

Criminal Code

Life is the sweetest thing we have and it is the hardest thing to lose. If we are to consider the death sentence as a deterrent at all, we must look at this question as individuals. If we can prove that taking one convicted murderer's life has prevented one innocent person from being murdered, then of course capital punishment is a sufficient deterrent to murder to warrant sustaining it in any country. If it saves one innocent girl, if it saves one guard or policeman, the maintenance of capital punishment is warranted.

Murder by the state is one charge that is brought forth by those who oppose capital punishment. Far from being murder, I contend that the exaction of the death penalty is simply the legitimate exercise of civil authority by the government in the interests of the defence of the community. Arguments are put forward about the miscarriage of justice because the accused cannot afford the services of a highly qualified and experienced lawyer. This terrific moral burden affects other professions as well, as we all know. There are still those who die because they cannot afford the best medical specialist, nor can they afford transportation to the hospital with the best equipment in case of surgery.

I suggest that such people are more worthy of consideration by this house because they have not committed a crime against society. I suggest that we should be more concerned about a person who is losing his life because of illness than a murderer who is losing his life because he has committed a crime.

Some contend that murder is a social disease, that it is a result of maladjustment because of circumstances for which our society is responsible. If the view were accepted that a murderer is automatically ill, the medical profession would so diagnose and the person could then be treated and a cure achieved. However, history reveals that specialists in the medical profession have testified on many occasions, as we all know, that the murderer was not ill as they interpret the term "illness". I admit that some people who are mentally ill commit serious crimes, even murder. Such people are not criminals in my interpretation of the meaning of "criminal". But those who are not mentally deficient and knowingly commit murder are criminals according to the laws of our society.

It has been said that whatever treatment or punishment is given to the criminal the ultimate goal should be rehabilitation. I would like it to be that way. However, in my opinion there are insurmountable obstacles

in the case of convicted murderers. I ask: Who is qualified to state at what time a convicted murderer is ready to go back into society again? Second, I ask: Who has the knowledge to say that a person who has murdered will never kill again? Third: Who could give the assurance to society that the convicted murderer would not repeat his crime, regardless of how remote the area to which the authorities agreed to banish him? Even if the area was not densely populated the people in the area would run the risk of being murdered. No one could give such an assurance. If at this time our society cannot successfully integrate men—

Mr. Deputy Speaker: Order. The time allotted for the speech of the hon. member has expired.

Some hon. Members: Carry on.

Mr. McIntosh: I shall be only a few more minutes, Mr. Speaker.

Mr. Deputy Speaker: Does the house give unanimous consent to the hon. member continuing?

Some hon. Members: Agreed.

Mr. McIntosh: If at this time our society cannot successfully integrate men of different races, what hope is there at present for integrating a man who has proved to society that he cannot and will not subscribe to the laws of society? In addition to the assumption that crime is a disease that can be treated and cured, the abolitionists usually argue that crime is a disease which is a result of poor environment. In other words, they say that when a person murders someone else it is not the one who has taken the live who is at fault but society is the criminal.

In defence of the murderer the abolitionist states that such a man has lived in the slums or is now living in the slums, that he is suffering from a broken home, poverty, divorce, lack of opportunity and lack of education. They say he is not really responsible for his actions because these things have been foisted upon him, and because of this the end result can be nothing but the creation of a murderer.

They state that because our society permits these slum conditions we are responsible for the murder. I cannot accept this argument because facts reveal that a very small percentage of murderers come from slum areas or have ever lived in slum areas. Another fact is that an overwhelming percentage of