

### Capital Punishment

that is, approximately one-quarter of the victims of this type of rape were girls of 15 years or less. Sixteen were in the 16 to 19 age bracket, and 19 were in the 20 to 29 age bracket.

I know it was unintentional on the part of the hon. member for Greenwood, Mr. Speaker, but I think it is unfortunate that he introduced the comment that he did in this debate. We are dealing with a situation where almost half of the rapes that might have been punishable by death, had these provisions before us today been in effect, involved young girls who should never be victims, under any circumstances, of this type of crime.

I think it is also important, when dealing with the question of the increase of crime in our country, and consequently with the lack of law and order that many people sense, to look at the figures with respect to rape to determine whether crime has actually been rising. Has the number of murder incidents increased? Here, again, I should like to refer to the Statistics Canada figures which show that in 1970, 21 incidents of sexual assault and rape involving murder were committed, compared to three such incidents in 1961. I would also point out that in the past five years the murder incidents involving rape as far as females are concerned totalled 60 victims, compared to 26 victims in the previous five years. If nothing else, these figures certainly cannot be taken by those who intend to vote against this amendment as supporting their contention that crimes of this nature are on the downswing.

If I may, I should now like to touch on the second aspect of the proposed amendment of the hon. member for Louis-Hébert. This deals with crimes attempted or committed under section 247 of the Criminal Code. Here again she suggests that the death penalty should apply if death ensues from such a person being abandoned during a kidnapping, or as a result of the kidnapping. I feel this aspect of the amendment should be supported because, surely, unlike the situation referred to by the hon. member for Greenwood concerning rape, there can be no suggestion of the absence of premeditation in the case of kidnapping. Surely few crimes which can result in death and murder are as clearly premeditated as kidnapping.

I agree that skyjacking that has been capturing public attention for several days in the Middle East is not kidnapping in the normal sense in which that type of crime is generally understood. I would suggest however, that in a way skyjacking is the modern, 1970s type of kidnapping. Surely nobody in this House feels that the law should not be as strict as possible against those who have held the lives—in that case, of over 100 people—at bay for whatever reasons they feel are justified.

I am making the point, Mr. Speaker, that there is no more clear crime which could result in murder and which has a premeditated aspect to it than kidnapping. For that reason I again commend the hon. member for proposing her amendment to this House, and I urge hon. members to vote for it when it comes to a vote.

**Mr. Deputy Speaker:** Order, please. I regret, indeed, to interrupt the hon. member, but the time allotted to him has expired. He could, however, continue with the unanimous consent of the House.

**Some hon. Members:** Continue.

[Mr. Stevens.]

**Some hon. Members:** No.

**Mr. Deputy Speaker:** There is not unanimous consent. Is the House ready for the question? The hon. member for Broadview (Mr. Gilbert).

**Mr. John Gilbert (Broadview):** Mr. Speaker, it was not my intention to participate in this debate. I spoke at length on second reading of the bill and participated in the debate at committee stage, and thought I had set my views forth so that it would not be necessary to speak again. The hon. member for Louis-Hébert (Mrs. Morin) prompted me to speak, but more especially what prompted me were the remarks of the hon. member for York East (Mr. Arrol), the hon. member for Scarborough East (Mr. Stackhouse), and the hon. member for York-Simcoe (Mr. Stevens).

I fully appreciate why a woman would be concerned with the crimes of rape and kidnapping. I think they have a certain hangup with regard to those particular crimes. I believe there is an emotional involvement and women feel they may be the victim at some time, and this seems to blur their thinking with regard to the general principle of capital punishment. I am sure, even though the hon. member for Louis-Hébert has brought forward her amendment in all sincerity, that she will agree that many women have such an emotional interest in rape and kidnapping that they find it difficult to be rational about the problem.

● (1640)

Let me mention the argument of the hon. member for Scarborough East. He is a biblical scholar who represents the Anglican Church and lectures at university. He is well aware of the distinction between the Old Testament and the New Testament. In the Old Testament there are words to the effect, "Vengeance is mine, saith the Lord". The hon. member for Scarborough East made a slight change: his version would be, "Vengeance is mine, saith the hon. member for Scarborough East." He tried to bring feelings of rage, passion and retribution to bear on the subject.

I would have thought that the biblical scholar from Scarborough East would prefer to move from the Old Testament to the New Testament and adopt some of the teachings of the carpenter from Galilee. He taught that we should show forgiveness, understanding, compassion and love. But the hon. member did not dwell on those teachings. Does he not appreciate history, which shows mankind as moving from barbarism to enlightenment? He does not appreciate that in the past there was a whole catalogue of crimes for which capital punishment was the penalty. In our forward movement we have reduced the number of crimes for which a man can be put to death in Canada to two, the murder of a prison guard and of a policeman on duty.

**An hon. Member:** We did that in the past.

**Mr. Gilbert:** Yes, we did that in the past. That is what we have done in Canada. What has been done in the United States? I ask the hon. member for York-Simcoe, the hon. member for Scarborough East, and the hon. member for York East to look at what has been done in the United States. What has that country done with regard to capital punishment? It wants to see it abolished. And on what basis? On the basis that it constitutes cruel, inhuman