



SASKATCHEWAN ELOCUTION AND DEBATE ASSOCIATION

ASSOCIATION D'ELOCUTION ET DES DEBATS DE LA SASKATCHEWAN

## Death Penalty

**This House Believes that criminals sentenced to life in prison should be allowed to choose the death penalty.**



Research prepared by Megan Moncrief  
Fall 2011

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# **This House Believes that criminals sentenced to life in prison should be allowed to choose the death penalty**

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## Introduction

Before coming up with the arguments for your case, take the time to do a fair bit of research. Reading articles about the resolution will give you an idea about what kind of action to take. You may find that some things are already in place, while other ideas have no information on them because they are not popular topics for the media. It is important to focus on concepts that you can support with research. So above all, before you do anything, gain a good knowledge base.

This resolution is a great one to start the year with: *“This House believes that criminals sentenced to life in prison should be allowed to choose the death penalty.”* A resolution like this is open to a lot of different interpretations. It is necessary to define “criminals”, “life in prison”, and “death penalty” very clearly and consistently with the Affirmative case you want to run.

Try looking at some of the big themes of the debate: is this a legal vs. a social issue? Can you argue nature vs. nurture? Is this a case of justice, or revenge? Are we allowing criminals an easier way out? Why do policies seem to work hard on ensuring the rights of criminals, but spend less time on in impact of the crime on the victim? What rights do people have if they’ve breached the social contract? Look for the contradictions. Where does assisted suicide fall under criminal statutes? These are just a few ideas to get you started. Try brainstorming more ideas with your partner and your club, then focus on what case you want to build – on both the affirmative and negative side.

The key to running a good affirmative argument in this debate is to remain focused. The more focused you are on what you want your plan to achieve, the harder it is for the negative team to attack you. Although it might seem easy to take every argument you can think of and build them into one case, keep in mind that this gives a lot of room to the negative team when deciding what they are going to argue against. They might be able to zero in on your weakest point and convince the judges that you should lose just because of that one point! You don’t want that to happen, so pick a focused direction.

Your plan could be to fine parents, jail them, or send them to parenting classes. All of these cases have good arguments behind them and good evidence to support them (but there may be other approaches that you should also explore – this is your chance to solve this problem!). It would be hard to argue all the possible points in the little time you have. When developing your plan, be prepared for possible negative attacks and then strengthen your case. Don’t leave yourself open to attack!

It is beneficial to remember the same things as the negative team. You don’t know what the affirmative team will do, so you should do a lot of research and become very knowledgeable about this subject. That way, you will be ready to deal with anything the affirmative comes up with. It might help to write down many pieces of evidence on different cards, but only plan on using a few of them, depending on how the affirmative team defines the debate. Remember, preparation is just as important, if not more important, for the negative team as it is for the affirmative team. You must have prepared evidence too!

Of course, there are a few negative points you can prepare before hand that might work against any case, although these more general and less-focused arguments will not be quite as effective. You might plan on giving a few examples on how Parental Laws are ineffective or that parents are not the problem, schools are. Maybe the affirmative did not make a clear link between cause and effect, so point that out. Create a strong negative case that takes an alternate but equally valid view of the problem.

Try summing up the main theme of your case in one clear statement – either for the affirmative or negative. Then, make sure you have 3 to 5 key points in your case that relate back to your theme or “caseline”. During the debate, make sure both your constructive arguments and your clash relate back to your caseline and attack the opposite team’s caseline.

To win a debate, you must show the judges that you triumphed over your opponents on some key arguments and that you presented the stronger case. The evidence you collect when researching is very helpful for illustrating that. If you have done a good job as the affirmative team mentioning evidence for every point you make, and the negative team has argued against you but has failed to support themselves with articles and statistics, then show the judges that you have a more concrete case. Mentioning your superior evidence should tip the balance of the debate in your favor if both teams have done a good job of clashing. In your final rebuttal speeches, in addition to your final clash and summary, refer back to the big theme of your case and how it was proven superior to your opposition’s development of their theme.

Lastly, remember that this research package is just a starter. Since there are so many roads you can take for this resolution, there are a variety of articles with examples of each. However, since you will probably focus in on one topic, this package won’t have enough on each individual topic. So go to the library! Interview people! Watch the news! Surf the web! The best debater is one that knows the topic inside and out.

~ Adapted from an article written by Garrett Richards, Fall 2004

### Understanding definitions:

When you get a resolution, you pick out two types of key words to understand:

1. Terms specific to the topic that everyone needs to agree on to debate, like *'life in prison'*. You define this in the first affirmative speech.
2. Words that require a specific type of argument from debaters, like *'should'*. You define your stance on this using your caseline and arguments.

### Understanding the burdens:

In a debate 'should' means that there is a moral and practical reason to make the specified change.

#### Affirmative:

The side that agrees with the resolution must prove the current system is in need of change. To meet your burden, prove:

- There is a moral or practical reason for prisoners to be allowed to choose

*OR*

- It is wrong not to give prisoners a choice

You also need to prove that:

- This House has an obligation to allow prisoners the right to choose

#### Negative

The side that disagrees with the resolution must prove that the current system is good enough. This can be done in **one** of several ways:

- Prove the current system is fine

*OR*

- Prove the problems identified by the affirmative are caused by something other than the act of being imprisoned itself

*OR*

- Prove the system needs minor fixes and would then work well

### The Big Debate:

**Each debate topic has an underlying disagreement about what way society should do something. In this case, the argument is, if a person who has been given a life sentence decides they want to end their life, is it acceptable to assist them?**

**Position 1** –The right to life comes, inherently, with the right to death; even criminals cannot be denied their fundamental right to choose.

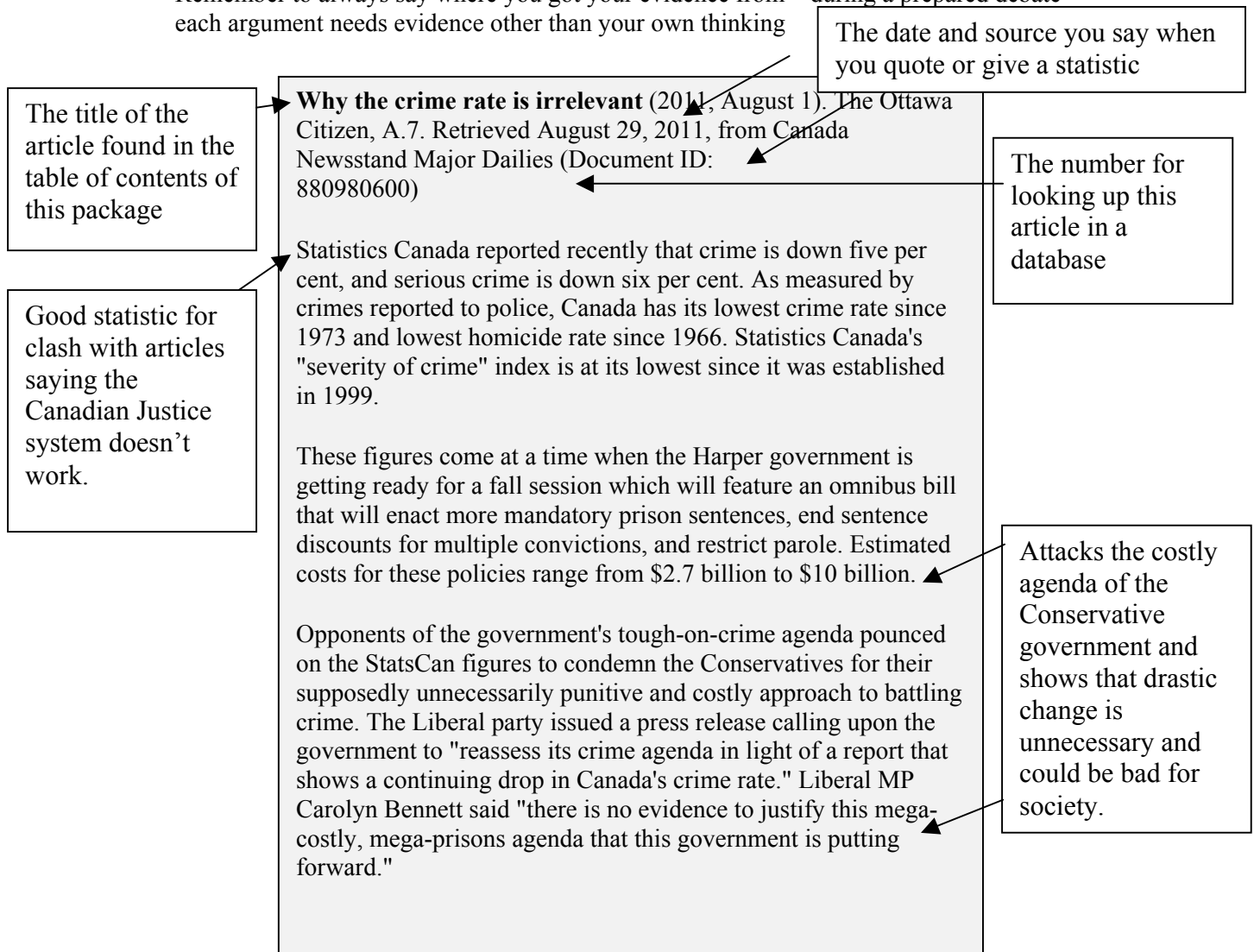
**Position 2** – Assisted suicide is illegal in Canada and is an unacceptable option, even for those facing life imprisonment. These criminals have broken their social contract; they've forfeited their rights and freedoms.

### **Specific Vocabulary used to show these positions:**

1. **Criminal** – a person for whom crime is a lifestyle (hardened criminal)
2. **Life Sentence** – This is a sentence given to those people who have committed high treason or first-degree murder. They are sentenced to life in prison with no eligibility of parole for **twenty-five** years. People who commit second-degree murder are also sentenced to life in prison but they are eligible for parole between **fifteen** and **twenty-five** years into their sentence.
3. **Parole** – Parole is a continuation of a criminal's prison sentence with the main difference that it takes place in society. Criminals are granted parole from their jail sentences if they prove to the National Parole Board that they have reformed their ways and are willing to serve out the rest of their time while following strict rules and remaining under the supervision of professionally trained parole officers. Parole is granted only after an assessment is made that determines if the criminal is likely to commit more crimes or to be a danger to society if they were released.
4. **Assisted Suicide** – This is when a person asks for the help of another to end their life. This could be by providing equipment or drugs, or by helping in the act itself. Assisted suicide is different from euthanasia or mercy killing because the person receiving help is not necessarily ill, or suffering in an obvious way.
5. **Social contract:** This is an unwritten, intellectual device that sets out the relationship between a citizen and their government. Each person in a society agrees to follow set rules and fulfill expected duties. Citizens follow these rules to ensure that they and others are kept safe from violence or other types of harm.
6. **Rehabilitative Justice:** This is a type of justice that looks at criminals as people who, with help, can return to society as fully functioning members without returning to crime. It makes use of therapy and education.
7. **Retributive Justice:** This is a type of justice that views punishment, if proportional, to be the most effective form of justice i.e. an eye for an eye. Its goal is to alleviate the suffering of the victim of a crime, not the criminal.

