

*Capital Punishment*

that, when a criminal takes someone's life, he does so in a moment of mental aberration. Much has been told about sentimentality, about the anguish suffered by the condemned during the last week, the last day and the last hours before his execution.

We were also told, in those submissions and letters, about the grief of the victims' families. We were told too—and some of the speakers referred to it again this afternoon—of the risks of miscarriages of justice. And some of the submissions we have received stated that capital punishment is contrary to the law of God. Well, Mr. Speaker, may I answer briefly those arguments that have been submitted to us. First, I say that crimes committed in moments of mental aberration are rather uncommon. I also say that a man who plans a crime and who can go as far as committing murder, that the man who is loading his gun, is not at the time suffering from mental aberration; he knows what he is doing and he is acting deliberately because, when he is loading his gun, he knows that he risks taking the life of one of his fellow men.

It is a matter of current interest because in the last few years there have been some serious disasters because of such crimes. The man who makes a bomb that he intends to put on board an aircraft carrying 50 to 60 passengers knows full well that when the bomb explodes it will take the life of 50 or 60 of his fellowmen, of 50 or 60 men, women and children. This man acts deliberately when he manufactures his bomb, when he gets his gun ready, and he is responsible to society because he knows what he is doing.

We have been told about the anguish of men under sentence of death. Mr. Speaker, I would certainly not like to be in the shoes of a man who is sentenced to death, a few hours before he ascends the gallows. True enough, a man who is under sentence of death must go through terrible moral suffering, but you must not forget the victim of that criminal, who was killed because of a criminal act committed by the very person who is sentenced to death, and who probably suffered terribly before dying. In my view, we must consider the moral suffering of the victim, the innocent citizen who is murdered. The moral suffering that the victim goes through should be taken into account by society, and society should take means to

avert further crimes by those against whom it seeks protection.

A case has been made for the loss suffered by the families of executed criminals. Mr. Speaker, what about the cruel loss suffered by the wife of a man who is murdered by a criminal? What about the cruel loss to the children who are left fatherless because their father was killed by a criminal who wants to lay hands quickly on some money?

Mr. Speaker, mention has also been made of the danger of miscarriages of justice. I have practised law for ten years, and I can assert that the danger of miscarriage of justice, in criminal cases, is very small indeed. Before a man is found guilty of murder, his case is investigated by police authorities, and then he is brought to trial before a Canadian court of justice.

He has to face a jury, as stated by a previous speaker, who admitted that jurors always hesitate to render a verdict of guilty, because they do not like to condemn a fellow man.

The criminal is judged by his peers. Moreover, in the last resort, the cabinet always has the prerogative—which indeed has been used frequently for several years—of commuting a death sentence.

Arguments put forward in favour of abolishing capital punishment, state that divine law forbade to judge one's fellow men and to put them to death.

If we look up a certain chapter of the bible, we find that those who rule over men are entitled to commit to the courts anyone who transgresses the law, and even to condemn to death whomever has killed his fellow man.

Chapter 21 of Exodus, verse 12, says that he who kills his fellow man should be put to death.

In Genesis, chapter 9, verse 6, it is also written that whoever spills another's blood must spill his own.

This is to say, Mr. Speaker, that the courts of this country, who have the responsibility of administering the law according to the statutes passed by the government of the Canadian nation, have the right to judge criminals and murderers.

All reasons adduced in favour of abolition of capital punishment have not convinced me that such punishment is not a deterrent of crime.

During my career as a lawyer, I had the opportunity of meeting some of those crim-