

*Capital Punishment*

hon. member for York-Scarborough that that is the only real argument that he or the hon. member for Vancouver East has advanced regarding the abolition of capital punishment. That is the only argument which I feel should have any bearing. If by any chance an innocent person should be put to death it would be a catastrophe, but I say that the law has placed on our statute books and in our jurisprudence safeguards to protect the life and liberty of a person accused of a crime.

There has been some suggestion that there is discrimination between a poor accused person and a rich accused person. I submit that is not so in practice. We have at the bars of our respective provinces trained men who are willing to appear for persons accused of crimes should those persons be unable to provide counsel for themselves. This is one of the practical aspects of the question. Possibly the Criminal Code should be revised to provide that in the event of a person not being able to afford counsel some provision would be made for his defence.

I submit that on the whole no case has been made out for the abolition of capital punishment. I said I would refer to the hon. member for Parkdale. I want to commend him on his speech. I appreciate his feelings. I appreciate the vigour with which he approached the problem, and I say that the only difference between that hon. member and myself is that he wants to abolish capital punishment and then educate the people while I think that the education should come first. When we have raised the moral and educational standards of our people we shall be in the position to abolish capital punishment.

Some reference has been made here to the remarks of Colonel Nicholson as reported in the *Ottawa Citizen* of January 25 and I quote:

I told the parliamentary committee I would hope the time would come as to the general level of Canadian social behaviour when it would be safe to abolish capital punishment, but I did not think then that time had arrived. My opinion has not changed, I still think the time has not come yet to abolish capital punishment.

Whether or not capital punishment is a deterrent or a sufficient deterrent is a matter of opinion. In my opinion it acts as a deterrent to the professionals who plan the crimes they commit, though it might not have too much effect on a person engaged in a minor crime who then becomes more seriously involved. As a Canadian people we want liberty and freedom, but liberty does not mean licence. It is freedom and liberty under the law. When the anti-social element in any area conform to the law we shall have a decrease in delinquency and crime, and,

[Mr. Stewart.]

consequently, a lessening of the need for strict enforcement. When this becomes common throughout the nation, the harshness of the laws can be relaxed, but until that happens we as legislators owe a duty to protect and safeguard by proper law enforcement the rights of individuals and we should leave no stone unturned to honour and preserve the sanctity of life and, I suggest, the lives of the innocent. Before we remove the present safeguard should we not through education, through increasing the work of our social agencies, through providing more and better recreational facilities for our teenagers, so improve the educational standards of our people that capital punishment becomes unnecessary. There will no doubt come a time when not only will capital punishment be abolished but a great increase will be seen in other fields of human endeavour.

I should like to refer to the house a statement made by a great German philosopher entitled "Our One Hope". I think this should be our watch word and our motto in this debate:

There is this one hope: we must return to the main road from which we have wandered. We must substitute the power of understanding the truth that is really free, for propaganda; a noble kind of patriotism which aims at ends that are worthy of the whole of mankind, for the patriotism current today; a humanity with a common civilization, for idolized nationalisms; a restored faith in the civilized state, for a society which lacks true idealism; a unifying ideal of civilized man for the condition into which we have plunged; a concern with the processes and ideals of true civilization, for a pre-occupation with the transient problems of living; a faith in the possibility of progress, for a mentality stripped of all true spirituality.

For the benefit of the hon. member for Parkdale I should like to quote to him the words of Sir Patrick Hastings in the trial of Arthur Greenwood who he was defending for murder, when he said to the jury:

Let us not extinguish the light that we cannot relight.

Let us not abolish one of the protections that we have. Let us rather go to the code and make those changes which we consider necessary so that as a Canadian people we may grow and prosper.

**Mr. A. R. Smith (Calgary South):** I should like to make a brief intervention at this point to express some views which I have long held. One hesitates, being not a member of the legal profession, to enter into a discussion which has to a large degree involved the legal aspect of this bill but, as I am certain the gentlemen of that profession who have contributed in such an eloquent manner to this debate would be the first to agree, no profession and no group of individuals has any