## Understanding how to read an article:

- Don't read the whole article, skim for statistics and polls of public opinion
- Search for quotations from experts
- Look for biased writing where journalists use loaded language (words with strong emotion) and quote those bits
- Remember to always say where you got your evidence from – during a prepared debate each argument needs evidence other than your own thinking



## Background Articles

<http://this.org/blog/2011/07/29/35-years-without-death-penalty/>  
**Canada marks 35 years since abolition of the death penalty**  
*This Magazine Online | July 29, 2011*

The camera rolled as a three-drug cocktail was shot into Andrew Grant DeYoung's arm, there in a prison in Jackson, Georgia. It captured De Young as the injection reached his veins and killed him, thus carrying out his sentence, and granting him a spot in the history books as the first man in America in almost 20 years to be filmed during his execution.

That was on July 21, 2011. And the irony was likely lost on De Young and his executioners that, only days before this execution was filmed in the interest of scrutinizing lethal injections, Canada was entering its thirty-fifth year without the death penalty.

On July 14, 1976, the House of Commons voted to strike capital punishment from the Canadian Criminal Code. The road to abolition had been a long one. The first time an MP had introduced an anti-capital punishment bill was 1914, and several more such bills would be shot down over the following decades. After 120 years, and 710 executions, Canada's capital punishment laws were pretty well-ingrained into judicial society.

It wasn't until 1956 that Parliament even considered removing the death penalty as a punishment for youth offenders. But by the end of that decade, politicians and the public alike had begun to question the humanity of capital punishment and its effectiveness as a deterrent. Anti-death penalty protesters had started picketing executions, serving as foils to the rabid crowds who had once gleefully swarmed public hangings.

As resistance to capital punishment grew, the death penalty was removed from several crimes, including rape and some murder charges. By 1963, it had become de facto policy for the federal government to commute death sentences and, in 1967, a moratorium was placed on capital punishment for all crimes except the murder of on-duty police officers and prison guards. Nine years later, total abolition was made official. The vote on the hotly contested bill, which had prompted Prime Minister Pierre Trudeau himself to take the floor and make a plea for abolition, transcended partisan lines, and split Canada's MPs 131 to 124.

### **Canada, post-death penalty**

Thirty-five years on from that landmark legislation, and nearly 50 years after the last executions were carried out, debate over the death penalty in Canada still rages on. Public opinion has almost always favoured the death penalty in theory, if not in actual practice. A poll conducted by a private research firm this past January found that 66 percent of respondents support capital punishment in some cases, though only 41 percent of Canadians surveyed actually want to see the death penalty reinstated. Those figures are still astonishing considering how long Canada has been without capital punishment, and that the only attempt to reinstate it was defeated in 1987, 148 to 127, an even greater margin than the one in the original abolition vote.

Is there an empirical reason for the continued support of the death penalty, or the need for harsher sentences in Canada? The numbers would suggest not. Canadian murder rates have been on a steady decline since their peak in the mid-1970's, the years leading up to abolition. As of 2009, the murder rate was at its lowest in 40 years. There has never been any conclusive evidence that abolishing the death penalty directly results in lower murder rates, but the trend debunks the theory that capital punishment is necessary to keeping murder rates low. What's more, according to Amnesty International, the conviction rates for first-degree murder cases doubled, from 10 percent to 20 percent, within ten years of abolition, the implication being that the high stakes of capital punishment actually got in the way of justice.

And yet support for the death penalty remains. Amongst the cohort of Canadians who believe in capital punishment is Prime Minister Stephen Harper who, during an interview with CBC earlier this year, said he "think[s] there are times where capital punishment is appropriate."

Although the PM also insisted he has no intentions of trying to reinstate capital punishment, his remarks sparked a minor furor during the recent election, as members of the opposition suggested that a Conservative majority would push the death penalty back into the lawbooks. But the most

notable controversy surrounding the PM and his stance on capital punishment has been over the case of a Canadian fighting his own death sentence in the United States.

A Canadian on death row

In 1999, Alberta-born Stanley Faulder was put to death in Texas, becoming the first Canadian in almost 50 years to be executed south of the border. In the run-up to his death, the Jean Chrétien government tried to have Faulder's sentence commuted, but the appeal was rejected by Texas's then-governor, George W. Bush. Today, with another Canadian facing the death penalty in the States, the government is less interested in helping.

Ronald Allen Smith, of Red Deer, Alberta, has been on death row in Montana since 1983. His death sentence has been overturned three times and, each time, he has been resentenced with the same outcome: death by lethal injection. Just as they did in Stanley Faulder's case, the Chrétien government went to bat for Smith. Throughout the early years of his appeals, Canadian officials had stayed in constant contact with Smith's council, and made a formal request for clemency on his behalf in 1997.

Clemency requests for Canadians sentenced to death in foreign countries had been standard government policy at the time. But Harper's Conservatives, who took power in 2006, changed that policy, announcing that they would not seek clemency for multiple murderers convicted in democratic states. They withdrew their support for Smith in late 2007, prompting Smith and his lawyers to appeal to the Canadian Federal Court. A judge there determined that the government had to follow the old policy until a suitable replacement was enacted, and Harper finally complied, and the Canadian government resumed its talks with Montana officials. Smith has currently been granted a stay of execution while he fights a civil court battle against lethal injections, which he argues are unconstitutional.

### **Looking ahead**

Thirty-five years after it abolished capital punishment, Canada continues to soldier on without it, in spite of the opinions of 41 percent of its populace, and even the personal opinion of its prime minister. The U.S., meanwhile, continues to hand out death sentences in all but 14 states.

But American capital punishment laws are being challenged, as some people look to revive the brief ban on executions that existed between 1972 and 1976.

The execution of Andrew Grant DeYoung, was filmed in order to determine the effectiveness of the drug pentobarbital in sedating condemned criminals during lethal injections. The video will be used in the appeal of another inmate on Georgia's death row who, much like Ronald Allen Smith, is fighting his death sentence on the grounds that execution constitutes cruel and unusual punishment.

These men's appeals will bring before American courts the same question that was put to Canada's legislators 35 years ago. Is the death penalty fair and just in a liberal democratic country? At the end of that long debate, it was Pierre Trudeau who, as was so often the case, provided the most eloquent, definitive answer:

"I do not deny that society has the right to punish a criminal, and the right to make the punishment fit the crime, but to kill a man for punishment alone is an act of revenge. Nothing else. Some would prefer to call it retribution because that word has a nicer sound. But the meaning is the same. Are we, as a society, so lacking in respect for ourselves, so lacking in hope for human betterment, so socially bankrupt that we are ready to accept state violence as our penal philosophy? ... My primary concern here is not compassion for the murderer. My concern is for the society which adopts vengeance as an acceptable motive for its collective behaviour. If we make that choice, we will snuff out some of the boundless hope and confidence in ourselves and other people, which has marked our maturing as a free people."

## **The fight for the right to die**

*CBC News | February 9, 2009*

In 1992, Sue Rodriguez forced the right-to-die debate into the spotlight in Canada.

In a video statement played to members of Parliament, the Victoria woman, diagnosed with Lou Gehrig's disease in 1991, asked legislators to change the law banning assisted suicide.

"If I cannot give consent to my own death, whose body is this? Who owns my life?" she said.

The Supreme Court of Canada ultimately ruled against Rodriguez, but her struggle galvanized the public. Rodriguez committed suicide in 1994 with the help of an anonymous doctor.

In Canada, as in most countries, assisted suicide is illegal. But there seems to be a growing movement toward changing the law in many parts of the world.

### **What is the difference between assisted suicide and euthanasia?**

Assisted suicide occurs when a person — typically someone suffering from an incurable illness or chronic intense pain — intentionally kills himself with the help of another individual.

For example, a doctor may prescribe drugs with the understanding that the patient plans to use them to overdose fatally. Or a doctor may insert an intravenous needle into the arm of a patient, who then pushes a switch to trigger a fatal injection.

Assisted suicide differs from euthanasia, in which someone other than the patient ends the patient's life as painlessly as possible.

Euthanasia may be active, such as when a doctor gives a lethal injection to a patient.

It can also be passive, in cases where a physician doesn't resuscitate a patient whose heart has stopped. Or it can happen when a doctor removes life-support equipment.

### **When did assisted suicide become a legal issue?**

Philosophers have contemplated the concept of "a good death" since ancient times. However, individual choice over dying only surfaced in intense public debate in the 1970s.

Until then, anyone found guilty of attempted suicide in Canada — and in many other countries — could face jail time. The federal government decriminalized attempted suicide in 1972.

The legal right to turn down medical treatment emerged at the same time, as technological advances in medicine allowed doctors to keep patients alive longer.

A series of court cases in the 1970s won a mentally competent person's right to refuse medical intervention — a view now widely accepted.

The debate over patient autonomy now centres on issues of active euthanasia and assisted suicide, as patients who live in chronic intense pain or with a degenerative or terminal illness such as multiple sclerosis, AIDS or Alzheimer's disease fight for the right to die.

### **Why is it an issue?**

People who want assisted suicide to be legalized believe that individuals should be able to control the time and circumstances of their own death. Some argue that actively causing one's own demise is no different from refusing life-saving treatment.

Opponents fear that vulnerable individuals may be coerced into assisted suicide to ease the financial burden of caring for them. They also worry that assisted suicide could ease pressure to provide better palliative care and find new cures and therapies.

Some religious opponents argue that God, not humans, should decide the time for death. And many medical professionals maintain it is never morally permissible for doctors to help kill a patient.

### **What is the law in Canada?**

The Criminal Code of Canada outlaws suicide assistance, with penalties of up to 14 years in prison — but opponents have recently challenged the law's constitutionality in court.

The Rodriguez case was the most famous. The 42-year-old B.C. woman, who suffered from amyotrophic lateral sclerosis, or Lou Gehrig's disease, asked the Supreme Court of Canada in the early 1990s to be allowed to kill herself with a doctor's help.

She argued that the ban on assisted suicide violated the Constitution by curbing her rights of personal liberty and autonomy guaranteed in the Charter of Rights and Freedoms.

The court rejected her argument in 1993, ruling 5-4 that society's obligation to preserve life and protect the vulnerable outweighed her rights.

However, several judges suggested Canada's laws might need to be changed to help people like Rodriguez.

