

Evans was hanged in England in 1950 upon conviction of the murder of his daughter. It is now generally accepted that the principal witness for the prosecution was himself the murderer, as subsequent events proved. It is within the knowledge of the house that Timothy Evans was granted a pardon 15 years after he was hanged. It was of this case that Lord Justice Birkett said:

The case against Evans at his trial on the facts as they were then known was quite overwhelming. There was no failure in the administrative machinery of the criminal law. No human skill could have prevented the conviction and no human judicial system, whatever its checks and safeguards, can ever provide complete security against the exceedingly rare and exceptional case such as that of Evans.

I ask the house to ponder over these words: "There was no failure in the administrative machinery of the criminal law. No human skill could have prevented the conviction." I ask the house whether there could be a more convincing argument, even if it stood alone, for the abolition of capital punishment. I do not pretend that I have examined and exhausted all the grounds surrounding this controversy. I have confined myself to what I believe are the issues that go to the very heart of the problem.

I desire now to allay the anxieties of hon. members relating to the release of prisoners serving life sentences. I wish to make it meticulously plain that there is no automatic release of any kind for these prisoners. A discretion has always been vested in the governor in council to release convicted murderers on ticket of leave and parole. For example, 45 persons serving commuted death sentences were paroled in the period 1957 to 1965. I understand that 43 of them are now living peaceful and useful lives attempting to compensate for their crimes.

The protection of the public will always be a paramount consideration in deciding whether a particular person should be released on parole. Speaking for myself, I would be prepared, in the interests of public safety, to keep a murderer in prison for the rest of his life unless I was completely satisfied that he did not present a danger to the public. Each decision on the matter of a parole would now be brought before the governor in council only after a favourable recommendation by the parole board. If the parole board refuses to recommend parole, there the matter would end. There is no need for me to add that no decision would be taken with more care and with a deeper sense of responsibility.

#### *Amendments Respecting Death Sentence*

• (4:00 p.m.)

The effect of the proposal in this bill is to add a further safeguard to the law in regard to the release of convicted murderers. There may be some hon. members in this chamber who will disagree with me when I state that we should never lose faith or abandon hope of reforming even one of these terrible murderers. Under the law the criminal must be both sane and of age before we hang him. I ask the house again, given these two qualities and believing as we do in the essential dignity of man, have we a right to abandon the hope of reforming even one of these men? To say that we should never release a convicted murderer is an admission of defeat and despair, and we despair not only of the prisoner but we despair of ourselves.

I recognize that if this bill should go through we must continue strenuous efforts to rehabilitate these men. I believe it was seven years ago that for the first time under a previous administration the national conscience was awakened to our responsibility in this regard, and I am happy to say that the succeeding administration has continued to translate that awareness into action. In my view we need three basic requirements: physical plants, trained and professional staff, and more research. It is my earnest hope that the new department of crime and correction, or the Department of the Solicitor General as we designate it generally, will achieve that objective. I do not promise that the answers will come easily or quickly, but we must persevere in our efforts. I wish to make it plain that I am prepared to reconsider my own conclusions should subsequent history reduce the validity of the arguments I now put before the house.

In conclusion I wish to deal with one school of possible opposition, namely, that of the total abolitionists. I acknowledge that their sense of logic must suffer over the inclusion of the two exceptions for prison guards and police officers, but at least I must make this concession to the bill I sponsor, that whether or not the death penalty provides a unique and special quality of deterrence at least it provides a peace of mind and moral support to that very small group in our society who, at great risk to themselves, permit us to live our lives in the security to which we are entitled. I ask and I appeal to the total abolitionists to support this measure on second reading and to support it in the vote on principle, and I will listen with great interest and deep respect to any amendments