

*Amendments Respecting Death Sentence*

One other reason for a change of heart of those who once believed in capital punishment but who are being converted to the belief that capital punishment should be abolished, is the tremendous influence of television programs, such as "The Defendants", a popular feature carried by the C.B.C. a year or two ago, which has done much to inform the public of the human errors that can occur in a trial. People are beginning to realize that an execution can come before all the facts are obtained.

In 1949 a man by the name of Evans was hanged in London for the murder of his wife and child. Five years later a man named Christie, living in an apartment in the same house, was arrested and convicted for having murdered several women, including Mrs. Evans, for whose murder her husband was hanged five years earlier. This particular case was the subject of an analysis by judges and members of the bar, and was shown on April 23, 1962, in a C.B.C. television program known as "Background".

A royal commission on capital punishment was appointed by the government of Great Britain in 1949, and after four years of study, it submitted its report to parliament in May, 1952. I quote from it the following brief extract:

Capital punishment has obviously failed as a deterrent when a murder is committed. We can number its failures. But we cannot number its successes. No one can ever know how many people have refrained from murder because of the fear of being hanged. For that we have to rely on indirect and inconclusive evidence. We have been told that the first thing a murderer says when he is arrested is often: "Shall I be hanged?" or "I did it and I am ready to swing for it", or something of that kind. What is the inference to be drawn from this?

Clearly not that the death penalty is an effective deterrent, for he has not been deterred; nor that he consciously considered the risk of the death penalty and accepted it; still less that the death penalty was not as effective a deterrent as some other punishment might have been. The true inference seems to us to be that there is a strong association between murder and the death penalty in the popular imagination.

I was rather impressed by the statement of the hon. member for Athabasca (Mr. Bigg) when he said that the fear of a would-be murderer is the fear of being caught. That is the real deterrent.

In my view, the questions to be considered are, first: Do hangings offer protection to society? This appears to be the sole reason advanced by those opposed to abolition. The second question is: Do hangings deter other

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murders? This is the only logical reason for retaining the death penalty. The next question is: Do hangings give the families of victims satisfaction? I honestly believe the answer to all of these questions is "No". Eminent criminologists agree that it is not so. Prominent lawyers and people dealing with rehabilitation also say the same.

● (8:40 p.m.)

I am convinced now more than ever that by advocating the abolition of capital punishment I am serving the best interests of justice and the interests of humanity. If it were possible for me to plead with greater force at this moment, I would gladly do so. I wish to commend the Prime Minister (Mr. Pearson) for giving parliament another chance to end hanging. This question is to be treated on non-party lines and above politics or partisan bickering, as indeed any measure concerned with humanitarianism should be dealt with.

Capital punishment has a symbolic importance. It is a symbol of an approach to crime that has been tried in the balance of history and found wanting. It stands for the very passions that contribute to crime. It was amid deep horror and brutality in the world of 1941 that Winston Churchill wrote these words:

The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unflinching tests of the civilization of any country. A calm dispassionate recognition of the rights of the accused, and even of the convicted criminal against the state; a constant heart searching by all charged with the duty of punishment; a desire and an eagerness to rehabilitate... tireless efforts, unflinching faith that there is a treasure, if you can find it, in the heart of every man. These are the symbols which... mark and measure the stored up strength of a nation... proof of the living virtue in it.

A year ago last June at a special dinner meeting in Confederation Hall attended by members and senators, I heard a member of the British House of Commons conclude an eloquent address on capital punishment with this quotation from one of Bernard Shaw's plays:

And so to the end of history murder shall breed murder, always in the name of right and honour and peace, until the gods are tired of blood and create a race that can understand.

The United Nations report on capital punishment of 1962 indicates that the great majority of criminologists, sociologists, penologists and psychologists favour abolition. The death penalty not only brutalizes society but actually promotes a disregard for human life and thereby helps create an environment which encourages further violence