

Criminal Code

be any question, I am going to quote from the bible, Leviticus, chapter 24, and I begin with verse 15:

15. And thou shalt speak unto the children of Israel, saying, Whosoever curseth his God shall bear his sin.

16. And he that blasphemeth the name of the Lord, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land, when he blasphemeth the name of the Lord, shall be put to death.

17. And he that killeth any man shall surely be put to death.

18. And he that killeth a beast shall make it good; beast for beast.

19. And if a man cause a blemish in his neighbour; as he hath done, so shall it be done to him;

20. Breach for breach, eye for eye, tooth for tooth: as he hath caused a blemish in a man, so shall it be done to him again.

21. And he that killeth a beast, he shall restore it: and he that killeth a man, he shall be put to death.

In the argument that I am making before the house I am not relying on those scriptural commandments in the old testament. I am looking at it, I think and I hope, from a more practical point of view. It is unfortunate perhaps but in fourteen years acting as a crown prosecutor I had the terrible responsibility—and it is that—of calling the evidence which hanged quite a number of people. The most that one acting for the crown can do is to see that the individual is well defended. In our courts, Mr. Speaker, that is always done. Irrespective of what you hear about money and all that nonsense, that is always well done. When I hear many people—and there are many of them, and no one can disregard their views—telling us what a cruel thing capital punishment is, my mind always goes back to the man or woman who is dead, without warning, from a bullet, a knife or something of that kind. When I see the man who deliberately committed the act—and we do not hang people unless the act is deliberately done—and when I see all the sob sisters gathering about and telling us that we should reform this fellow, that his crime is the result of certain faults in society, as far as I am concerned that is absolute and complete rot. As far as I am concerned, he is a killer, a murderer, doing it deliberately, and he will pay with his own life. If he lives to be one hundred years old, there is nothing else in God's world that he will ever understand.

Let us take a look at things across the line in the states in which they have not capital punishment. Let us take the reports of the parole boards over there. What do we find? Men sentenced to terms of imprisonment, for life most of the time. The reports of the

parole boards are to the effect that a killer, once paroled over there, ninety per cent of the time goes out and kills somebody else.

I am conscious of the great work done by the various cabinets that we have had in the Dominion of Canada. My memory goes back to the time when Arthur Meighen, quoted by the Solicitor General (Mr. Lapointe), was himself Solicitor General. I remember long talks I had with him at that time. I know this was true then and I think it is true now. In this country no death sentence is carried out unless the Minister of Justice has read every word of evidence given at the trial. No man is hanged unless the Minister of Justice makes a report to the cabinet; and the cabinet itself has the last word on commutation. That was true then and I think it is true at the present time. The Solicitor General nods his head.

Mr. Lapointe: The Solicitor General is the one who reads the evidence.

Mr. Smith (Calgary West): The Solicitor General reads every word of the evidence. I made a mistake. I said it was the Minister of Justice. Coming down to the practical thing, no one is hanged in this country except by the verdict of a jury of his peers. I confess that a judge, on an election, is empowered to try a murder case alone and without a jury; but as a matter of fact that is never done. The accused, then, has had that trial and the appeals, with all the advantages that we who are defending can give him; and I have defended a number, some of them unsuccessfully, I may say. After all that is through, then it comes down here, and we hear a lot of petitions for commutation of the sentence. I remember extremely well one case in which I defended a man. The petition was signed only by myself. Commutation was granted. I say these things with great pride in our administration of justice not only in our courts but—and I hate this word "level"—at the cabinet level. I mention these things to show the care which is taken before any man's life is forfeited on the gallows. As the Solicitor General has so truly said, it is almost impossible to get statistics as to how many people have been deterred from committing murder because of the death penalty by hanging in Canada. I realize that probably there can be no worth-while statistics of that kind. But may I add this with regard to many of these amateur crime investigators who gather statistics. You can make statistics out of almost anything. I have talked to a number of people engaged in crime. I remember so well some safe-blowers. A friend of mine was the most expert safe-blower that ever got into western Canada. He was a pal, and he knew how to do it. I asked him if