

# What O'Connor Said in Death Penalty Debate

**Mr. Terry O'Connor (Halton):** Mr. Speaker, many people including many members of this House, have spoken many words on this most personal of subjects. I rise knowing that few, if any, members are likely to alter their thinking as a result of my remarks or other remarks made during the course of this debate. I also recognize that my views probably do not coincide with a significant number, perhaps even a majority, of the people in my riding.

With respect to the question whether members of this House should vote according to their conscience, according to their own wishes or according to the wishes, the dictates, as expressed—if they are able to be expressed adequately—if of the people in their ridings, the argument was perhaps put best by the right hon. member for Prince Albert (Mr. Diefenbaker) when he spoke in this chamber yesterday. If I might be permitted to quote briefly from his remarks, as reported at page 785 of Hansard he said:

How can you take a stand in your heart in favour of something and then vote the other way? On a free vote everyone should let his conscience be his guide.

A little further on, as reported at page 786 he said: Each one of you in this House has the conscientious responsibility of voting according to your conscience and for no other reason.

I cannot make the argument any better than that. However, I should like to assure my constituents, through you, Mr. Speaker, that I have read every letter, telegram, brief and petition they have taken the time to send me. I have replied to each one individually. There was no form letter nor evading of the question. I have unequivocally stated my views to them, whether we have agreed or disagreed.

The matter before us is one of primary importance and interest to every Canadian. The question of taking human life, either by the premeditated, cold-blooded act of one person in the name of revenge, passion or greed, or by the equally premeditated, cold-blooded act of all of us in the name of justice, in my judgment is decidedly wrong in each case. I emphasize that I feel it is wrong to eliminate a human life in either of these circumstances. In fact, there is no justification save self-defence for the taking of a human life under any circumstances.

(1720)

Although I feel it should be incumbent upon those propounding the use of capital punishment to justify its necessity, the onus all too often falls on the abolitionist to justify his stand. So be it, Mr. Speaker, for I feel that the abolitionist stand can be supported.

In this debate we must ask ourselves whether our desire to either retain or abolish the death penalty is based more on objective, impartial reasons or more on emotional, instinctive reactions. No doubt because the matter is of such an emotional nature in which we are all able to see ourselves as victims, as friends or relatives of victims, or even as murderers, it is difficult to view the matter totally objectively. But as lawmakers it is our duty to act reasonably and rationally as far as possible, eliminating decisions based on feeling or basic human instincts.

One of the questions most frequently put to me during this argument asks me to imagine the brutal slaying of a loved one, usually a daughter, by a rapist-murderer. They try to make it as heinous and as gory as possible. They then ask, "How would you feel then?" Under those circumstances I would probably want to see the monster suffer a slow, agonizing death. During the agony, anguish and anger immediately following the event I might well attempt to carry out that slow, agonizing execution myself. But is this a valid argument for capital punishment? Hardly. We all feel revenge, even hatred at times. But these are degrading human emotions. It is becoming of us either individually or collectively to experience them, let alone use them as a basis for supporting the argument in favour of taking a human life.

This basic argument, that of need to avenge a death, is put in many forms. We are told that if a man takes a life he gives up the right to his own life. It is put in the form of the "eye for an eye" cliché from the Old Testament. But do these arguments not really beg a further question? The very large-voiced query "Why?" still remains unanswered. Why an eye for an eye, and why a life for a life? Is it because the Bible says so, as some would argue? Surely the God and Christ, whose life is portrayed in the Bible as one of love, of forgiveness and mercy, is not now demanding a life for a life and an eye for an eye.

Then there is the argument that society must be protected from the totally immoral brute without a conscience who would kill anyone near him for any reason. I admit that this argument comes a little closer to a reasonable approach, as opposed to an emotional one, for the retention of capital punishment.

Certainly in accepting the "protection" argument we as a society are admitting defeat. We are admitting our inability to deal with those among us who fail to maintain accepted standards of social behaviour. Imprisonment in solitary confinement, if necessary, is sufficient protection. Such an approach permits the possibility, admittedly remote in most cases, of the rehabilitation of the murderer.

Of course, under a system of total abolition there must be increasing emphasis on the reform aspects of our penal reform system. No one should be granted his freedom until it can be determined that he is no more likely to commit a further serious crime than the average law abiding citizen. Until psychiatric and social analytical methods become sufficiently sophisticated to make such a determination with absolute surety—that is important—a man should remain behind bars.

