prison guards are called pigs. In this very House they were held up to contempt on Friday. If they try to achieve control or discipline, they get no support from the administration. That is the truth in British Columbia. Their lives and the lives of their families are in jeopardy, and they face many threats. But who in this House is listening to them or cares? Which member of this House will take their places after this House enacts laws whereby killers will be locked away for 25 years, their only hope being in hostage taking, murder and escape? That is the only way open to them.

**Mr. Guay (St. Boniface):** That is the only way out for them.

**Mrs. Holt:** That is right. I recall, in days when there was only one degree of murder, capital murder, and on conviction the judge had only one choice, to sentence the killer to death, that I was involved with the tenants of death row. I am speaking of the period of the early 1950 and early 1960s. During that period I approached lawyers, the Law Society, reporters and columnists—all the big talkers, the ones who should care and who put out much of the dialogue we hear on the issue—I appealed to them to help to save some who today would not even be charged with second degree murder, perhaps not even manslaughter, let alone first degree murder.

Most lawyers then who took murder cases did it for everything the accused owned. They charged all the traffic could bear. Few top flight lawyers took murder cases on the basis of legal aid. Legal aid fees then were \$100 for the trial, no matter how long, and \$50 for preparation fees. There was provision for payment of a transcript if the case went to appeal. Naturally, the amateurs and beginners did not care about the fee. They needed the publicity to establish a practice. I fought at that time to bring legal aid defence fees up to the level of the prosecution fees, which ran at \$100 per day, plus all the resources of the state. The Law Society was silent in response to all appeals. Yet some of those people—I hasten to say that there are only a few—are crying out today for abolition. In those days only beginners chased after murder cases in order to get headlines. As a result, many accused were convicted because they were represented by a bad lawyer. But the killer had to face the gallows.

There is a columnist in the west today—at that time he was at the top of the professional ladder—who today accuses me of “wanting to hang every jaywalker.” Others here have described me as an ardent retentionist. That is remarkable inaccuracy. I believe in capital punishment for persons who plan and carry out murder for a fee or to satisfy their own ends.

Let me come back to this western columnist. Recently, while searching through some papers, I found a letter I had written to him on July 17, 1957, pleading for his help to

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save several condemned men in death row. I offered information, letters from these people and insights into life on death row from those facing the gallows who, as I said before, today would not be charged with first degree murder; at best they would be charged with manslaughter. Any reporter would have welcomed this kind of material handed to him on a platter. That columnist would not do anything; he would not help and he remained silent. Today he sits in his study and writes nice columns and attacks all those who did something. But wait; he would do nothing to help even one person. Today, he still does nothing either but verbalize high principles. I could name others.

**Mr. Baker (Grenville-Carleton):** Who is it?

**Mrs. Holt:** I could name a couple of others, but I will not. Some day I may write a book in which I shall name them.

As I watch some of the lawyers who were involved in those cases and are now abolitionists, I wonder at the load of guilt they are carrying. In those days, because the convicted killer went to the gallows, they had real reason to feel guilt. I wonder if they do not feel that, somehow, they can cleanse their own souls by voting for abolition because they could not prevent convictions in the past.

I also wonder at some of the journalists who engage in punditry. I remind them all that the end of all talk must be action. When I oppose this bill now, I oppose it because I believe that killers of policemen and prison guards, contract killers, international terrorists who kill and criminals who in the course of rape and robbery kill another human being should be prepared to face the courts on a capital murder charge. They should face the consequences of their acts. I do believe in equality in justice.

There have been many generalizations bandied about in this debate and in the newspapers based on emotionalism. I was going to say, male emotionalism, but that would be chauvinism. I note, too, a great reliance on academia. The Solicitor General (Mr. Allmand) hired a man from academia, Professor Ezzat Abdel Fattah, to say what he wanted said in support of his abolition position.

There are a number of competent people in academia; certainly, those who leave the cloistered halls periodically to work in the real world can make judgments based on reality. But too often academia is a retreat for those who dare not grapple with real life: those whose egos cannot stand the competition of valid expertise born of worldly experience. They dare not leave those cloistered halls lest their dreams be shattered by life's truths. They would rather collect government money to write “learned papers”, for which the only source material is usually provided by students learning to research. Usually, the work is a series of footnote fantasies. They rewrite other theories which, too often, are footnotes from the writings of others who theorize but who are maintaining tenure in accordance with the university syndrome, publish or perish. Perhaps it would be better for society if their academic contributions did perish. I would not waste any more time analysing that ridiculous document produced by Professor Fattah than I would analysing the sort of person who produces such nonsense.

There is another incident to which I must refer, another attempt by the Solicitor General to distort facts so as to make his point. Mr. Speaker, it was necessary for the