

Criminal Code

murder and the possibility of being put to death for it and as a result being deterred, but sufficiently abnormal that he is not deterred by the prospect of life imprisonment. Such a delicately balanced kind of abnormality must be rare. Moreover, does anyone think that a person contemplating murder goes through this process?

The logic of this argument appeals to me. Certainly if we are to consider the death penalty as a necessary deterrent we have to face this situation—that we as normal people approach the suggestion of murder with a normal mind. We are trying to find a device to influence a person with an abnormal mind who can nevertheless plot and premeditate the death of a human being. Then we put ourselves in the position of saying: It would make a difference to me if I were going to hang or not, supposing I were contemplating committing this crime. Surely a man abnormal enough to contemplate murder will not have the same respect for the differences in the penalty as we have. If he is abnormal enough to consider the crime, or to run the risk of being caught, then he does not have our type of mind and is unlikely to make this clear distinction. If he did make such a clear distinction then perhaps it would not mean as much to him; some would prefer to be put to death.

I have indicated that the important question in the mind of anyone who intends to plot or contrive a murder is the risk of apprehension. This is his one and only thought, I am sure. My experience in the law is not as great as that of some hon. members of this house, though it has been considerable. And I have not yet found a criminal who ever plotted a crime and guided his conduct on the basis of the length of the punishment which would be awarded for such an offence. There is only one thought in the minds of those who commit these offences: They feel they will not be caught.

● (4:30 p.m.)

Some of the safeguards we could put up, instead of capital punishment, have been dealt with in various ways. We find from a study that the causes of murder itself are some of the social evils of our age, and I suggest that we should try to correct those.

I have as much compassion, as has any man in this house who wants to hang a murderer, for the family of the deceased. I do not want to mollicoddle criminals, but I do not see how hanging a man is going to bring someone back to life. I know some good arguments will be presented on this and I

want to thank the house for its attention and for the privilege of being allowed to lead off this debate.

Mr. J. A. Byrne (Kootenay East): Mr. Speaker, I am proud to have been able to associate my name with those of three distinguished members of parliament in presenting this motion. I am also pleased that so many members of the house are interested in this measure, and deeply pleased that a former member, Hon. Frank McGee, who showed such great concern about this question during his parliamentary life, is in the gallery today.

I believe that capital punishment casts a shadow upon the social structure of twentieth century civilization. To me, carrying out the death sentence is nothing less than an act of vengeance perpetrated by the state on behalf of the people. I believe it is some form of hangover of a barbaric method of retribution that should hold no place in the enlightened society of our age.

Since I appear to feel so strongly about this matter hon. members may well ask why I have not raised the question in the house previously and introduced amendments to the Criminal Code, which is the only way to remedy the situation. Well, Mr. Speaker, from my long experience in this house, observing its procedures, I held no illusions that it would be possible to introduce a bill and conclude discussion on such a controversial subject in the one hour that is allotted for private members' business each day. However, now that the government—and I commend the Prime Minister (Mr. Pearson) for his decision—has agreed to provide time normally allotted to government business for a discussion of and a conclusion in this matter, I believe the time is opportune. I sincerely hope this measure, calling for total and complete abolition, will receive majority support of the house.

I personally am unalterably opposed to the taking of the life of any creature, either by an individual or by the state, except unavoidably in self defence, or to fulfil a need. I have concluded therefore that the people I represent in this house would not expect me to sacrifice my conscience to their opinions. To me the question of abolition of capital punishment is a moral one, affecting the nation's social attitudes toward human life. Each member must come to a conclusion which squares with his own conscience and not the will of his constituents or of his political party, and of course this has been amply