

### *Capital Punishment*

have retribution or vengeance as the basis of our criminal justice system. If an eye for an eye, a tooth for a tooth, were the basis for our criminal justice system, why would we not cut off the hand of a thief or physically harm others who do physical harm to their victims?

You have indicated that my time has expired, Mr. Speaker. In closing I want to ask those who have not yet made up their minds, in spite of the fact that we will vote in a short period of time, to vote against the resolution that is before us. To vote for the motion would result in this country being one of the very few countries in the world that presently have capital punishment. To vote for the motion would return Canada to the law of the jungle and would return Canada to an uncivilized, indecent and immoral society.

**Mr. Bill Gottselig (Moose Jaw):** Mr. Speaker, I welcome the opportunity to participate in this debate on capital punishment. Let me say at the outset of my remarks that I support the re-establishment of capital punishment in Canada. I do so as the result of a personal conviction I have had all my adult life. I believe that the basic issue is protection for society. Most people will realize and agree that society is demanding more protection. There are many people in our society who resort to violence as a means of enforcing their will over others. This is evident from the large number of robberies that are reported every day in the national press. This happens not only in the large cities, but throughout Canada in the small cities, down to our small towns and villages.

I approach the re-establishment of capital punishment as a necessary step to providing society with protection.

If our system of jurisprudence is considered objectively, it will be seen that it more than adequately protects the rights of the criminal. The murderer is informed of his rights. He is given the counsel of a lawyer who protects the criminal's interests. He also has the right to appeal to a higher court. Society bends over backwards to protect the rights of the accused. This is more than a murderer gives his victim whom he deprives of the most basic right, the right to live. That victim has none of the benefits given to his killer whose act is final. That victim has no jury, no lawyer, and no appeal.

When I state that I support capital punishment, I am, of course, referring to capital punishment for first degree murder as described in the Criminal Code. Section 212 to Section 215 of the Criminal Code defines first degree murder as, first, all planned or premeditated murder, second, the killing of a police officer, third, the killing of a prison guard and, fourth, the killing of one or more persons while committing another offence such as rape or theft. I do not favour capital punishment for second degree murder or manslaughter.

I want to read into the record some comments from the June 8, 1987 edition of the *Swift Current Sun*, a newspaper published bi-weekly in Swift Current, Saskatchewan. These comments are made by a Mrs. Ruth Lee-Knight who lost a daughter last August in London, England.

She makes several points in this article that I believe are very relevant. She makes them as the mother of a victim. She states:

I do want to raise the consciousness of people so they have a fuller picture of crime and what it does to its victims. I would ask that everyone, before coming to any conclusion about how society deals with murderers, becomes a little acquainted with what victims endure. In decision-making people should recognize the hard fact that the victim's family has a life's sentence imposed on them with no chance of parole or early release.

She goes on to make some other very valid points, particularly dealing with the increased public awareness of the sentencing and the reality of how the system works. She says:

Hopefully this will lead to a general tightening up of bail and all forms of early release for violent offenders.

Many who oppose the return of the death penalty are the same people who have lobbied so successfully over the years for the rights of offenders and they are well organized in their efforts. Many operate on government funds and our concern is that, because of their resources the Canadian public will be presented with only one side of the issue as they have in the past.

She concludes her article by again making reference to the organized groups or individuals who make statements regarding the suitable punishment for murderers. She states:

For the most part they are far removed from knowledge of pain caused by such individuals for the lifetime of the victim's family. They are not close to a murdered victim, never knew anyone who was murdered, don't appreciate all that dies and is lost forever to the world when a special person is murdered by a criminal who has nothing to offer, yet lives. Many of these groups or individuals speak from a position of ignorance and yet are taken seriously.

I want to spend some time talking about the purposes of the remedial and corrective measures. One of the main concerns in considering the problem of abolishing or retaining capital punishment is whether or not the crime demands the penalty or whether the penalty is suitable for the crime. There is no doubt that in graduating the offences the punishment is also graduated proportionately on a reasonably equitable basis. However, the more serious the crime, the more difficult it is to evaluate the punishment inasmuch as more criteria for the evaluation of the commission of the crime enter into the picture.

In reviewing many sociological, historical, and philosophical texts, there is no doubt that the principle of punishment for an offence has never been questioned. However, there are many diverging and varying views on the nature of punishment and the intention of the punishment.

Today's permissive elements consider punishment as revenge or the paying of a debt in proportional amount to the offence committed, and feel that it is wrong. Rather, according to the soft sciences, society should try to reshape an individual or to understand the commission of the crime and to take constructive measures to rehabilitate.

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This philosophy may be a laudable one which may work in some instances, but practical experience has shown beyond a shadow of a doubt that some people who choose to ignore the laws of society simply cannot, will not and do not want to be