In December 2008, a Quebec jury acquitted Stéphan Dufour on a single charge of assisted suicide. Dufour had admitted to installing in a closet a rope, chain and dog collar that his uncle, Chantal Maltais, used to kill himself in September 2006.

Dufour was the first Canadian ever to stand trial by jury for assisted suicide.

### **What is the law in the U.S.?**

Both Canada and the United States have long outlawed assisted suicide, charging people who help others kill themselves with murder, manslaughter and other offences.

Many U.S. states introduced specific laws prohibiting assisted suicide in the 1990s after Dr. Jack Kevorkian and others pushed the debate into the public spotlight.

Kevorkian, a retired Michigan pathologist, loudly advocated a person's right to die and invented an instrument — dubbed the "suicide machine" — that lets patients inject themselves intravenously with a lethal amount of potassium chloride.

Police charged him in the deaths of a number of people, but juries repeatedly let him off until 1999, when he was jailed for second-degree murder after helping a terminally ill patient to die. Kevorkian was released from jail in June 2007 and said he had no regrets about conducting the assisted suicide.

Oregon is the first state with a law that specifically allows physician-assisted suicide, enacted in 1997.

Oregon's Death with Dignity Act was approved by voters in 1994 but blocked for three years by critics who challenged its constitutionality in the U.S. Supreme Court.

Oregon won, but again came under attack by then-U.S. Attorney General John Ashcroft, who threatened to revoke the licences of doctors who assisted suicides. The law was upheld by the U.S. Supreme Court in January 2006.

The state's strict rules governing assisted suicides stipulate that the patient must have been declared terminally ill by two physicians and must have requested lethal drugs three times, including in writing.

Washington adopted a ballot measure based on the Oregon law, called Initiative 1000, during the November 2008 election.

In December 2008, a Montana judge overturned that state's law prohibiting doctor-assisted suicide in a ruling on a case involving a man with terminal cancer. The state's attorney general plans to appeal the decision.

Texas has had a law since 1999 that allows hospitals and physicians to withdraw life support from terminally ill patients.

Legislators in California introduced a bill based on the Oregon law. The Compassionate Choices Act was first introduced 2005 and reintroduced in February 2007. It was shelved in June 2007.

### **Where are euthanasia and assisted suicide legal?**

Only three places besides Oregon openly and legally authorize assisted suicide: the Netherlands, Belgium and Switzerland.

**The Netherlands** introduced specific legislation to legalize assisted suicide and active euthanasia in 2002, but the country's courts have permitted them there since 1984.

The Dutch laid out narrow guidelines for doctors: The patient, who must be suffering unbearably and have no hope of improvement, must ask to die. The patient must clearly understand the condition and prognosis and a second doctor must agree with the decision to help the patient die.

**Belgium** legalized euthanasia in 2002, but the laws seem to encompass assisted suicide as well.

Two doctors must be involved, as well as a psychologist if the patient's competency is in doubt.

The doctor and patient negotiate whether death is to be by lethal injection or prescribed overdose.

**Switzerland** has allowed physician and non-physician assisted suicide since 1941, but prohibits euthanasia.

Three right-to-die organizations in the country help terminally ill people by providing counseling and lethal drugs. Death by injection is banned.

Elsewhere, many countries seem to show slow movement toward legalizing assisted suicide and euthanasia, including:

- Luxembourg, where legislation that would have permitted euthanasia was lost by a single vote in March 2003.
- Britain, where legislation that would have legalized assisted suicide for the terminally ill was defeated in the House of Lords in May 2006.

**Why the crime rate is irrelevant** (2011, August 1). The Ottawa Citizen, A.7. Retrieved August 29, 2011, from Canada Newsstand Major Dailies (Document ID: 880980600)

Statistics Canada reported recently that crime is down five per cent, and serious crime is down six per cent. As measured by crimes reported to police, Canada has its lowest crime rate since 1973 and lowest homicide rate since 1966. Statistics Canada's "severity of crime" index is at its lowest since it was established in 1999.

These figures come at a time when the Harper government is getting ready for a fall session which will feature an omnibus bill that will enact more mandatory prison sentences, end sentence discounts for multiple convictions, and restrict parole. Estimated costs for these policies range from \$2.7 billion to \$10 billion.

Opponents of the government's tough-on-crime agenda pounced on the StatsCan figures to condemn the Conservatives for their supposedly unnecessarily punitive and costly approach to battling crime. The Liberal party issued a press release calling upon the government to "reassess its crime agenda in light of a report that shows a continuing drop in Canada's crime rate." Liberal MP Carolyn Bennett said "there is no evidence to justify this mega-costly, mega-prisons agenda that this government is putting forward."

Globe and Mail columnist Jeffrey Simpson chimed in. The Conservatives, he wrote on Friday, "look hard evidence in the face, deny it, and proceed." University of Toronto criminologist Anthony Doob went so far as to say the falling crime rate was "probably an embarrassment" for the government because it would undermine their anti-crime agenda.

These criticisms are nothing new. Official crime figures have been declining for more than a decade and every report seems to induce complaints that conservatives have it all wrong about how to deal with crime.

Last summer, the NDP charged the Conservatives with leaving "the reality based community" for highlighting crime issues despite a 17-per-cent decline in crime rates from 1999-2010. The Toronto Star automatically links any reduction in crime to a repudiation of the conservative anti-crime agenda, whether it was Ontario premier Mike Harris or Prime Minister Stephen Harper.

Conservative politicians have sometimes responded by saying that the official crime rate under-reports the true extent of crime and point to another Statistics Canada measure, the General Social Survey victimization survey, which finds that most crime goes unreported. Former treasury board president Stockwell Day was mocked last year for making this argument, but whatever the real crime rate is in Canada is beside the point.

There are a number of reasons why society punishes criminals: to deter future crime, to reform criminals, and to penalize wrongdoing.

The social science is mixed as to whether longer sentences deter crime. The government's critics are essentially making an argument that crime is low enough that punitive deterrence policies are unnecessary.

However, the justice system is not all about deterring crime and making streets safer; Conservative policies tap into a public sentiment that finds criminals are not getting their "just deserts."

A 2010 Ekos poll found that 42 per cent of Conservative supporters think the criminal justice system should focus on punishment, where just 20 per cent of Liberals and 26 per cent of New

Democrats did. An Angus Reid poll last year found that significantly fewer Canadians (55 per cent) than Americans (72 per cent) think that relatively minor crimes are being excessively punished. Earlier this year, a Manning Centre Barometer survey found a majority of Canadians agreeing with the statement that the justice system does not work to rehabilitate criminals.

Clearly the Conservatives are tapping into popular discontent with a justice system that is seen to be soft on criminals.

Whether or not criminals are receiving punishments that are proportionate is not a matter to be settled by crime statistics. It is a philosophical and moral argument about what a criminal deserves for harming others and society. Numbers cannot answer that question.

Sociologist Ernest van Den Haag argued in his 1975 book *Punishing Criminals* that punishments meted out to criminals must be justified as deserved. That is what the Conservatives are trying to address.

On those grounds, the government's critics must ask themselves some absurd questions. Does a lower rate of homicide, assault, or robbery justify a lighter sentence? Does a criminal who breaks the law when crime is up deserve a harsher punishment? Of course not. The crime rate is irrelevant when thinking about retributive justice.

Paul Tuns is a political analyst and public affairs commentator.

## Affirmative Articles

### **Oregon death row inmate Gary Haugen believes he will win his bid to die** *The Oregonian* | July 13, 2011

Maybe, Gary Haugen said Wednesday, he doesn't deserve to die with dignity.

Maybe, the twice-convicted murder continued, he doesn't deserve to make his peace or to have the luxury of saying goodbye to friends and prepare mentally and spiritually for death. But like it or not, Oregon law allows death row inmates like him to make the choice to end their appeals and accept execution, he said. And it is ironic and absurd, he argued, that people are now calling his mental competence into question because he is making that choice to die.

Despite challenges to his competence by his own court-appointed lawyers, Haugen believes he ultimately will win his bid to be put to death, he told *The Oregonian* in his first in-depth interview since his August execution was delayed.

He spoke over a telephone at the Oregon State Penitentiary, separated by glass from visitors in a segregated unit of the prison. In accordance with the prison's rules, visitors can take no notes or bring tape recorders.

Haugen has thought about the decision to be put to death a lot over the years, he said, and he is committed to it.

He has seen diabetic prisoners line up three times a day for blood sugar checks. Another inmate, battling liver disease, appears almost green in skin color some days. Others can't even attend to their own personal hygiene, he said.

That's not how Haugen, 49 and potentially facing his own health issues, wants to live, he said.

It's not that he thinks he deserves to die from a legal standpoint, when considering the life sentence given to convicted murderer Ward Weaver, who killed two of his daughter's friends in Oregon City in 2002.

But Haugen said every day he regrets killing Mary Archer, the 39-year-old mother of his former girlfriend, in 1981. He beat her to death with his fists, a baseball bat and a hammer, and hid her body in the basement of her Northeast Portland home. He was acting on his rage because she had tried to persuade her daughter to abort a pregnancy, he said.

Haugen did not talk much about the murder that landed him and co-defendant Jason Brumwell on death row in 2007, noting that Brumwell's appeal is still under consideration. The two were sentenced to death in 2007 for stabbing and crushing the skull of another inmate, David Polin, four years earlier at the penitentiary.

Haugen said he hopes to ask the judge at a hearing scheduled today to appoint a new lawyer for him, saying his current attorneys, Andy Simrin and W. Keith Goody, are working against him in their quest to have him found mentally incompetent to waive his appeals. His attorneys have stated that they are only seeking to fulfill their constitutional duty to prevent the execution of an inmate they believe is incompetent.

The judge also faces a motion, filed by Haugen's attorneys, to disqualify himself from the case over questions of his impartiality, a request that Haugen said he opposes.

The conflict between Haugen and his attorneys led the Marion County district attorney's office to suggest the court appoint a local, independent attorney for Haugen.

The inmate is not a lawyer and "deserves legal representation" when he takes issue with what his attorneys are doing, wrote Marion County Deputy District Attorney Donald Abar.

In addition, "it sure would appear that the relationship between the defendant and counsels is irreconcilably broken. There comes a point when such a conflict raises ethical issues," Abar wrote.

At today's hearing, Haugen's attorneys are expected to provide the name and timetable for an expert to evaluate the inmate. Haugen said he also has written remarks he plans to read.

**Notorious convict tries to choke himself in cell**  
*International Harold Tribune | August 19, 2011*

Shin Chang-won, the notorious convict who escaped from prison in 1997 and went on a two-year crime spree, attempted to strangle himself in the 1st Prison in Cheongsong, North Gyeongsang, yesterday.

