

*Amendments Respecting Death Sentence***FINANCE**CONSIDERATION BY PARLIAMENT OF  
WHITE PAPER ON FOREIGN  
INVESTMENT

On the orders of the day:

**Mr. Erik Nielsen (Yukon):** Mr. Speaker, in the absence of the President of the Privy Council may I ask the Minister of Finance to indicate whether, when the white paper on foreign investment is submitted to the government, it will be submitted to parliament at the same time.

**Hon. Mitchell Sharp (Minister of Finance):** I will direct that inquiry, Mr. Speaker, to the President of the Privy Council.

**Mr. Starr:** Do you know where he is?

**Mr. Sharp:** Yes.

**CRIMINAL CODE**AMENDMENTS RESPECTING DEATH SENTENCE  
AND LIFE IMPRISONMENT

The house resumed, from Thursday, November 9, consideration of the motion of Mr. Pennell for the second reading of Bill No. C-168, to amend the Criminal Code.

**Mr. H. E. Stafford (Elgin):** Mr. Speaker, when the house rose last night I was attempting to deal with what I believe to be the mistaken arguments of the hon. member for Northumberland (Mr. Hees) who said in so many words that the retentionists must keep society safe. I pointed out that the abolitionists have an equal concern and interest in the welfare and safety of society.

The retentionists feel that we must continue to resort to what amounts to the last remaining vestige of the law of retaliation—a life for a life. The abolitionists feel that the same end can be accomplished by a sentence of life imprisonment. The onus is clearly on the retentionists to prove that the death sentence is a more effective deterrent than life imprisonment. If they fail to do this it is the duty of this house to pass Bill C-168. A democracy must never impose a greater sentence on one of its people than the minimum necessary to act as the most effective deterrent.

Last night the hon. member for Northumberland left the impression with the house that prisoners serving commuted death sentences are released after nine years. Not one person convicted of capital murder under the 1961 amendment to the Criminal Code has ever been released, for the simple reason that

[Mr. Nicholson.]

not one is eligible for parole. In addition, he completely ignored that scores of convicted murderers never have been released. He did not say that in 1964 and 1965 only five prisoners whose death sentences had been commuted were released. The hon. member for Northumberland overlooked another point. The regulations under the Parole Act now provide that in a case where the death penalty has been commuted to life imprisonment the inmate cannot be paroled without a recommendation of the parole board and approval of the cabinet and that the parole board cannot make any recommendation until after the inmate has served ten years of his sentence.

I share the sympathy of the hon. member for Northumberland for the family of the merchant who was murdered last Wednesday in Toronto. The hon. member did not mention that in 1959, when he was in the government, the death sentence, which was in force at that time, did not prevent a 73 year old storekeeper from being murdered. In the years 1958 and 1959 there were 33 murderers sentenced to death. The hon. member for Northumberland did not tell the house why this happened at a time—I am speaking of the period which ended on June 30, 1957—when 61.6 per cent of those convicted were hanged.

The hon. member gave a definition of capital murder that was not quite complete. He said that capital murder is murder that is committed in cold blood, murder that is carefully thought out and decided well ahead of time. Capital murder also includes murder committed in the course of an offence such as burglary, whether or not the person means to cause death and whether or not he knows that death is likely to be caused, where the criminal means to cause bodily harm for the purpose of carrying out the offence. The point I am making is that the hon. member directed the attention of the house to the cold, planned, deliberate murder and overlooked the other aspect of capital murder.

The members who spoke yesterday in favour of retention say that the subject matter of this bill has already been decided on by the vote on April 5, 1966. They are obviously disregarding the fact that the bill is being debated in accordance with the rules of the house and that there are obvious differences between the private member's resolution of that time and Bill C-168.

As I pointed out to the house last night, the generalizations of the hon. members who spoke yesterday are only personal opinions