

Capital Punishment

elapses between the first and the second crime. In other words—I repeat—the individual who is in possession of all his faculties has a choice between capital punishment and life imprisonment. The choice being his own, the individual chooses between the two sentences.

Not only would capital punishment have deterrent effects in these definite cases in preventing the second crime, but it would have the persuasive effect of liberating the victim.

Some hon. members from both sides of the House have objected, when this amendment was debated in the Committee on Justice and Legal Affairs, that the amendment I was proposing meant that crimes involving two criminal actions were liable to capital punishment, particularly armed robberies when one individual is killed whether he be a bank employee or a passerby. This is totally different and this kind of murder does not involve premeditation. Certainly an armed robbery involves premeditation but the murder of a bank employee or a bystander is accidental because the objective is to rob the bank and not to kill such or such a person. It is not a double decision. An armed robbery involving murder is one thing while kidnapping is a criminal action as well as the execution of the victim. This is what I am trying to say: two criminal actions or a double decision.

● (1510)

[*English*]

The second reason which compels me to propose this amendment, Mr. Speaker, is that this kind of criminal act is a twentieth century crime which seems to have become prominent lately. For instance, South America has already experienced its ninetieth kidnapping: the victims have been presidents of companies, diplomats, and children of wealthy families.

If memory serves me correctly, in the province of Quebec in the last three years there were three cases of kidnapping followed by murder, and there is no proof that one of the victims would not have been spared if capital punishment had been in force for these particular cases.

[*Translation*]

In case of rape when the victim is murdered or subsequently murdered it is true that those criminal actions are totally different from kidnapping followed by murder but they are both foul. It is true that the individual's over-excitement may influence his first criminal action. It can even happen that the victim is murdered before being raped but, once more, this is a double decision and here again I think that the death penalty cannot but have a preventive or deterrent effect.

While preparing those few remarks, I read again the comments of a few Canadian politicians following the assassination of Pierre Laporte and I would like to quote them.

The Alberta attorney general, for instance, said that the kidnapers and murderers of Pierre Laporte were "wild dogs" and should be treated as such. Now, how are wild dogs treated?

British Columbia Attorney General Leslie Pearson urged the authorities of this country not to be merciful towards Pierre Laporte's kidnapers and subversive ele-

[Mrs. Morin.]

ments responsible for this murder. Well, one of the accused was acquitted from the kidnapping and murder charges.

I know that many hon. members will say that my argument is based on the deterrent effect of capital punishment. In fact, Mr. Speaker, I must at this stage inform the House of the inquiry I carried on among prison guards and correction officers of the various penitentiaries I visited recently.

All but four of the guards and correction officers who were interviewed believed that the retention of capital punishment as it existed in December 1972 was an additional protection for them, and therefore that it had a deterrent effect on murderers.

A murderer who is serving a life sentence, they said, has nothing to lose if he kills two or three guards who are hostile to him. Therefore, they think that capital punishment is an additional protection. A few guards even told me that they would resign the day following the abolition of capital punishment.

Other hon. members of the opposition, in particular on the far right, have called me a "hangwoman", raising the argument that capital punishment was inhuman. This may be true, but is murder less inhuman? At the bottom of his heart, does the murderer have any regard for the dignity of his victim?

I wonder how these hon. members can call me a hangwoman because I propose a deterrent in cases of kidnapping or rape, while many of them support the abolition of capital punishment, that is true, for murderers who have acted contrary to the rules of society, but they pronounce at the same time or in another time in favour of abortion, that is to say the murder of innocent children who have done nothing wrong against society. How in all logic can one support total abolition of capital punishment and abortion at the same time?

[*English*]

I repeat that the ultimate goal of this amendment is to prevent killing in the case of kidnapping and rape. If by my proposed amendment I am instrumental in preventing the murder of one such victim, I will have accomplished more than certain members of this House hope to accomplish by the abolition of the death penalty.

Mr. Reg Stackhouse (Scarborough East): Mr. Speaker, I rise in support of this amendment and hope that hon. members, voting according to choice in a free vote, will see the merit of adding the amendment to the bill before us.

There are a number of reasons why it should receive general support. One of them, as indicated by the mover of the amendment, is that kidnapping itself is a heinous crime. In our Criminal Code we have already made the distinction between one kind of crime justifying execution and another kind where a more moderate penalty would be appropriate. The Criminal Code thus distinguishes between capital and non-capital murder. Bill C-2 itself distinguishes between the murder of a prison guard or police officer and any other homicide. Therefore, in principle this amendment is following those precedents, suggesting as it does that this particular crime of murder committed during kidnapping is the kind that would call for the death penalty.