The 44-year-old convicted murderer, thief and rapist, who is serving a life sentence, tried to strangle himself in his cell with a rubber glove, according to a prison official.

A prison guard heard Shin moan and he was rushed to Andong Hospital. According to a hospital official, Shin's blood pressure and pulse are back to normal but he is breathing with the help of a respirator.

A handwritten note was found in his cell that read: "I'm sorry."  
A prison official speculated that the suicide attempt might be related to the death of Shin's father last month.

Shin's 96-year old father visited the prison in March and told his son to live sincerely. Prison guards said Shin's father visited him often.

"Loneliness after a long time in prison might be another reason," A prison official said. "There wasn't any CCTV camera in Shin's cell because he gained our trust," the official said.

Shin, who lost his mother at a young age, spent his childhood in poor surroundings. He was first caught for theft and sent to juvenile detention in 1983. He was sentenced to life in 1989 for robbery and accidental manslaughter.

On Jan. 20, 1997, Shin gained notoriety by sawing through bars in a prison toilet and escaping. Over the next two and a half years, Shin committed 142 crimes, including murder, robbery and rape. He became a kind of celebrity criminal while on the run.

In 1999, Shin was captured in an apartment in North Jeolla after police were tipped off by a neighbor.

An additional 22 years were added to his earlier sentence.

Back in prison, Shin turned to religion and became a model convict. When dealing with guards, Shin would invariably say, "Thank you" and "I'll keep on trying my best."

Prison officials said they will investigate why Shin tried to kill himself when he regains consciousness.

**Deaths of 9 prisoners similar to Ashley's: Watchdog: Notes parallels to teen's suicide in Kitchener jail** (2010, September 7). Toronto Star, A.1. Retrieved August 24, 2011, from Canada Newsstand Major Dailies (Document ID: 749702063)

Since Ashley Smith's disturbing death inside a Kitchener segregation cell, Canada's prison watchdog told the Star he has discovered nine similar fatalities that question the correctional service's willingness to stop jailhouse suicides.

"They reflect many of the issues that came to light in our investigation into Ashley Smith's death," correctional investigator Howard Sapers said.

Smith, 19, strangled herself with a piece of cloth on Oct. 19, 2007, while incarcerated at Grand Valley Institution as seven guards watched.

Senior prison officials had ordered staff to keep their distance as long as Smith appeared to be breathing.

About 130 federal inmates have died from a variety of causes since Smith's death, Sapers said. Nine of these cases emerged as particularly troubling.

While every death in custody is reviewed, those that get a "second or third look" from Sapers are those in which the "circumstances present opportunities for intervention and prevention."

Sapers said that additional details will be revealed in a report to be released on Wednesday.

With a coroner's inquest into Ashley Smith's death also scheduled to start in November, Sapers told the Star he feels strongly that the process should examine her entire experience in the adult correctional system.

Ontario's Deputy Chief Coroner Dr. Bonita Porter had earlier ruled that the inquest should focus on the last 13 weeks of Smith's life, which she served in the province.

Smith's family argues that Porter's inquest must consider the 11 months preceding the teen's death, which drove her to "suicidal despair."

Sapers agrees.

Court and prison documents obtained by the Star show how the young woman's complaints of inhumane treatment were repeatedly ignored and how she wound up a "caged animal," four years after first entering the correctional system for throwing crab apples at a postal worker.

In federal custody, Smith was shuttled through 17 institutions across four provinces in the last year of her life alone.

She spent most of that time in a segregation cell wearing only a padded gown.

"It's impossible to understand her death unless you look at her entire experience in federal custody," Sapers said.

"Ashley Smith died within a particular context and that context is described by her total correctional experience."

Boiling down the cause of death to asphyxiation is too easy, he said.

"You really need to understand why she was in that cell, why the correctional staff intervened the way they intervened, why the managers made the decisions they made around the management of her custody, why she had been transferred so many times, why she was on certain medications and not others, why she was being held in segregation, why she was sometimes in restraints," he added.

Sapers revealed there are issues in the Smith case that merit "closer scrutiny" - issues that he wasn't able to delve into in his own report.

It has only recently come to light, he said, that Smith was given psychotropic drugs against her will while she was held at a Quebec prison.

Staff claimed they administered the injections because the teen was in "imminent danger," which makes it legal.

"The real question is, was it justifiable?" Sapers said.

Was she in imminent danger or was the institution simply trying to medicate Smith into becoming a model inmate?

Last week, Porter agreed to let the family's lawyer submit written arguments supporting a motion to broaden the inquest's scope.

But she also issued a rare sealing order on all of the information - meaning that the family's arguments and any supporting evidence will never enter the public domain.

The coroner's inquest may be the last opportunity for a greater public understanding of Smith's death and the role the dysfunctional prison system played in her demise, Sapers said.

When he launched his own probe into Smith's death, the scope of his work was limited by a criminal investigation.

Still, Sapers remained hopeful that what he couldn't say in his report would be aired during a criminal trial.

When Crown attorney Andre Rajna dropped all charges against Kitchener prison employees in late 2008 with little explanation, Sapers said his hope of a greater public understanding vanished.

"I'm concerned that the scope of the inquest will be so narrow," Sapers said, "that opportunity may be lost as well."

Credit: Diana Zlomislic Toronto Star

**Group seeks to end ban on planned suicides** (2011, August 2). The Globe and Mail, A.5. Retrieved August 25, 2011, from Canada Newsstand Major Dailies (Document ID: 880336275)

Russel Ogden has seen enough people end their own lives to convince him that a planned and fully accountable suicide is a right all Canadians should have.

This week in the Supreme Court of British Columbia, Mr. Ogden and the Farewell Foundation For The Right To Die will be fighting both the provincial and federal governments to make "self-chosen death" a legal option.

In Canada, the Criminal Code makes it an offence to help with suicide, punishable by a term of up to 14 years.

But the Farewell Foundation is trying to have the law declared unconstitutional, with lawyer Jason Gratl arguing that it violates the Canadian Charter of Rights and Freedoms.

"The criminal prohibition on assisted suicide in Canada causes immeasurable physical and psychological suffering to persons of sound mind who are capable of making informed decisions and who wish to end their own lives in order to avoid that suffering," states an affidavit filed by Mr. Ogden. "This suffering is certain and it is as extreme as any suffering humanity must endure. This case tests whether Parliament is entitled to cause such suffering to the people of Canada."

The case began several months ago when the Farewell Foundation sought to register as a non-profit society in B.C., knowing that its application would likely start a legal battle that would go all the way to the Supreme Court of Canada.

When the B.C. Registrar of Companies refused to register the group, on the grounds the organization had illegal purposes, the Farewell Foundation launched an appeal, which will be the focus of a hearing on Tuesday. The group also filed a civil suit against the Attorney-General of Canada to challenge the constitutionality of the law against assisted suicide. On Wednesday, court will hear an application by the Attorney-General to strike that suit.

However those two hearings go, it looks as though the matter is ultimately headed for the Supreme Court of Canada, said Mr. Ogden, an instructor in criminology at Kwantlen Polytechnic University who has studied assisted-suicide issues for 20 years.

He said his group is pursuing the case because Canadians who are terminally ill have no appropriate options if they decide they want to die.

"They can, once in a while, get the benefit of a sympathetic physician, but that is rare, or they can end their lives in violent ways, or they can die quietly and in secret, using methods that are advocated in the how-to literature," said Mr. Ogden.

He has attended five planned, self-chosen deaths, including one last year in which he accompanied a Canadian woman to Europe to die, and he is convinced it is a better approach.

Mr. Ogden said legally assisted suicides take place within a structure that is accountable to authorities, with detailed reporting required to the police and coroner's office, but in Canada assisted suicides are "hidden" because they are illegal.

"They happen covertly and they foster clandestine, camouflaged assisted-death practices. We think that it is time for Canada to bring assisted death out in to the open," he said.

The last constitutional challenge on the issue was in 1993, when the Supreme Court of Canada ruled 5 to 4 against giving Sue Rodriguez the legal right to die. The Victoria woman, who had Lou Gehrig's disease, committed suicide in 1994 with the help of an anonymous physician. At her side was Svend Robinson, then an NDP MP who had helped make the case into a national issue.

Mr. Ogden said a lot has changed since the Supreme Court ruled on Ms. Rodriguez's case. While public opinion was divided on the issue of assisted suicide then, polls now show 70 per cent of Canadians support it, he said. And in 1993 the courts had no models to look at to see how assisted suicide was conducted. It is now legal in several European countries, and in the states of Washington and Oregon.

Some defence lawyers believe the only way out of an indeterminate sentence is in a body bag. Indeed, more of Saskatchewan's dangerous offenders (DO) have been released in death, than life. For Daniel Christopher Probe, James "Max" Yanoshewski, William Miles Aikens, Louis Rudolph Barron, their indeterminate sentences became death sentences. They died of illness behind prison walls.

In the midst of hearing Yanoshewski's appeal in 1995, Justice Nicholas Sherstobitoff -- noting a scarcity of evidence of what happens to DOs after they go to prison -- said the fact the Pilot Butte sex offender was willing to accept a 15-year prison sentence rather than take his chances on release with a DO designation spoke volumes. Yanoshewski's death at 61 from cancer in a prison hospital came after serving 10 years.

During a 2008 DO hearing, a Saskatoon psychologist told the court he was aware of old and infirm DOs "on respirators" who had not been released. Dr. Terry Nicholaichuk testified that, in his opinion, even though there is the potential for DOs to be assessed by the National Parole Board (NPB) and released, in practice, the board is loathe to take that chance.

Senior Crown prosecutor Anthony Gerein cautions against reaching conclusions based on apparent statistical trends since the system revolves around individuals.

"If they're not out, why are we not starting from the basis that they shouldn't be? That they are too dangerous," Gerein adds, noting these are often men who have failed at rehabilitation in the past. "Maybe they're just not doing very well. Maybe they're not even trying. Maybe they haven't come around yet."

Since the law changed in 1997, the NPB must review a DO seven years after coming into custody (to include time remanded in jail before a DO outcome), and every two years thereafter.

(Previously, the first review was after three years.) Before the automatic review, DOs are eligible to apply for day parole after serving four years.

It's far from a quick release.

The government couldn't say cumulatively how many DOs have been paroled, but on April 12, 2009, 395 of the country's 415 "active DO's" (everyone DO'd since the current law was created in 1977 and still alive) were incarcerated, while 17 -- some four per cent -- were on release. (In addition, one had been deported, one escaped, and one was being temporarily detained on the day the data was collected.) Like lifers, DOs who are paroled will remain under supervised conditions, if not re-incarcerated, until they die.