In addition, there are indications from recent studies that when hanging is the inevitable outcome of conviction for murder, many juries are reluctant to convict. Thus, if protection is the desired result, we see that the opposite effect is sometimes achieved. Perhaps the most persuasive, and certainly the most often employed argument for retention is that capital punishment acts as a deterrent, dissuading others in society who may be inclined to murder someone.

Statistics are freely bandied about on both sides, more often irresponsibly than objectively. Adherents of both views fall into the fallacy of predetermining their position and then going about gathering statistical support for it, usually ignoring unfavourable information. The reverse, the empirical approach, study leading to conclusion, obviously should be employed. We have heard entire speeches dealing with statistics. I have read and analysed as many studies as most members of this House. The important word in that last sentence is "analysed". It is intellectually dishonest to seek support from cold figures without a close analysis of their true meaning.

For example, the Statistics Canada figures for murder, used liberally by retentionists, show that since the partial ban in 1967, Canada has suffered a significant increase in murders. Ergo, some would conclude, the threat of the death penalty prior to 1967 deterred murderers. This is a lot of nonsense when you examine closely the figures in question. An analysis of these increases, which includes the disposition of the cases in the courts and which takes into account that one man often kills many victims at once—as many as 40 in the boarding house arson case in Quebec—indicates that the rise in premeditated murder, which is the only type that could possibly be deterred by the fear of death, is insignificant. The overwhelming statistical evidence, both in Canada and around the world, concludes that murderers pay little attention to the possibly self-harming consequences of their acts. If there does exist some fear of apprehension, it results only in more

elaborate planning in order to avoid detection and capture.

The definitive study in this area which has been quoted on many occasions is that carried out by Professor Fattah of McGill University. His study shows that the incidence of crimes for which the penalty has not been changed has increased approximately the same as the murder rate has increased. In fact, the increase in murders is slightly less than the increase in other crimes of violence for which the penalty has remained unchanged.

If the death penalty were an effective deterrent, murders would have increased relatively more than other crimes during any period of abolition, and particularly in the period of partial abolition over the past five years. In many provinces, such as Nova Scotia in 1968 and Alberta in 1968-69, homicide rates actually declined after capital punishment was legally suspended. I suggest these facts speak eloquently against a link between the temporary suspension of and the over-all increase in homicide in Canada. It can be argued that the rise in crime generally is related to the total social situation, to an increase in population and to changing moral attitudes but not to the application or non-application of a particular penalty, as studies have clearly indicated.

(1720)

I have spoken, Mr. Speaker, of the usual reasons for retention and have, I suggest, effectively rebutted them. There are modifications of each of these three or four basic arguments. I have yet to hear an approach of any persuasive value other than those discussed. I spoke at the outset about the onus being on the proponents of the death penalty for establishing its necessity. It should suffice, then, for abolitionists to rebut the retentionists' case and then rest their defence. However, there are very positive arguments for abolition which can be effectively made.

## Capital Punishment

## What the People are Saying

A controversial issue in these days is the validity of capital punishment. The trial abolition of capital punishment began December 29, 1967 to cover a five-year period. The death penalty was reserved for the deliberate slaying of police or prison guards while performing their regular duties. In 1967 there were 281 murders in Canada. In 1968 the figure rose to 314 and then 337 in 1969. In 1971 the figure soared to 426, providing those in favour of capital punishment with ample ammunition. This week The Herald conducted a survey of Georgetown area residents to find out what public reaction was to capital punishment. "I don't believe in it, an eye for an eye just isn't right."—Mrs. Florence Renahan, 21 Main Street South.

"I'm opposed to hanging. I don't think it helps in any way."—Mrs. Richard Hogan, 25 Henry Street. "In light of what's happening in Toronto, the recent murders of policemen, maybe we should have capital punishment."—Mrs. Ken Howat, 32 Henry Street. "I don't think it is the right punishment."—Mrs. B. Learmonth, 80 Main Street South. "If a person commits murder he should be killed for it."—Mr. Bernard Armstrong, 16 Murdoch Street. "I'm for it. It is just punishment."—Raymond Mills, Norval. "I don't think the death penalty does anything. The criminal doesn't really suffer for the crime. Sure he has a

moment of fear before the sentence is carried out, but then it's all over."—Karrie Williams, 107 Raylawn. "I'm for it, that's all I'll say."—Doug Marshall, 288 Guelph Street. "If a person goes out to commit murder, he should receive a just punishment for it. The parole system lets this criminal element back into the society, but when they are kept in prison we pay for it."—Betty Banton, 52 Stevens Crescent. "I believe in capital punishment in certain instances, like rape, premeditated murder, but not for cases that involve a man protecting his home etc."—Jack Gudgeon, 77 Windsor Road. "The parole system is a mistake, if a man is given a sentence he should serve it."—Mrs. M. English, 5 Weber Dr. "I believe if you take a life, you should forfeit yours, but only if the crime was premeditated. I don't see why the police get special privileges in this matter."—Glen Waites, 9a Main Street North.

