

Criminal Code

even if murder is necessary. If the deed fails, they live at the expense of the state; if they succeed, they live in the lap of luxury. Only the rope can put the fear of the Lord in these parasites and deter them.

The abolitionists yearn after a level of civilization we have yet to reach. As I said a moment ago, in the light of the developments of human sciences, I do not believe we can do away so quickly with the death penalty as the abolitionists would wish.

Our penitentiary institutions have not reached the required degree of development, our criminal rehabilitation methods are far from adequate; sociology, criminology and psychiatry have not reached the point where capital punishment can be abolished.

To realize how vulnerable our punitive system is, let us consider that from March 31, 1963 to March 31, 1964, there have been 58 escapes from jails in Canada, from March 31, 1964 to March 31, 1965, 67 escapes have taken place; in spite of many recaptures, there are still 11 criminals at large.

If our penitentiaries, our penal institutions are still unable to offer the maximum security society is entitled to, I fail to see why we should lose our time in studying this resolution, at the present time.

We should, first of all, ensure that maximum security and adequate operation of the Parole Board, before going to extremes, that is abolishing the form of social protection capital punishment constitutes.

Those, then, are the arguments I wished to put forward. Before closing my observations, I might say to the hon. member for Hochelaga (Mr. Pelletier), who pointed out a while ago that the official hangman's role was so hateful that the name of the man is not divulged, that while admitting the task is far from interesting, I feel that it requires much courage and allows the law to function to its very limits.

In fact, it might be well to bear in mind that if the name of the official hangman is not revealed, it is far more for his own protection than because his work is infamous as such.

Mr. Speaker, this debate is most interesting; I believe its fundamental object is the most efficient protection of society.

So long as human sciences are what they are, that our knowledge, in the present context, does not reach more deeply, in short, that the maximum security our penitentiaries should guarantee is not a fact, time will not

be ripe for us to legislate and reach a decision on such a resolution. I think it might be wise to wait, in order to better protect honest citizens.

[*English*]

Mr. J. H. Horner (Acadia): Mr. Speaker, this is the first time I have spoken on the subject of capital punishment in this house and I do so with some hesitation because the side I favour is sometimes called barbaric brutality. It is very easy to speak as an abolitionist, to try and project across the world that one has a big heart and is willing to help everybody, particularly the down-and-outers, but I think the first duty of all of us in this house is to society in general.

I have listened to arguments presented in this debate and in a previous debate on the same subject when members referred to the nineteenth century and the sixteenth century to show how justice and the question of capital punishment evolved into the position they occupy today. But I think the house should confront itself with the picture of this country in 1966 and not concern itself with conditions in Sweden, Norway and Great Britain back in the 1800's. We should consider the point to which our law has evolved today and how the abolition of capital punishment would affect our Canadian society in 1966.

I accept the fact that justice is continually evolving but sometimes I am of the opinion that it is not evolving in the right way. Sometimes I am of the opinion that it evolves in the direction which offers least resistance. I have felt for a long time that one should remain innocent until proven guilty, but over recent years I have been led to believe, and am slowly becoming convinced that one must maintain his innocence and be prepared to prove his innocence at all times. I do not like the way justice is evolving in this regard.

• (6:50 p.m.)

It is all very well for lawyers and members of the house to concern themselves with this question but I would much prefer if they would concern themselves with the basic principle which we must regard in a democracy, that we are innocent until we are proven guilty. Time and time again, particularly in murder cases, we see the courts spend thousands of dollars, taxpayers' dollars, to prove that some Joe Blow is guilty of a crime of which he may or may not be guilty. Joe Blow, on the other hand, must dig into