Asked how many of the Saskatchewan DOs had been paroled, Gerein said it's simply not data the Justice Ministry would track. "We let the parole board do its job, and we do ours." The NPB couldn't say either.

So the Leader-Post set out to find the answer, requesting parole reports for the DOs that originated in this province. Eighteen of Saskatchewan's 49 DOs have not yet had their first review. Among the 45 still alive, all but two remain behind bars, serving in prisons across this country. (All but two received indeterminate sentences. DOs could get a fixed-term sentence until the law changed in 1997. That option was put back into the law in 2008.)

Among the two men released, one was DO'd in 2001. He had been given a rare, fixed-term sentence of 10 years and his prison door opened in 2007 when he reached his statutory release date, a usually automatic release after any offender has served two-thirds of a federal sentence. Only one of Saskatchewan's DOs was paroled from an indeterminate sentence. DO'd in 1997, he received full parole 11 years later, after spending two years on day parole.

He appears to be an anomaly. But for three who have died, the remaining 11 men who became DOs that same decade are still behind bars.

The first was a then-28-year-old mentally challenged Regina man, DO'd for molesting children who came into the home he shared with his mother. In upholding the sentence, the appeal court had said, "The sentence was a fit one providing that it does not work to prevent the prospect of at least a reasonable opportunity for treatment." It recommended that he be considered for "prompt" selection into treatment programs. January this year marked his 20th anniversary of becoming a DO. His last parole report notes that he has completed all recommended programming, including

"at least three high intensity sex offender programs for low-functioning offenders." However, he remains unable to identify strategies to cope with his anger and sexuality, the report says. The NPB concluded his risk to re-offend had not been reduced to a manageable level. Leaving little room for optimism, the NPB noted that it's doubtful any more programming would be effective and if anything, his risk has increased while behind bars.

Darren Caul, spokesman for the NPB's Prairies Region, says the board reviews DO cases using the same criteria it would with any offender, conducting "a rigorous assessment of risk." The board considers social history (for example substance abuse issues, family, employment), institutional behaviour, progress in programming, proposed release plans, victim submissions, community impact, numerous documents (for example, court, police, prison and psychiatric reports), and criminal history. "They are ultimately looking to determine whether or not there is evidence of significant and sustained change in the offender's behaviour, attitude and risk." Saskatoon forensic psychiatrist Dr. Mansfield Mela, who has testified at some DO hearings, agrees some offenders can never be safely released. But he worries all DOs, by virtue of that designation, are treated the same as those beyond rehabilitation.

Caul says it's not a "DO" tag alone that impacts the NPB's assessment, but the crimes and history that resulted in the designation. "The nature of the criminal and social background of offenders designated DOs yields a very high risk at the start of their sentence."

Caul concedes that lifers statistically have a better shot at getting parole than DOs -- but "you really are comparing apples to oranges." Murderers serving life are eligible to seek parole between 10 and 25 years. DOs represent about two per cent of the total federal offender population, while the lifer population is significantly larger and more varied -- ranging from first-time offenders, who would likely have a better chance at parole, to repeat offenders with significantly violent records comparable to DOs, and equally less likely to get release. Caul stresses that each case is reviewed on its own merits: "Ultimately, the protection of society guides every decision."

Because of a 1990 Supreme Court decision which found a dangerous sex offender's nearly 37 years behind bars had become "grossly disproportionate" to the circumstances of his case -- the NPB also has an additional onus in reviewing DOs to ensure appropriate treatment is offered, and that continued incarceration doesn't become "cruel and unusual punishment" in violation of the Charter.

In its most recent review of Leslie Klassen, Saskatchewan's oldest dangerous offender -- closing in on 40 years in prison -- the NPB noted it was satisfied Klassen's sentence "is tailored to meet the circumstances of your case and that continued imprisonment does not constitute cruel and unusual punishment."

DOs are regularly told by judges that an indeterminate term is not "an unlimited sentence," that they should take advantage of treatment programs, and they will be released once their risk is reduced. It's unlikely even the judges envision how long that might take. Even if they did, does it matter?

Justice Marty Popescul didn't think so. In his decision, quoting Nicholaichuk's concerns about elusiveness of parole, the judge said, "I cannot be influenced by such an allegation. If his observation is accurate, I should not be persuaded to not fulfill my duty simply because it is alleged that another partner in the criminal justice system is allegedly not doing theirs."

But Regina defence lawyer Bob Hyrcan, who has represented some DOs, believes judges must consider the potential impact of an indeterminate sentence.

"Once these guys get in, they aren't getting out. They haven't developed treatment regimes to the point where getting out is feasible," he says. "The thinking seems to be that once we get them inside, we're done."

Psychiatrists and defence lawyers contend that because prison treatment programs are directed towards the end of offenders' sentences, before they are due to hit the street, DOs are at the back of the line for treatment and spend their time "warehoused."

The Leader-Post requested an interview with someone involved in CSC's treatment programs and was turned down. In an e-mail, CSC spokesperson April Morris said DO sentences are administered the same way as all federal sentences. "Are they warehoused? Absolutely not," she says.

Morris says DOs are encouraged and referred to participate in "reintegration programs," including those addressing sexual offending, family violence and violence prevention. Required programming is set out in the offender's "correctional plan," developed within 90 days of admission to a prison, "to ensure that the inmate receives the most effective programs at the appropriate time in the inmate's sentence to prepare the inmate for reintegration into the community." Morris adds that CSC policy says program assignments are scheduled to "support reintegration (in the community) at their earliest eligibility."

Policies aside, Mela says resources aren't unlimited in prisons, and DOs just aren't a priority -- "definitely not."

Several of the NPB reports accessed by the Leader-Post describe DOs whose behaviour has deteriorated in prison; some are institutionalized -- so accustomed to being behind bars they are seemingly unable or unwilling to do anything that might help pave the way to parole. And a refusal to take programs is a major hindrance.

"They get used to that environment, that then becomes home," says Mela. "Why would they want to be released? That speaks to the cost for society."

**Beheading victim's mom backs off execution call** (2008, October 12). Winnipeg Free Press, A.4. Retrieved August 31, 2011, from Canada Newsstand Major Dailies (Document ID: 752248941)

Carol DeDelley doesn't want to see her son's killer executed. But she plans to fight all the way to Ottawa to ensure he never tastes freedom again.

Her calls this week for a "Tim's Law" -- tough new anti-crime legislation that would also honour Greyhound bus murder victim Tim McLean -- has sparked a flurry of public debate.

DeDelley told the Free Press on Thursday she believes that "if you voluntarily take an innocent life like what was done here, you should forfeit your own." She said in cases where there is absolutely "no doubt" about guilt, a murderer should either be executed or at least get life in prison, with no chance of parole. DeDelley also questioned why her son's alleged killer, Vincent Li, left the Greyhound bus alive.

On Friday, DeDelley clarified those comments, saying she was speaking out of anger, not lobbying to bring back capital punishment as part of her proposed law.

"All I am attempting to do is bring awareness that our current laws leave huge gaps in public safety and are in need of amendment. Eventually, for my sake, I will have to forgive Mr. Li's horrific actions against my beautiful and loving son, Tim, and that forgiveness will be the next most difficult thing I will encounter in my life," she said.

"In the meanwhile, however, I can not just remain quiet and say or do nothing for fear that one day Mr. Li is released into society and tragically repeats what he has demonstrated he is capable of doing. Mr Li should be medically and psychologically treated so as to remain aware of what he did to another human being and that is his punishment. But at the same time, he needs to be kept away from society because he is dangerous, as he has most graphically proven."

DeDelley said it's outrageous her son's killer will have the chance for freedom again, and she's angry there are no provisions in Canadian law to ensure the most dangerous criminals are at least guaranteed to be locked up forever

The only issue is expected to be whether Li can be held criminally responsible for the killing. His trial is expected to consist of several medical experts who will testify about his emotional state.

If he is found to be responsible, Li would be given an automatic life sentence, with no chance of parole for at least 10 years. If he's not, he would be sent to a mental health facility for an indeterminate period, but subject to yearly reviews. He would be released only if doctors deem him no longer a risk to society.

DeDelley is calling on supporters of "Tim's Law" to attend a candlelight vigil next Thursday at 6 p.m. at the Manitoba Legislative Building. She also hopes to eventually meet with federal justice officials and politicians to discuss the issue.

KINGSTON - Prisoners' Justice Day is an annual day of memorial and protest when inmates refuse to work or eat in order to show solidarity with their "brethren" who have died behind bars. It may not mean anything to most Canadians, but for John - an inmate at Kingston's Joyceville Institution - it's a day that weighs heavy on his heart.

"I've known hundreds of people who have died either on the inside or as a result of being inside," said John, who asked to be identified by his first name only. "The majority have overdosed on opiates and one of the reasons they're taking opiates is to try and deal with pain and suffering." The first Prisoners' Justice Day was marked at Millhaven Institution near Kingston on Aug. 10, 1975, a year after inmate Edward Nolan committed suicide after spending two months in "the hole."

The memorial has since grown to honour all inmates who die of unnatural causes behind bars. It is celebrated worldwide, but last year's protest at Joyceville in Kingston shows how easily a misunderstanding can derail the meaning of the event.

On Aug. 10, 2010, John and 200 other prisoners donned T-shirts depicting an upside down maple leaf behind bars.

John said a guard at the medium-security federal prison found the T-shirts offensive and told the union rep, who took the story to the press and, once the story hit newsstands, there was a public outcry.

Angry citizens said allowing prisoners to sport T-shirts desecrating such an important Canadian symbol was an insult.

The inmates' committee who designed the T-shirts explained that flying one's national flag upside down is an international sign of distress, and that they used the symbol to demonstrate the hopelessness inmates feel.

However, despite the fact that the T-shirts had been pre-approved by an internal committee reaching all the way up to the warden, the prisoners were asked to return the shirts - for which they had paid \$13 - immediately, to avoid punishment.

"It's censorship and as such it's a violation of our charter rights to freedom of speech," John said during a telephone interview.

"We weren't abusing the symbol in our own eyes and we weren't trying to stir up any hatred or discrimination. It was just an abuse of their power."

Correctional Services Canada disagrees. "For us," said spokeswoman Jacqueline Edwards, "the fact that the national symbol was displayed that way was done in a disrespectful manner."

She said she was not aware that the upside-down symbol was a sign of distress.

"This kind of thing happens inside (prisons) all the time," said Joan Ruzsa from Rittenhouse, a Toronto-based inmate advocacy group. "The prisoners went through the proper channels to have the T-shirt design approved . . . as soon as people got angry, (the administration) threw the prisoners under the bus."

Public Safety Minister Vic Toews called the protest "offensive and unacceptable," and demanded that the CSC prevent anything like this from happening again.

Justin Piche, a doctoral candidate at Carleton University in Ottawa, says Toews' comments show he is "missing the point."

