

*Criminal Code*

this matter of the commission in Great Britain. As a matter of fact I became interested in it because of the comments I read in certain newspapers. I would remind my hon. friends that the commission did not receive as great praise in certain quarters, particularly in some of the British newspapers, as it has at the hands of my hon. friend. I should like to quote from this rag—and it is a rag—the *Daily Mirror*, the issue of September 4, 1953. It is a rag but I would remind hon. members that it is read by more people than any other newspaper in the world. I am not quoting it as an authority, but rather because it gives an opinion which is read by many people. It has this to say with respect to the report of the royal commission on capital punishment:

It is an evasive mouse of a thing made smaller and thinner and more ill-nourished by the vast amount of labour that has been spent upon it.

Then it goes on to say that for nearly four and a half years the commission conducted its investigations in various countries of the world, and it makes this significant statement:

They went into it with their hands tied. They came out of it washing them.

The reference to their hands being tied has to do with the fact that the question under consideration was not actually that of capital punishment itself. The *London Times* of September 24, 1953, has this to say about the matter:

The report of the royal commission on capital punishment deals with only the secondary aspects of a great subject, for the fundamental question whether the state has the right, or requires, to take human life by process of law, was not referred to the commissioners.

It is true, as stated by the *Times*, that the reference to the commission was limited. The question is whether the state is to continue to punish the crime of murder by taking the life of the offender. I may be wrong in this statement, but I take it that criminals are not now convicted of murder unless they have consciously endangered life. I submit that the word "consciously" can be variously interpreted. I would ask this question. Are there not many murders committed, as was pointed out by the hon. member who has just spoken, in moments of passion or mental disturbance? I wonder if fear of execution would be a deterrent at all in such cases? I wonder if a man, when he is going to commit murder, sits down and thinks: If I do this, what will I get? Will I get 60 days or will I be hanged?

Perhaps I might point out to my hon. friends as an aside that the word is "hanged" and not "hung". I wonder if a man sits down

[Mr. Knight.]

and thinks about that sort of thing or if he does not simply commit murder in a moment of intemperance, insanity or emotional upset. After that, what happens to him is in the lap of the gods. I submit that people do not usually calculate the consequences when they are about to commit a crime.

The question of the justification of capital punishment is one on which it is indeed difficult to make up one's mind. We are uncertain about other things too. One talks about unity of parties on various things, but I find continually that there are matters upon which so many things may be said on both sides that it is difficult to assess it and arrive at a final conclusion. But after due consideration I have decided that I am on balance opposed to capital punishment. There are various arguments. There is the moral question, which I think has already been raised by the hon. member for Vancouver East (Mr. Winch) as to whether or not the state has the moral right to deprive any one of its members of the right to life for any reason.

The judgment I have reached is one to which I have come rather slowly, but let me give some of my reasons for opposing capital punishment. First of all there have been cases where people who have been convicted of murder and hanged have later been proved innocent. I would remind the hon. member for Kamloops, and I am sure he will agree, that although juries are frequently right there are occasions where the jury or even the learned judge may be wrong. I would rather take the chance of a half dozen people being wrongly acquitted. It would be a terrible thing if injustice were done in even one case. It would be far better to forgo the gruesome pleasure of taking social revenge upon someone rather than to do an injustice of that magnitude.

Many persons convicted of murder and condemned to be hanged are later reprieved. I suggest that again there is cruelty and agony in such a situation. The long periods of waiting, the long periods of mental agony, are probably more terrible than the carrying out of the death penalty itself.

Then there is the matter of justice in connection with reprieves. I imagine that mistakes are made there. When one reads about reprieves in the newspapers he finds that many of the people so reprieved are women. I am not going to enter upon any discussion that might arise on that point. Many of the reprieved are young people. They are people, I suppose, between 18 and 21 years of age. We all know that people are not alike. We cannot be equal. When God poured for each