

whether 20 or 30 they are well aware that they have nothing to lose.

"Nothing to lose" is the phrase we hear over and over again from the lifers. Andy Bruce is the example that comes to mind because it is the most current of many over the years. Andy Bruce was about 20 when he deliberately went on his job to kill a young go-go dancer. He did it coolly, without any compassion, in front of the woman's nine-year daughter. He was involved in the hostage taking in the B. C. penitentiary where Mary Steinhauer was killed. He was recently in a second hostage-taking incident. He has constantly said that if he is killed he has nothing to lose. In fact he has invited people to kill him in every way possible because he does not want to live.

Third, I am also opposed to the bill which maps alternatives to buy the abolition vote here and in the community, because people will be sent to prison for long terms who should not be imprisoned. Those who commit second degree murder also will receive excessive sentences of 10, 15 or 20 years. Some of these people will be scooped up in this because of one second of anger or passion, a moment of wildness, perhaps trapped in a love triangle or because of being involved in a drunken party. They will go to prison for 15 years and their children will be destroyed by this imprisonment when probation would serve them and society better. They are people who never before, or after, commit a crime. They could stay out and be productive citizens, paying taxes and sustaining their families instead of having their families forced to go on the welfare rolls, often with the result that their children are damaged or placed on the road to crime or madness.

Society is not served at all. These people usually need neither excessive punishment nor rehabilitation. Certainly no prison rehabilitates. Long sentences, and even sentences of four or five years without parole can only make a person worse than when he entered prison.

Perhaps I should make it clear that in seeking to keep capital punishment on the books I do so because this means that only few will face the charge. It could be only one in 500 or one in every 200. The courts are meticulous in these cases. Some people here seem to think that it is wrong if some go free. I think it is an advantage that the courts take such care. I have attended many murder trials and have seen the care with which juries hear evidence. I have observed the care with which the judges instruct on the evidence. Not only are the many alternatives in the defence listed and the evidence reiterated by the judge even after it is given under oath, but the jury is exhorted to consider the alternatives to capital murder such as second degree, manslaughter, assault causing bodily harm, assault, and acquittal. They are also instructed in great detail about reasonable doubt—the doubt always goes to the accused.

As for the expressed fear of the abolitionists that innocent men might die, there is only one known such case, the Evans case in Britain. On the contrary, I have had personal experience in respect of a man who had 59 crimes on his record, and I have reason to believe a good number of murders that were not shown. He was acquitted of the murder of a ten-year old paper boy, Donald Ottley, in Vernon. He has two jury trials on the Ottley murder. The first jury convicted him and the court of appeal of British

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Columbia ordered a new trial. During the second trial he was again convicted. This time the court of appeal released him on the Hodges Rule, the rule that states that the evidence is consistent with the fact that somebody else could have committed the offence.

Nothing proved to me more the accuracy of the jury system than what happened afterward in this case. Three months after his release he confessed to me that he had killed the paper boy, that he had strangled him. Even as the boy was dying, the killer admitted he released his hold on the boy's throat long enough to hear the last gasped plea for his life. This killer confessed to me that it gave him his orgasm. He told me that he finished it off and threw the boy, in his words, "like an old rag over the fence."

He told this to me privately on Good Friday night, 1962, and the next day before a witness, Jack Brooks, the editor of the Vancouver *Sun*. He told me, "Every time I drink I go on the prowl to kill and I enjoy killing". He confessed to me that he was interrupted in two murder attempts, one on a 16-year-old boy, the other on a homosexual in a Vancouver hotel room. He knew in both cases that I could not trace the victim.

After his confession he fled to the World Fair in Seattle. There he was picked up and confessed again to the Seattle police, this time referring to a young female. The Seattle police were convinced this was a case of another killing, but the killer was too sly to give them the lead to prove another case against him. The point of all this is that they could not charge him under the law of double jeopardy, so they picked him up under the Mental Hospitals Act, and one year after he was put in Riverview Mental Hospital he was released on a loose probation.

Shortly afterward he turned up in Winnipeg. He picked up a nine-year old girl and molested her. If he followed his *modus operandi* he was minutes away from killing her. The difference between this case and the one in Vernon was that the paper boy was not expected home. The family of this child missed her and a search began quickly. He got ten years, and was out in about six. He again picked up a tiny girl, again molested her, and could have committed another murder if he had not been interrupted. Who's right to life is more important? Those children who might have died and the one who did die, or this man?

There are other cases. There is the case of Léopold Dion in Quebec who killed four small children. He was executed by the prisoners in St. Vincent de Paul penitentiary, but four innocent children were forced, first to pray, and then to die violently before jungle justice was done, because we were too afraid to administer our laws. Whose life is more precious?

Regarding the fear of the abolitionists that innocent people could be executed by the state, again may I say I believe society can, and must, trust its courts. From what I have experienced I am confident that they will convict in cases in which there is absolute certainty. The use of science provides a type of positive corroboration in most cases, and the demand for corroborating witnesses in all cases of circumstantial evidence is part of the certainty that justice is done.

Certainly, after all, if there is doubt, cabinet would commute and would begin the search for proof of inno-