

*Criminal Code*

his pockets, his relative's pockets and maybe rely on the good heart of some legal counsel in order to defend himself and to prove to all in the land that he in fact is innocent. I have pointed this out at the beginning of my remarks because I do think the house could serve the country better in the field of justice if it directed itself to efforts to maintain the principle that one is innocent until proven guilty. Certainly this is a very very important point when one is being tried for murder or even when the question of murder is involved.

When one talks about capital punishment it is interesting to note how many lawyers are for abolition. It is an interesting thing to note the evolution that has taken place in this country in this regard in the past number of years. Going back six or seven years when the Conservative party was in power and under the leadership of the present Leader of the Opposition, I can remember newspaper after newspaper condemning them for commutations which at that time I thought were just and still do.

Today we have the press all across the country telling us that capital punishment is a terrible crime and that society cannot take the life of an individual even though an individual can take the life of some other person. Where is justice in this regard? The press never has had to answer to justice in this country, and I do not want to see any question of the freedom of the press introduced.

We have seen the law amended. Somebody mentioned the Truscott case in this debate. This question is not even tested in that case because the law has since been changed. A minor cannot be tried today for capital murder and therefore that case does not enter into this debate at all.

We have seen the law changed in 1961. We never have seen the law tried and proven in respect of whether or not the change was a good one. What has happened? The cabinet under the present government has shrunk from exercising its duty to the Canadian public. It is all well and good to promise the country a free vote on this question. I never have seen a free vote in this house and I doubt whether there will be a free vote on this question. I doubt it very much. Maybe I am from Missouri in that regard. I will watch, I will wait, and I will see.

The cabinet has shrunk from its duty to enforce the law of the land on this question and we, the public, have been lax in allowing

[Mr. Horner (Acadia).]

them to continue shrinking away from the duty they have to perform as the government and as the leaders of the country. It is all well and good for speaker after speaker to say that this debate is necessary and this debate must provide an answer to the question. We have heard speech after speech on this point. I am sure that today and on Monday there will be speech after speech again and I do not think there will even be a vote on Monday because many members wish to express their views.

What is the resolution before the house? It is for complete abolition. What is to be substituted as the major deterrent against murder in this country? Life imprisonment, subject to parole by the Governor in Council. The hon. member for Vancouver East (Mr. Winch) went on about how he would prefer to put a man in a cage for the rest of his life rather than take his life. How cruel can you get? Put a man in a cage like an animal. I suppose the cage would be six by six and have a narrow window at the top. He spoke about how brutal hanging is. Do we want to parade society before a lot of caged animals before they die or put them away where somebody will not see them?

Somebody said we are not proud of our hangings and that we hang people in the dark. I am sure if we had a group of caged animals who were in cages for life we would put them where society would not see them. It is not a good subject; it is not a nice thing. The question it boils down to is, is hanging a major deterrent which should be retained? I have heard members say they will bring in an amendment to retain hanging for murders of policemen, guards and perhaps small children. Why would they do that? What purpose would they be accomplishing? What they are admitting to me is that they are satisfied it is a major deterrent and they wish to keep it for crimes involving jail guards and policemen who protect our society. They refuse to admit it is a major deterrent but they suggest it should be kept for major crimes involving children, policemen and guards whose duty it is to protect our society.

I could go on further on the question of the deterrent. Before the debate is over we will hear that hanging should be kept for second murders. In other words, we put a man in jail, he is then paroled and commits a second murder, and only after he has committed two murders should he be hanged. Here again what these people are saying is that we will use that major deterrent but we will use it less often. In other words, we are