"I'm against it. I don't think one human life should be taken for another."—Teresa Diamond, 96 MacIntyre Crescent. The Herald invites your opinion on capital punishment. Write to The Mail Bag or phone in a concise comment to 877-2201.

## Husband, Wife Team Duplicate Winners

Mr. and Mrs. Ron Reynolds were winners in a special competition last week at Georgetown duplicate bridge club. They were one of 44 teams playing in a mixed pairs tournament. Bart Fisher and Phyllis Campbell were 2nd, Bina Adams and Terry Hanson 3rd, Dr. and Mrs. Arthur Kwei 4th, Vi Naylor and Gus Flesch 5th and Mr. and Mrs. Grant Heat 6th. Following Mr. and Mrs. Reynolds in the North-South group were the Adams-Hansford team, the Kweis, Naylor-Flesch, with Muriel Allen and Joe Maurer 5th and Gloria and Ian Coats 6th. The Campbell-Fisher pair headed East-West, with the Heat 2nd, Cam Sinclair and Barbara Wood 3rd, and a tie for 4th between Marguerite Taylor and Paul Lessard, Ron Ethier and End Ashworth. In the beginners' section, Mr. and Mrs. Roy Yestadt were first and Mr. and Mrs. Irvine Hinds 2nd.

## Doctor Explains Hypnosis to Club

Dr. Boyd Hoddinott was the guest speaker at the Business and Professional Women's Club on Monday night, at Hunter's Inn. His topic was hypnosis, and its use in modern day medicine. Very few at the meeting had any idea how helpful and far reaching this type of treatment could be. Mrs. Audrey Scott introduced Dr. Hoddinott and Mrs. Sharon MacMillan expressed the thanks of the meeting and presented him with a gift.

The club had been selling raffle tickets on a homemade quilt, hair-dos and set and four hours of free babysitting. The doctor made the draw and Mrs. Deforest, Acton, won the first prize. Mrs. Margaret Flynn, Brampton, second, with Joan House winning the third prize.

In the business portion of the meeting the provincial conference in Sault Ste. Marie May 25-29-72 was discussed. Several members are planning to attend. It was reported that in the near future the club will tour the Vanier Institute. Mrs. Daisy Harris reported on the meetings that had been held by the new "Recreation Facilities Committee" she and Mrs. MacMillan will represent the club. Ten members attended the meeting from the Brampton Club.

## A Park for Retired People

# "I Know I Can Make It Work," Says Leo Wolf

by ZUHAIR KASHMERE  
Even 14 visits over four years to the Chinguacousy planning board, only to be told his rezoning application cannot be traced, have not deterred the visionary Leo Wolf of RR1 Terra Cotta. Last week Mr. Wolf took this reporter on a slippery walk through his ice-covered Wolf Park and described what he had planned there for which he wanted permission from the planning board.  
A mobile-home park for the retired and semi-retired—spread out over his 36 acres which at present houses the Wolf Park with its campsites, trout fishing pond, swimming pools and picnic grounds. Initially he wants to use about 10 acres to house about 50 trailers.  
**SMALL GARDENS**  
His plan is to create lots for each trailer, about 100 feet by 40 feet, where he will build a carport, concrete slabs for the trailer, and let the retired have their own small vegetable gardens.  
"This is not fixed," he said. "I am subject to township requirements and will even sell these lots if they want."  
"There are many retired people," said Mr. Wolf, "who would like to live in the country in a mobile home, with their own small garden and so on." He intends to provide hydro and water for each trailer, and have two septic tanks for every two trailers. He would also like to build a tall TV tower with cables running to each trailer.  
Contrary to what people might say, Mr. Wolf is not talking out of his hat. He was the one who owned and looked after the present Terra Cotta Park for six years from 1952, and built it up before it was bought by the conservation authority.  
He was the one who "jacked up" the bell post in Belfountain, which was tilting and ready to be done away with. Mr. Wolf, self-employed in his own construction business, dug below the bell pillar and found it was resting on rocks at one end.  
"I removed those rocks, poured concrete below and jacked it up straight," he said. "I've got visions and plans for this mobile home park," he explained enthusiastically. "And I know I can make it work. It's only that I can't get up and speak before a lot of people at the planning board."  
**APPLICATION MISSING**  
At a meeting of the planning board last Monday, which was his 14th visit, Mr. Wolf was told his rezoning application for the park could not be traced. It was

