

*Criminal Code*

a hanging in Canada since the latter part of 1962. My point is that for about three and a half years capital punishment has on a *de facto* basis been abolished in Canada.

I offer no criticism of the previous administration in regard to the extent to which it used the royal prerogative of mercy, and I likewise offer no criticism of the present administration for having used that royal prerogative, if that is what it has done, in every case. The result has been that for all practical purposes capital punishment does not exist in Canada at the present time.

I know provision is still made for capital punishment in the Criminal Code. It is still part of the law. Technically what this debate may be about is whether or not we should take this provision out of the Criminal Code. But I suggest that in practical terms what this debate is about is whether or not Canada should return to the practice of capital punishment, and I earnestly hope that this will not be the decision of this House of Commons. I plead, and in doing so I think I am expressing the view of abolitionists generally in this house, that we not take a backward step.

I realize there are some who might think it is unfair for me to argue by the use of words that we should not take a backward step. But I call as my chief witnesses in support of the proposition that abolishing capital punishment is a forward step remarks which have been made in practically every speech delivered by the retentionists in this debate. Practically every person who has spoken against the abolition of capital punishment has said that perhaps some day we will abolish it. Perhaps this will some day be the ideal state to reach, but they say we have not yet reached that state. In other words, those who support the retention of capital punishment admit, indeed assert, that in the long run it is something we should get rid of.

As the Leader of the Opposition said this afternoon, Mr. Speaker, every reform which is proposed is met with the argument that now is not the time. This seems to be the argument between the two sides in this debate—whether now is the time to abolish capital punishment or whether the time is at some date in the future.

● (5:30 p.m.)

I would urge upon this house the point that not only is now the time to take the death penalty out of the Criminal Code and out of the law of this country, but I press the point

[Mr. Knowles.]

that if the main resolution now before the house is voted down it will be a case of parliament saying to the government: We want you to go back to the use of the death penalty; We want you to go back to the practice of capital punishment. In my view this would be a retrograde step. In my view Canadians can stand with their heads held higher if we are not among the nations of the world which are practising capital punishment. I hope the result of this debate will be to confirm the present position and not to go back to the position which was in effect a number of years ago.

I should like to say that in my view this is a question which has to be dealt with, when we come to the various votes, by every member on the basis of what he feels he must do in the light of his own conscience. I am glad that proper arrangements have been made so that the votes to be taken will be completely free. I have seen other attempts over the years to provide for free votes in parliament. Most of them have been unsuccessful, but I believe in this case we have managed to provide a situation in which the vote will be completely free and no member will be committed because of the position which his party may take.

At the same time I believe this issue is so important that it does call for leadership. In the few notes I have in my hand—obviously they were made earlier today—I have two names. I was about to call for leadership on the part of the Prime Minister (Mr. Pearson) and the Leader of the Opposition (Mr. Diefenbaker). As I have already said, I welcome the leadership which has been given today by the Leader of the Opposition and I feel, as he does, that the Prime Minister does have a responsibility to indicate to this house, not only by his vote when the end of the debate comes but during the course of the debate itself, where he stands on this issue as the responsible head of the government.

I can see this situation developing in a very unhappy way. If by chance the main resolution is defeated—I hope it will not be and I daresay that after the speech made today by the Leader of the Opposition its chances of success are even better—if by chance it is defeated I suspect that the majority of the members on the other side of the house will have voted for it and that the majority of the members of the cabinet will have voted for it.

Will not the government of this country be in a most invidious and difficult position if it finds it is faced with a decision of parliament