"If he's trying to deny that prisons perpetrate victimization, then he's not considering the broader harms of incarceration," said Piche.

"Prisons are places that kill people," said Piche, a sociologist who specializes in the prison system.

"Prison should be a place where people could be given the resources to heal and to come out as better people, better balanced and better able to contribute to society," said John. "And instead, what we're promoting now is a system that robs them of their humanity and strips them of their dignity and abuses them at every level and in every way of being."

In the decade between 1998 and 2008, 532 offenders died in federal custody from a range of known causes, including natural death, suicide, accident and homicide.

Of those inmates, 107 committed suicide and 36 died at the hands of another inmate.

According to a 2010 report for the CSC by Correctional Investigator Howard Sapers, the suicide rate among federal offenders is about 84 per 100,000, which is significantly higher than Canada's 2004 rate of 11.3 suicides per 100,000 people.

In 2007, the homicide rate for incarcerated federal offenders was approximately 28 per 100,000, compared to the national homicide rate of 1.8 per 100,000.

John - who has been in prison for 26 years - worries that the prison system is relying more on segregation and aggression, and less on activities that foster creativity and healing.

Since some maximum-security inmates came to Joyceville in April, John said the administration has taken away all the activities on which he and his peers rely to keep sane.

"All those things that give people an outlet for their creative aspects of self - like gardening, hobbycraft and group activities - are being removed, so that at the same time that you create a more tense environment, you're reducing and removing elements of the social life that would moderate that tension."

The vegetable garden, which John had been tending for five years, was mown down a few weeks ago, with no warning from guards. "I was incredibly sad," he said.

John, who heads an inmates' rights group, organizes social events, health fairs and barbecues, and tutors other inmates learning to read and write, said he has found positive ways to deal with being in prison.

"But for some people, to cause that much emotion in them is to make them flip out," said the 56-year-old former funeral director.

He said closing off creative outlets is counter-intuitive. "They're trying to exert control, but what they're doing is actually making people feel even more out-of-control."

"If you push the system in the way that it wants to go, you'll end up with a guy in a concrete box 24 hours a day, seven days a week, 365 days a year. And when you open that box, you never know which Jack is going to jump out."

John called the prison system "a fraud committed on the public."

"It doesn't make the public any safer. It in fact endangers them, because you can't abuse somebody every day, year in and year out, and expect them to come out of prison in a beneficial, co-operative, harmonious way."

Ruzsa said the T-shirt debacle shows how little the prison system respects basic human rights:

"Somehow if you're in prison, you're not allowed to express an opinion."

She said at Bath Institution, about 20 kilometres west of Kingston, "this year's potential T-shirt design, to honour people who had died inside, was rejected because it had skulls and gravestones on it."

John said he has to laugh at the irony of the situation. "The prisoners who started Prisoners' Justice Day would be flipping in their graves over going to 'the man' and asking the system to approve a T-shirt design whose sole purpose is to recognize the abuses of the system."

John said the inmates' committee at Joyceville is working on a new design for this year's T-shirts, but he isn't sure the approval process will go through in time.

Regardless, he says he'll be wearing a homemade shirt that may raise eyebrows.

"I fully intend to have an upside-down maple leaf on my shirt this year."

**Guards saved Col. Williams from suicide to face charges** (2010, November 6). Toronto Star, L.4. Retrieved August 31, 2011, from Canada Newsstand Major Dailies (Document ID: 762556083)

**Q:** During his early imprisonment, Russell Williams apparently attempted suicide, but was prevented by jail guards from succeeding. What ethical obligation do we have as a society to prevent people like him from choosing their own death?

**A:** This may be the most difficult question I've taken on in this column.

There are both good and bad reasons to keep Williams alive; there are equally good and bad reasons to let him die if he chooses.

The bad reasons on both sides are tied directly to vengeance. Russell Williams is possibly the most hated man in Canada. So, for many people, the only consideration is maximizing his suffering. They might argue that death is "too good for this guy" and his penalty should be stretched out as long as possible. Others just want him dead now - yesterday if possible - and how that happens doesn't matter.

Also among the "bad reasons" is the old saw: "Think how much it will cost to feed this s.o.b. for the rest of his life."

Mahatma Gandhi once said: "A nation's greatness is measured by how it treats its weakest members." Williams is a madman, who will spend the rest of his life in a cell 2 metres by 1.5 metres, in almost total isolation. Despite his pension, despite the power and prestige he has enjoyed, someone in those circumstances is surely now amongst those "weakest" ones. We are compelled, therefore, to consider this question in a light fuelled by more than pure vengeance or economics.

Prisons exist for three fundamental reasons: to punish criminals, protect society, and rehabilitate offenders so they can live their remaining days with meaning and purpose - whether inside or outside the walls. Depending on their philosophical bent, governments and individuals place those purposes in different orders of priority. Our current Conservative government has shown almost no interest in the third purpose, but more civilized thinkers balance the three in lively tension.

Taking all those factors into consideration, here's where I come down.

It was extremely important for Williams, and those like him (Bernardo, etc.), to be kept alive until he could face the charges, and fully confront the horror he wrought on his community, his country, his armed forces colleagues, and above all, those slain young women and their families. To be allowed to die quickly at his own hand without facing those people would have afforded him a freedom he did not deserve.

Now that he has been sentenced, it is our obligation to ensure his safety from others and himself, until he has had a decent amount of time to reflect on his actions, and to access whatever counselling and restorative options the system must make available to him.

However, there may come a time when it becomes clear that Williams is either unable or unwilling to deal with his demons, and that life has become a relentless hell for him. Determining precisely when that time has come is too large a question for this column. But come it may - and if it does, the greatest mercy society can offer at that point is to take the suicide watch off, and let him do as he wills.

## Negative Articles

<http://www.nytimes.com/1995/03/21/nyregion/grasso-s-farewell-life-without-parole-worse-than-death.html>

### **Grasso's Farewell: 'Life Without Parole' Worse Than Death**

*The New York Times* | *March 21, 1995*

In the end, the execution of Thomas J. Grasso, inmate No. 209207, this morning was almost anticlimactic.

The twice-convicted killer, whose death sentence became a factor in Gov. Mario M. Cuomo's defeat by George E. Pataki in New York, died quietly at 12:22 A.M., his eyes closing gently and his chest barely fluttering, just five minutes after the fatal mixture of chemicals entered the tubes flowing into his arms.

The silence in the stark, white-walled execution chamber was only broken, witnesses said, when a prison doctor checked the body strapped to the gurney with a stethoscope, lifted the left eyelid, and pronounced the time of death.

The hours before the execution were marked by a series of bizarre, enigmatic pronouncements from Mr. Grasso, and, after his death, prison officials distributed copies of a hand-scrawled, misspelled "last statement" paying a kind of tribute to Mr. Cuomo's stubborn refusal -- despite Mr. Grasso's expressed wish -- to send him here to die.

"Mario Cuomo is wright," the statement said. "Life without parole is much worse than the death penalty. "All jurors should remember this. Attica and Oklahoma State Penitentiary are living hells."

Mr. Cuomo, now in private law practice in New York, called the execution "a tragic blunder."

"Thomas Grasso's last words revealed that we had let our anger and confusion panic us into our own absurdity," Mr. Cuomo said. "He admitted that being allowed to die was an act of clemency for a double murderer, relieving him of the relentless confinement he dreaded more than death."

The Tulsa County Prosecutor, David Moss, also announced today that murder charges had been filed against Mr. Grasso's wife, Lana Yvonne Grooms, in the death of Hilda Johnson, the 87-year old widow Mr. Grasso killed in Oklahoma during a robbery. She had been a neighbor. Officials said Ms. Grooms was taken into custody on Staten Island this afternoon.

Prosecutors most likely will not seek the death penalty against Ms. Grooms, Mr. Moss said, since her role is believed to have been secondary.

Mr. Grasso was on the verge of being executed here in the fall of 1993 when New York State obtained a Federal court order returning him to New York to serve out a 20-year-to-life sentence for the Staten Island slaying before he took his Oklahoma punishment, a move which became a symbol of then-Governor Cuomo's opposition to the death penalty.

**Whipping is the kinder choice; A new book argues that for many criminals, corporal punishment can represent a more effective, and more humane, alternative to prison** (2011, June 15). National Post, A.14. Retrieved August 24, 2011, from Canada Newsstand Major Dailies (Document ID: 872308826)

As ugly as it may seem, corporal punishment would be an effective and, believe it or not, comparatively humane way to bring America's prison population back in line with world standards. To those in prison we could offer the lash in exchange for sentence years, after the approval of some parole board designed to keep the truly dangerous behind bars. As a result, our prison population would plummet. This would not only save money but save prisons for those who truly deserve to be there: the uncontrollably dangerous. Let us not confuse a need to incapacitate -because someone will commit a crime -with the concept of punishment -because someone has committed a crime.

Certainly mere drug offenders should not be kept in prison, nor should white-collar criminals. Bernard Madoff, famously convicted in 2009 for running a massive Ponzi scheme, is being incarcerated and costing the public even more money. Why? He's no threat to society. Nobody would give him a penny to invest. But Madoff did wrong and deserves to be punished. Would it not be better to cane him and let him go? Punishment is, after all, a vital goal of the criminal justice system. Even if the successful rehabilitation of criminals were always possible, it wouldn't be enough. When people commit a crime, they should be punished.

To understand how important punishment is to the notion of justice, imagine being the victim of a violent mugging. The last thing you remember before slipping into unconsciousness is the mugger pissing on you and laughing. Such things happen. Luckily, police catch the bastard, and he is quickly convicted. What should happen next?

What if there were some way to reform this violent criminal without punishing him? In *Sleeper*, Woody Allen's futuristic movie from the 1970s, there's a device like a small walk-in closet called the "orgasmatron." A person goes in and closes the door, lights flash, and three seconds later, well . . . that's why they call it the orgasmatron. Now imagine, if you will, a device similar to the orgasmatron called the "reformatron." It's the perfect rehabilitation machine for criminals. Upon conviction, felons enter this box and close the door. Three seconds later they come out slightly dishevelled and "cured" of all their criminal tendencies. Your mugger, therefore, would be ushered into the reformatron, which is conveniently located right in the courtroom. In he goes: The door closes, the lights flash, and three seconds later . . . success! The cured criminal thanks God, kisses his baby's mother, and walks out of the courtroom a free man to go home, relax and think about job possibilities.

