

Capital Punishment

The fourth reason why I am opposed to capital punishment is that it eliminates the purpose of punishment, which is the reform and rehabilitation of the individual, and not vengeance and retribution. It may be said that the advocates of retribution are sometimes the families or close friends of the murdered victim because at times they feel vengeance as a sign of their hurt and helplessness. What they need in those times is friendship and solace, and the healing power of time.

May I repeat for hon. members the case that happened in the riding adjacent to mine in Toronto, the riding of Greenwood. A police officer was killed, and René Vaillancourt has been convicted of the murder and is awaiting a decision on this bill. The wife of the murdered officer, Mrs. Maitland, wrote to the hon. member for Greenwood saying that both she and her late husband were opposed to capital punishment and that she was prepared to forgive and extend mercy to this person.

If punishment is to be reformatory and rehabilitative, an opportunity must be given to re-educate the offender. To achieve this goal some control of his time is necessary. That is why we must have a sentence which involves the educational opportunity as this is more likely to promote the well-being of society.

I am sure hon. members will recall the famous Leopold and Loeb case in the United States when Clarence Darrow came to the fore. These two young men had committed murder, but he argued that rather than suffer capital punishment they should receive life imprisonment. In those days it was very difficult to persuade the judge and jury, but he succeeded. Both were sons of very rich men. Loeb was later killed by a fellow prisoner, but Leopold spent many years in prison. He was paroled to work in a laboratory in a mission hospital in Puerto Rico, and spent ten years there as an X-ray technician. At the age of 55 he returned to school and obtained a master's degree in social work. He then became a consulting psychologist and a research associate for a medical school where he made a study of leprosy in Puerto Rico. His service to many suffering people was a credit to himself and to the advocates of the abolition of capital punishment. That does not mean that all persons who have committed crimes and are sentenced to life imprisonment are going to reform and be rehabilitated and make amends the way Leopold did, but I think his story is worthy of consideration.

Western civilization would have missed a great deal in its culture and moral development if Moses had been deprived of his life for killing an Egyptian, if David had been killed for conspiring to murder Uriah, and Paul for co-operating in the death of Stephen, and for voting death to the early Christians.

● (2100)

My fifth reason for opposing capital punishment is that reimposing capital punishment now would be a step backward in our system of justice. I remind the House that in Great Britain, in the 18th Century, there were 350 capital offences. In 1957 the death penalty was limited to a few offences only. In 1965 it was suspended, and in 1969 abolished. Events of recent years have tested the British stand on capital punishment. Terrorist activity in Northern Ireland prompted the introduction of motions in the British

[Mr. Gilbert.]

house in 1974 urging the return of the death penalty for terrorist activities. On both occasions the vote went against bringing back the death penalty.

I recall my 17-year-old son coming home after having toured England and Scotland. I said to him, "Son, what do you think of England?" He said, "Dad, I can sum it up in one word." I said "What word is it?" He said, "Civilized." It seems to me that the British people are civilized in the sense that they respect human life, human worth, and human dignity.

In Canada we have modified our treatment of murderers. I give full credit to the right hon. member for Prince Albert (Mr. Diefenbaker) and Davie Fulton for bringing forward legislation in 1958 which limited capital punishment to certain kinds of murder. There has been a further development. Since 1962 no one in this country has been hanged. In 1967 Larry Pennell, now Mr. Justice Pennell—and Mr. Speaker must know him well—was instrumental in bringing forward law which limited hanging only to convicted murderers of policemen and prison guards. The United States Supreme Court found capital punishment to be a violation of the eighth amendment of the U.S. Constitution in that it constitutes cruel and unjust punishment. Forty-four member countries of the United Nations have abolished capital punishment.

Abolitionists, besides favouring the abolition of capital punishment, are under the duty of supporting measures which will protect society from the increasing incidence of crimes of violence. By bringing forward Bill C-83 the government took the right step. The bill deals effectively with the question of guns, parole, and dangerous offenders. But it must not stop there. We talk about reforming and rehabilitating criminals; therefore we are under the duty of bringing forward programs which will do this, which will allow prisoners to develop as human beings and take their rightful place in society.

In addition we must separate the various categories of criminals; that is why classification is important in any penal program. We must build smaller prisons and replace older, larger prisons with more modern ones. We must protect the police and prison guards, and we are under the duty of making sure they are adequately trained to protect themselves and society. I hope the recently passed law for tightening bail regulations will be effective.

A report on young offenders has been brought forward, but legislation so far has not been based on it. We considered a young offenders' bill in 1970. Fortunately that bill died on the order paper. The bill was based on the adversary system concept. That concept has no place in criminal justice. I think we should abandon the adversary system in criminal justice and adopt a system which will enable us first to look at the offence, then at programs which will either cure, rehabilitate or reform the offender.

The challenge to build a better society is ours. It is up to us to uphold the sanctity, worth, and dignity of human life. The challenge is ours. May we have the courage and determination to accept it.

Mr. Robert Daudlin (Kent-Essex): Mr. Speaker, I welcome this opportunity to speak today on what is, without doubt, one of the most difficult questions facing this parliament. As a newly elected member this is my first oppor-