

*Criminal Code*

That minister, perhaps in one of his weaker moments,—and he does not have many—referred to me as one who had the courage of his convictions. I hope that if he has time to read *Hansard* tomorrow he will realize that I voted for abolition. In spite of his convictions, I will do what every member of this House of Commons has done and will continue to do on many occasions, that is, vote with the courage of my convictions for what I think is in the best interests of myself, the country and the people I represent.

Hanging to me is a symbol of the imperfections and hypocrisy of our affluent society. I say this because I know too many people who find security and salve for their conscience in the mistaken belief that hanging produces for them at least a degree of protection against what they seem to think is a segment of society with which they have nothing in common, and will never come into contact.

I suggest that the conscience of this country must be awakened to the fact that no one is born to be a murderer. Murderers, with very few exceptions, are victims of certain circumstances such as mental illness or, to our shame, are the products of man's inhumanity to man. I hope when hanging is abolished public opinion will demand that the pockets of poverty in this country be eradicated, that the slum areas in our big cities be demolished, because society will then realize, in their search for some other form of protection, that the areas of poverty and slums in big cities create strong forces that breed crime and criminals. I fully believe that as long as we resort to periodic hangings to convince ourselves that law and order reigns and that crime is under control, people will continue to resist providing moneys that are needed for new penal institutions, new forms of rehabilitation and new universities to train the psychiatrists and psychologists that are needed in such vast numbers if rehabilitation is to have any effect.

A few weeks ago during our consideration of the Department of Justice estimates I traced very briefly the story of a young man in my riding. Unfortunately that sorry story is far from over. This young boy at age 12 was arrested for breaking a window in a back lane. He was arrested again at age 14 for damage to property. At 15 he was arrested for breaking into a school and throwing school books around. He was arrested just recently, at age 17, on a charge of arson. It does not stretch our imagination to presume that at

[Mr. Mackasey.]

age 18, 19 or 20 that boy might be arrested and charged with murder. I wonder, if by chance he is arrested on a charge of capital murder, and hanged, will it not be on the conscience of all of us, that our great affluent Canadian society was unable to put that young man back on the track when he was 12, 13 or 14 when society first came to grips with him.

I am an avowed abolitionist and I approached this debate expecting that some speakers would speak in a clinical manner while others would approach it emotionally. That has been the case, but frankly I am surprised to find that in general it is the retentionists who fall back on emotional arguments, and those who support abolition who have attempted to bring a certain degree of science to their arguments.

One of the characteristics of this debate is the respect we all have for each other's opinion. Whether my remarks are appreciated or not I hope that I will be given the same courtesy.

There are many who have advanced the argument that murderers must be hanged as a protection to society. Not so many years ago a dictator advanced the same reason as an excuse for the mass extermination of what he considered to be insane people, so that society could be protected by the killing of mentally ill people before they had the opportunity of murdering their fellow men. It is ironic that violence breeds violence, and that in the mass extermination of so many hundreds of thousands of Jewish people in Europe the exterminators were able to find many willing hands to carry out that plan.

● (9:10 p.m.)

There has been a lot said before about the fact that the commission of theft of over five shillings was a crime punishable by death in England, and now the death penalty has now been abolished there. Nothing has been said of the fact that in those days certain prosecutors and juries tempered justice with mercy in evaluating what was stolen as four shillings or four shillings and sixpence in order to avoid the penalty of hanging being imposed. I wonder whether that has not been done in this country and whether there are not times when juries are tempted to free, and indeed do free a guilty man rather than face the possibility of being the indirect cause of his being hanged.

I do not intend to be emotional in this connection, Mr. Speaker. I should like to do what others more learned than I have done,