wondered by many how his item could be on the meeting agenda so many times, with a regular file on his proposal and no application.  
Following this, he was asked to make a new application and given a new set of forms to fill in. In about two weeks and before the next planning board meeting, Mr. Wolf intends to apply again.  
Several years ago, when he made his first application, a petition had been filed against his idea, and it was rejected by the planning board.  
"Their main worry was their properties would be devalued," he said. "But that can't be because our park does not border on anybody's home, and if trailers are put in, you wouldn't be able to see them from the main road."  
The park is situated off the Sixth Line West or Terra Cotta Park Road, and has quite a few hillsides to obstruct vision from the road.  
**FLOOD OF CHILDREN**  
Mr. Wolf dealt with the other objections one by one. The foremost has been a mass exodus of children flooding the Terra Cotta - Cheltenham schools.  
Said Mr. Wolf: "If I restrict the park to retired and semi-retired and the latter are normally those whose kids are grown up and married with

perhaps one kid left, where is the flood of children?"  
Noise: It is felt that this would generate a lot of noise in the countryside.  
"As it is there is quite a bit of noise at times due to my park. But nobody objects. Then there will be no question of noise, people will be living there."  
He went on to add he had enough water to take care of all the trailers and would build a reservoir for water supply.  
Lastly, the main objection of most Terra Cotta and Cheltenham residents, put forward at every kind of plan or development thought of for the area: "It will destroy the beauty and peace of the rural character."  
**FOR OLDER PEOPLE**  
Said Mr. and Mrs. Wolf, as if in a joint statement: "I don't see why retired people should not enjoy Terra Cotta as much as tourists coming here and littering up the place. And I see no reason why older people should not have the beauty of rural character around them."  
For Mr. Wolf this park for old people is like doing a service. He intends to pursue his plans. And if he can't talk before an audience, he says he will get a lawyer to talk for him. But pursue he will.

intends to fight on for his park saying: "If they don't allow me now calling my plan premature for the area some big shot developer is sure to come in and do what I wasn't allowed to."



Leo Wolf points to picturesque sections of his Wolf Park which he would like converted to a mobile-home park for retired people. He has been before the Chinguacousy planning board for four years and

intends to fight on for his park saying: "If they don't allow me now calling my plan premature for the area some big shot developer is sure to come in and do what I wasn't allowed to."

Daily Times Photo

## Started Business Downtown In 1938

Georgetown lost one of its oldest businessmen when Henry John Sienko, 72 of 14 George St., died in Georgetown hospital February 4.  
Mr. Sienko established a shoe and repair business here in 1938, and had been a downtown merchant ever since. His first store was located in the McGibbon block, and for some years, he had operated on Main Street beside Silver's Department Store.  
A native of Lezajsk, Poland, he was the son of Ignatius Sienko and Josephina Swirad, and he served as a lieutenant with the Polish cavalry in World War I.  
He came to Canada in 1920, and lived in New York, Toronto and Winnipeg before he came to Georgetown. He was a member of Calvary Baptist Church, Brampton, Gideons International and Georgetown Horticultural Society.  
His first wife, Monica, died in 1946. He remarried in 1957, and leaves his wife, Jennie Fogg, son Richard of 25 Gloxinia Crescent, Agincourt, and daughter Irene, Mrs. Robert Ollivier, 35 Henry Street; six grandchildren, Susan, Sharon, Stephanie and Stephen Sienko, Janet and Maureen Ollivier; and a sister, Victoria Sienko in Poland. He was predeceased by another sister, Mrs. Augustyna Kordal of New York City.  
Rev. Gary Simpson of Calvary Church conducted the funeral service at the McClure-Jones Funeral Home, with interment in Greenwood Cemetery. Pallbearers were fellow Gideons, Howard Vickery, Paul Holman, Philip Baird, Bill Bailey, Alfred Douglas, and Cec Roberts.

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