

*Criminal Code*

argument that has been advanced over the years.

As I said earlier, how terrible it is to realize the finality of execution when an innocent man goes to the gallows. It is a dreadful experience. It happens. There have been 73 known wrongful convictions for homicide in the United States since 1893.

• (4:40 p.m.)

Mention was made by one hon. member to my left of the Truscott case. I am not going to deal with that. Let me say at once that had he been 20 years of age he would have been executed. We did not give reprieves for that type of offence. There was not recommendation for mercy. It was a violent offence. It is not for me to say whether he is or is not innocent; I am unable to conclude that. However, I would point out that if perchance he had been 20 years of age and if he is now found innocent he would already have joined that group that marches from innocence to an appointment with the scaffold.

There have been cases in the United Kingdom. There was the James Hanratty case in 1961. I have read the book by Lord Russell on the strong case made in respect of this man's innocence. But he is gone. What about Lord Shawcross, a man with a tremendous capacity as counsel? He was at the Nuremberg trials and at that time, as I recall he was Attorney General. Speaking in the House of Lords he said that he knew of at least one case and possibly two in his experience where it was felt that a man was wrongfully executed.

What about mistakes? There was a mistake in the province of Quebec. I mention that because the matter now is before the people as a whole. I think of Bernard Chartier, a man who was earning \$18,000 a year and a good citizen. Chartier was arrested. I have his wife's statement here. He was picked up at his office on September 2, 1965, and the alleged offence was committed in July. He was released after 30 hours of intensive questioning. He was handcuffed wherever he went. On October 22 the *Montreal Star* carried this item:

**Chartier Charged in Death.**

Bernard Chartier, 45-year old insurance agent, was arraigned in Criminal Court today on a charge of manslaughter arising from the death of a St. Lambert man following a punch on the head last July.

He lost his job. He was as innocent as you or I. The coroner's jury found that he was

not responsible. The *Montreal Gazette* of November 6, 1965 states:

**Crown Admits Error In Manslaughter Case.**

The Crown admitted yesterday that it had made a terrible mistake in wrongfully accusing south shore insurance man Bernard Chartier of manslaughter.

The manslaughter charge pending against the 45-year old Chartier was promptly dismissed at preliminary hearing before Judge John O'Mara. The Crown said it had no evidence to offer.

Had this been a capital offence and had he been tried and convicted, what would have happened? His job is gone. He has no recourse; he has no right of action.

By this time, Mr. Speaker, you will have suspected or concluded that I am opposed to capital punishment. It is not from sentiment. I hate murder but I oppose on the other hand the perpetuation of capital punishment unless it operates as a deterrent. The matter has been argued in every generation. If you ask me why I have this view I can do no better than quote the words of the religious denomination to which I belong. The American Baptist convention adopted the following resolution:

Because the Christian believes in the inherent worth of human personality and in the unceasing availability of God's mercy, forgiveness, and redemptive power, and

Because the Christian wholeheartedly supports the emphasis in modern penology upon the process of creative, redemptive rehabilitation rather than on punitive and primitive retribution, and

Because the deterrent effects of capital punishment are not supported by available evidence, and

Because the death penalty tends to brutalize the human spirit and the society which condones it, and

Because human agencies of legal justice are fallible, permitting the possibility of the executing of the innocent,

We, therefore, recommend the abolition of capital punishment and the re-evaluation of the parole system relative to such cases.

Similar resolutions have been passed in our own country by the United Church. In the United Kingdom the clergy in the Anglican Church regularly in the past supported capital punishment, but they have changed. Many outstanding Roman Catholic leaders have come out in opposition. I want to see this further step taken. We made changes when I was in office, as I have said already. Properly enforced I think those changes represented a tremendous step forward. The house has been generous to me today as always. If you say to me, have you any suggestions, I would reply: so far as the crime problem we now face is concerned, what we need is a national crusade. We need Canadians to be aroused. The