For many reformers in the criminal justice system, the reformatron is the ideal. But along with being fiction, the concept is disturbingly lacking in justice. If you were the victim of a violent mugging -if you had been beaten, pissed on and robbed of your money, health, and dignity-would the reformatron satisfy your sense of justice? The fact that the criminal wouldn't commit another crime is nice, but shouldn't a criminal be punished -not only for his sake but also for ours? Retributive justice is part of every society and deeply rooted in American culture. Consider the death penalty, which has always had strong public support in America. There is almost no evidence, despite what many Americans want to believe, that the death penalty deters crime. Yet even among those who know the death penalty does not deter crime, support for the death penalty still runs three to one. Deterrence and punishment are separate issues. Punishment is about retribution. Reformers have a tough time grasping this.

The problem -and our shame -is that prisons, though never designed for this purpose, have become the only way we punish. In an ironic twist, we designed the prison system to replace flogging. The penitentiary was supposed to be a kinder and gentler sentence, one geared to personal salvation, less crime and a better life for all. It was, in short, intended to serve the function of a reformatron. Needless to say, it didn't work.

Before we had prisons, those who violated laws were generally subject to pain, exile, shame or death. Whipping, fines and the stocks were common criminal punishments in British colonies. Though people could receive the death penalty for many minor crimes, including such vague offences as "malicious mischief," people, or at least the intellectual elite, considered flogging

barbaric and primitive. Despite the harshness of the justice system, none of these punishments seemed to work: They didn't deter crime.

It isn't difficult to imagine the history of our present prison system -throwing criminals into cages for substantial portions of their adult lives -as a process of steady evolution away from corporal punishment. Perhaps first one person was kept in a cage instead of being flogged or put in the stockades, and then another person was thrown in too. But perhaps the cage was kind of small, so the guards built another cage. And then the authorities would have built big walls and more cages. One could imagine this transition toward the modern prison, but that's not how it happened.

Before we had prisons, harsh confinement was used alongside corporal punishment. But such incarceration generally had another purpose, such as holding a person until trial, or until a debt was paid. Confinement was a means to an end: People weren't sentenced to confinement; they were held until something else could happen. And jails of the day were different -often communal affairs in which men and women mingled, sometimes with the lubrication of free-flowing liquor. Friends and family could visit, too, and often needed to because they might be the sole providers of a prisoner's necessities, food included. Jail wasn't meant to be long-term or especially sustainable, so inmates without money or friends could -and sometimes did -die from illness or the elements.

Political prisoners and prisoners of war were often locked up to keep them out of commission. This is similar in practice to a modern prison, but generally the actual numbers involved were quite small. One exception, however, was during the American Revolution. One historian estimates that some 17,500 American soldiers and sailors -more than double the number killed in actual battle -died of disease and starvation aboard British prison ships docked in New York City. Even George Washington sent a few prisoners to a horribly bizarre jail. Months after taking control of the Continental Army, the general and future president packed off a few "flagrant and atrocious villains" to a Connecticut dungeon fashioned from an abandoned copper mine. The convicts arrived with a letter from Washington stating rather tersely that the men had been tried and found guilty by a court martial (the letter did not specify the actual crime). General Washington informed the jail keepers that they would "be pleased" to secure the prisoners in their jail or anywhere else "so that they cannot possibly make their escape." As for payment, Washington asked for credit. In these cases there was no pretense of punishment (which could easily have been meted out in other manners) nor any desire to "cure" the criminal; prisoners were simply left to rot.

Given the gruesome history of confinement, in the late 1700s the concept of a penitentiary was truly radical and cutting-edge. The study of criminals was a growing academic field, one that reflected new notions about medicine and science emerging at the time. People believed, somewhat naively, that no healthy man would choose a life of crime. And if new medicines could cure physical ailments, well then why not cure criminal ailments as well? Just as doctors in hospitals were healing the physically sick, could not trained prison professionals cure criminal illness? And just as today we would never consider beating Satan out of a schizophrenic, reformers of that era hoped that corporal punishment -indeed punishment of any sort -would soon be seen as similarly outdated. And even if reformers could not completely cure criminals, perhaps they could heal at least certain "degenerate" criminal types (at the time generally associated with blacks and swarthy immigrants) just enough to function in proper society.

Today we know that prisons are not hospitals for the criminally ill (though prisons do house many mentally ill people, to horrible effect). At the time, however, many people hoped that we could purge criminality from a person's system. The mantra of reformers became "treat not the crime, but the criminal." Alas, crime is often an act of free will, and it happens most when people are angry, drunk, jealous, in need of money or a high or just in the wrong place at the wrong time. Human nature is not a virus or a genetic illness to be cured, and thinking of crime in terms of degenerate biological types has led to some of the worst horrors humankind has seen.

If we wish to punish criminals, and we do, flogging a man -shaming him and hurting him briefly - is better than the long-term mental torture of incarceration. Many undoubtedly see the demise of flogging as a sign of progress -the end of one more barbarity. Similarly, my defence of flogging may sound barbaric and otherworldly to modern Western ears. But barbaric or not, if we don't discuss flogging, we're stuck with something far worse.

I don't want to add caning to an already brutal system of prison; instead, I propose a voluntary alternative to incarceration, what might be called "flog-and-release." The prisoner would be given a choice between a prison sentence or two lashes for each year of the term. Deciding between prison and the lash is truly a choice between the lesser of two evils, but at least it is a choice. No matter what you would choose, if you would want that choice for yourself, why, in the name of compassion and humanity, would you deny that choice to others?

**Alberta in line for prison-expansion funds; Surging inmate population anticipated** (2011, January 10). Calgary Herald, A.6. Retrieved August 24, 2011, from Canada Newsstand Major Dailies (Document ID: 837469220)

The number of penitentiaries listed for expansion in a \$2-billion federal prison-building boom will rise to more than two dozen today as Conservative MPs make announcements on eight prisons in Alberta, Saskatchewan, Ontario and Quebec.

Postmedia News has learned that three minimum-security prisons in Ontario are each expected to get 50 new cells. A 96-cell addition at Quebec's medium-security Cowansville Institution is also anticipated, along with new cells at another Quebec prison. Announcements will be made related to new cells at two prisons in Saskatchewan and the maximum-security Edmonton Institution. Christopher McCluskey, a spokesman for Public Safety Minister Vic Toews, said he couldn't give specifics. But news conferences are scheduled for today at four locations.

Gordon O'Connor, minister of state, is expected to announce 50 more cells at the minimum-security Pittsburgh Institution in Kingston, along with 50 more at minimum-security Frontenac Institution in Kingston.

A separate news conference will be held at minimum-security Beaver Creek Institution in Gravenhurst, in central Ontario, where another 50-cell expansion is expected to be announced. Over the past five months, the government has announced plans to expand more than 20 prisons in seven provinces.

An internal Corrections Canada e-mail distributed by a senior official in Ontario in July 2010, and first posted on the website [www.cancrime.com](http://www.cancrime.com), identified 35 prisons that would expand, including all six federal prisons for women.

In that e-mail, Assistant Commissioner Chris Price wrote that construction would take place at institutions "in locations where we expect the greatest increases in offender population."

Ottawa is scrambling to expand the penitentiary system as quickly as possible to house a surging inmate population. One legislative change alone -- the abolishment of the two-for-one pre-trial custody credit -- is expected to add 4,000 more inmates to the system over the next five years, according to estimates by the Parliamentary Budget Officer.

The government is moving ahead with other proposals including tightened parole rules and more mandatory minimum sentences.

There are roughly 13,500 inmates in 54 institutions. In many prisons, inmates are already double bunked, living two to a cell designed for one. The practice contravenes international standards on the treatment of prisoners and is known to fuel tension and violence.

Corrections Canada has said it plans a "multi-faceted accommodation strategy" to create space over the next three years for 2,700 more federal prisoners. Corrections recently altered its internal guidelines to permit more double bunking.

"The government is fulfilling its promise to make criminals pay their full debt to society and to ensure dangerous crooks stay locked up as long as possible," Toews said at a news conference in October.

The prison expansions are expected to be complete in the next two to four years. Corrections managers are considering stop-gap measures in the meantime, including the use of portable housing units.

**Human life must be valued; Assisted suicide should remain illegal in Canada** (2011, August 8). Calgary Herald, A.8. Retrieved August 25, 2011, from Canada Newsstand Major Dailies (Document ID: 882519951)

The Supreme Court of British Columbia should dismiss the latest attempt to legalize euthanasia in Canada.

The Farewell Foundation for the Right to Die, with just 111 members, is using the B.C. government's refusal to incorporate it as a non-profit society as a means to advance the legalizing of assisted suicide. The B.C. Registrar of Companies rejected the group's February application because the foundation's purposes are unlawful. The group is challenging this refusal, and in a separate civil claim, is also asking the court to declare as unconstitutional the federal criminal law that forbids assisted suicide in Canada.

The B.C. government is rightly arguing for the case to be thrown out.

It's quite reasonable that the Farewell Foundation's application to be deemed a non-profit group should be rejected. Societies do not need to incorporate themselves unless they want to obtain legal status. Should Farewell Foundation become incorporated, it would thus be a legal entity, recognized by the legal system as having rights and responsibilities, such as being able to enter into contracts and borrow money. The big problem here is that the service being provided by the foundation is illegal. It wants to set up non-hospital centres where counsellors and advisers are available to help people end their lives.

Founder Russel Ogden says his group is arguing on behalf of Canadians who are terminally ill and wish for a "self-chosen death," based on the Swiss model.

Ogden argues much has changed in the 18 years since the Supreme Court refused Sue Rodriguez, who was suffering from ALS, the right to assisted suicide, including the rise of models in countries where it has since been legalized, which didn't exist in 1993. Yet the very body of research Ogden points to, which he says shows people can have their right to "self-determination" respected, while protecting vulnerable individuals from being coerced into ending their lives, shows assisted suicide is a slippery slope.

Under the Swiss model that Ogden endorses, assisted suicide is only advocated for people who have the mental capacity to give consent and are sufficiently well informed. The drug causing death can only be dispensed by a doctor's prescription, requiring the person to be physically able to carry out the final act themselves, rather than an active action taken by the doctor.

In theory, one has to be of sound mind under the Swiss model, and terminally ill. In practice, there have been documented cases involving the mentally ill, the elderly and others with non-fatal but debilitating diseases.

Assisted suicide might start with the terminally ill, but eventually, there will be pressure to extend that right to the physically disabled, mentally handicapped, the depressed, or the aged.

Defining the kind of illness that qualifies a person for assisted suicide has been a sticking point in many jurisdictions.

In the Netherlands, Dutch law states anyone over the age of 16 who is in mental anguish or is depressed can request physician-assisted suicide. Yet, in 2005, the New England Journal of Medicine reported that Dutch doctors were euthanizing infants born with spina bifida and cleft palates.

Regrettably, those who are vulnerable become swept up in the pressure to end their lives, or are exposed to exploitation.

Thankfully, there is a body of research that documents the experience of assisted suicide in other countries, and offers ample evidence of why Canada should put its money and resources into palliative care and why the B.C. Supreme Court should say goodbye to the Farewell Foundation.

**The role of death; Approval for euthanasia muffles our proper emotional response to a person's passing** (2009, May 14). *The Ottawa Citizen*, A.15. Retrieved August 25, 2011, from Canada Newsstand Major Dailies (Document ID: 241263096)

Tragically, assisted suicide with "Canadian connections" is in the news.

Just yesterday, Bloc Quebecois MP Francine Lalonde introduced a private member's bill to legalize assisted suicide in Canada.

And it's been reported that police in Minnesota expect to charge William Melchert-Dinkel, a nurse, for allegedly using the Internet to encourage Ottawa resident, 18-year-old Nadia Kajouji, who committed suicide, to kill herself. So far, at least, no one has argued that this was or should be ethically or legally acceptable.

That is not the case in relation to George and Betty Coumbias, two 73-year-old British Columbia residents. George suffers from serious heart disease; Betty is healthy. But in Betty's words, "I don't think I can face life without (George), and since we read about Dignitas (a Swiss organization that assists people to commit suicide), we felt what would be better than to die together, you know, to die in each other's arms?"

Under Swiss law, because George is seriously ill, Dignitas has no problems in helping him. But it is seeking a ruling from local officials as to whether they might help Betty, as a healthy woman, to kill herself and allow her and George to carry out their suicide pact.

If, as pro-euthanasia advocates argue, respect for people's rights to autonomy and self-determination means everyone has a right to die at a time of their choosing, and the state has no right to prevent them from doing so, then Betty would have the right to choose to die with George. And that's precisely what Ruth Von Fuchs, head of the Right to Die Society, argued on CTV's Canada AM. In her words, "life is not an obligation."

Most of us, I suggest, including some people who would support assisted suicide in some circumstances, see the situation differently from Ms. Von Fuchs and would regard helping Betty to kill herself as wrong, just as they do the encouragement given the Ottawa woman. The possibility that legalizing euthanasia and assisted suicide could allow this might make some pro-euthanasia people rethink their stance.

Euthanasia and assisted suicide involve extinguishing human life. Research shows that humans have a basic instinct against killing other humans, which might be a source of the widely shared moral intuition that it's wrong to do so.

People who oppose euthanasia and assisted-suicide believe these interventions are inherently wrong -- they can't be morally justified, and that even compassionate motives do not make them ethically acceptable -- the ends do not justify the means.

People who would accept euthanasia and assisted-suicide, but only in some circumstances, usually limit access to them to people who are terminally ill and in serious pain and suffering that can't be relieved (which are exceptional cases). These limitations show that these people believe each case of euthanasia or assisted-suicide needs moral justification to be ethically acceptable.

Even Ms. Von Fuchs, although she thought Ms. Coumbias should have the unfettered right to assisted-suicide, argued that it would allow Ms. Coumbias to avoid the suffering, grief and loneliness associated with losing her husband -- that is, she articulated a justification.

But surely the answer to loneliness and grief is not to help the person commit suicide? As I once suggested to a Dutch physician who had carried out euthanasia on an old woman in similar circumstances to those Ms. Coumbias is anticipating, and thought euthanizing this woman was justified, "Did you think of buying her a cat?"

Loneliness and social isolation are strongly associated with requests for euthanasia. Although the need for euthanasia to relieve pain and suffering is often the reason pro-euthanasia advocates give to justify it and the justification the public accept in supporting its legalization, research shows that dying people who request euthanasia do so far more frequently because of fear of social isolation and of being a burden on others, than pain.

Further, Ms. Coumbias is only anticipating her grief, not experiencing it. We give much more negative weight to -- we disvalue -- dreaded events in anticipating them, as compared with when they actually befall us. For instance, on a scale of zero to minus 10, with minus 10 being the worst affliction, sighted people put blindness around minus 8.5; blind people put it around minus 2.

That leads to wider considerations raised by this case. Most of the analysis has been at the individual level of Ms. Coumbias's right to die. But how we die is never just a private matter. It necessarily involves society and what it allows or prohibits, and some of society's most important values and institutions.

Society would be complicit in euthanasia or assisted suicide in legalizing them and in allowing medicine to be involved. Law and medicine are the two main institutions in a secular society that carry the value of respect for life. That value would be unavoidably seriously harmed.

Even utilitarians, who base their ethics on whether benefits outweigh risks and harms, should decide against euthanasia and assisted suicide because the harms outweigh the benefits, especially on the slippery slope these interventions open up.

We can see that in the Netherlands, which has a 30-year experience of euthanasia.

The original Dutch criteria for euthanasia were that it was limited to competent adults, who were terminally ill and had pain and suffering that could not be relieved, and who repeatedly asked for euthanasia. Now none of those requirements apply.

- The recent Groningen protocol allows parents of disabled babies to request euthanasia for them.

- Children aged 12 to 16 years can request and obtain euthanasia with their parents' consent and those over 16 can give their own consent.

- There are more than 500 deaths a year from euthanasia (and possibly many more) where the adult was not competent or whose consent was not obtained.

- A middle-aged depressed woman, who was not terminally ill, was given euthanasia by her treating psychiatrist. A court ruled this was justified.

- An old man who had a dread of being put in a nursing home was given a choice by his family between a nursing home and euthanasia. He chose euthanasia. He was not terminally ill or in unrelievable pain and suffering.

- Recent research showed that in the Netherlands the rate of suicide in late middle-aged men (a group with an increased risk for suicide) had dropped, but the rate of euthanasia in this same age-group had risen.

What impact would recognizing suicide as a legitimate way to relieve suffering have on people who are suicidal?

Legalizing euthanasia and assisted suicide causes death to lose its moral context and us to lose our proper emotional response to it, a loss which recent research shows detrimentally affects our ethical judgment.

It delivers a "better off dead" message that treats dying humans as disposable products. As one Australian politician expressed this: "When you are past your 'use by' or 'best before' date, you should be checked out as quickly, cheaply and efficiently as possible."

An aging population, scarce health-care resources and legalized euthanasia or assisted suicide would indeed be a lethal combination, not only for individuals, but also for important societal values and institutions that uphold those values and the overall ethical tone of our Canadian society. But the Coumbias's campaign to die together through assisted suicide might have a silver lining for people opposed to euthanasia and assisted suicide.

In 1999, when Princeton philosopher, Peter Singer, told a Newsweek reporter that he thought there was no ethical or moral difference between abortion and infanticide, and he approved of both, he was described as the pro-choice "abortion-rights movement's worst nightmare" come true. He was expressing the logical extension of the pro-choice stance and, thereby, doing a favour to those opposed to abortion.

Now, in 2009, the same kind of "nightmare" faces the dying-with-dignity, pro-euthanasia lobby as a result of George and Betty Coumbias's campaign. They are expressing the logical extension of the pro-euthanasia stance and, thereby, doing a favour to those opposed to euthanasia and assisted suicide.

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**Teen's sentence relief for family of murdered man; Judge says adult term will ensure public safety** (2008, November 29). Star-Pheonix, A.6. Retrieved August 31, 2011, from Canada Newsstand Major Dailies (Document ID: 348916806)

REGINA -- Misty McArthur happily hugged the daughter she had with Larry Moser as a Regina Court of Queen's Bench judge handed down an adult sentence to the teen who took Moser's life on Boxing Day 2006.

Members of Moser's family let out relieved sighs as Justice Ron Barclay read his decision on Friday morning. The decision means the 18-year old receives an automatic life sentence with no possibility of parole for seven years, a far cry from the maximum seven-year sentence he would have served under the Youth Criminal Justice Act for the second-degree murder conviction.

The teen -- who can't be named because of a publication ban Barclay ordered, which continued on Friday -- showed no noticeable reaction to the decision.

He was 16 at the time of the fatal stabbing, which took place outside a Glencairn-area convenience store.

Moser, 28, had been at the store with McArthur and her brother when Moser noticed a distressed clerk trying to deal with some rowdy and abusive teens, one of whom had just shoplifted a bag of sunflower seeds.

Moser was confronting one of the youths when another, the then-16-year-old, pulled out a knife and began stabbing Moser in the back. Moser was stabbed three times, including once in the heart, while his horrified brother-in-law looked on. The father of one was declared dead at the hospital a short time later.

"What (the teen) did was so callous, brutal and senseless that it showed a complete lack of appreciation of the value of human life," Barclay said. "It is indeed chilling that after the commission of the offence, (the teen) not only did not exhibit any remorse for what he did, he bragged about the killing. He described himself as the 'Boxing Day killa' in a letter to (a teen girl), which he signed Love to Kill."

Barclay referred to the teen's lengthy criminal career, his attitude toward crime, his bad behaviour in and out of custody and his lack of interest in taking rehabilitative programming as reasons for handing down the adult sentence.

"The evidence establishes there is a likelihood (the teen) will fail to restrain his repetitive violent behaviour in the future," Barclay said. "With an adult sentence, when (the teen) is released in the community, he will be subject to state control for life.

"In my opinion, given his personality problem and the crimes he has committed, only life-long state control over his behaviour is capable of protecting the public. Public safety dictates that (the teen's) freedom awaits the day when there hopefully can be some assurance that he will not resume his pattern of violence."

Moser's family and co-Crown prosecutor Jeff Kalmakoff said they thought the decision was the right one.

"When we look at the nature of the offence and (the teen's) history with the court, his complete inability to, I guess, benefit from the efforts that were made to try to rehabilitate him in the youth system, I don't think I'm surprised at all," Kalmakoff said.

Moser's family expressed a sense of relief.

"It's finally closure for all of us," said McArthur. "We don't have to wake up every day and worry about when's the next court date, when do we have to be there again, you know? It's done. It's finally done."

"We can finally start dealing with our son's death," added Larry's mother, Laura Moser. "We've been dealing with (the teen) the whole time. We haven't been able to deal with our son's death and now Christmas is coming again and Christmas is going to be something that we're going to have to really struggle with again this year, because Boxing Day is a nightmare for us."

Defence lawyer Brendan Pyle stated he will be looking at appealing the decision, in part due to disorders with which his client was diagnosed, including personality disorder and attention deficit hyperactivity disorder.

"Obviously we're disappointed," Pyle told members of the media outside court. "I mean, the judge's reasoning is understandable, but we believe it was not the appropriate outcome in this case and right now we'll just be considering an appeal at this time . . . We believe that given my client's nature and his dispositions that he should be found less morally responsible for his actions."

A placement hearing will now be held in order to determine whether the teen will spend any of his time at a youth facility prior to being transferred to a federal penitentiary. The matter was adjourned to Dec. 10 in order to set a date for the placement hearing. Arguments may also be made on that date regarding identification of the teen by the media.