

*Amendments Respecting Death Sentence*

this was given by the Solicitor General. I admit there is a chance of this happening but I submit that as things are at the present time, and as they have been for the last ten years in Canada, the likelihood of such an error is infinitesimal. First of all, the whole trial process makes it most unlikely that a jury would bring in a verdict against an innocent man, though this might happen. Let us not forget, though, that these cases are all reviewed by the cabinet, and if there is any chance whatever that the man concerned is not guilty the sentence is commuted. In these circumstances I say that the chance of an innocent man having been executed in Canada during the last ten years has been infinitesimal. The chance always exists, there is no doubt about that, but it is so small that I think it could be left out of consideration entirely. Certainly it does not weigh with me as a strong argument in favour of the abolition of capital punishment.

I take objection to the present bill even more strongly than I did to the abolition bill we discussed a year and a half ago. I say that instead of a compromise it is really a bill of expediency. It is contrary to the principle of abolition. I do not see how any conscientious abolitionist can vote for this bill because it retains the death penalty in the case of policemen and jail guards. Of course I do not see how any conscientious retentionist can vote for it either. Therefore, in my view everyone who firmly and conscientiously believes in abolition should vote against the bill and everyone who firmly and conscientiously believes in retention should also vote against it.

● (5:40 p.m.)

Undoubtedly the bill is contrary to the general theory of deterrence and in addition it is objectionable because it makes two classes of citizens in this country so far as the imposition of the death penalty is concerned. On the one hand you have policemen and jail guards. If they are murdered, presumably their murderers are to be executed. If you or I or any other member of the general public is murdered, our murderer is not to be executed. Why should Canadians be divided into two classes of citizens from the point of view of the punishment which is to be given to their murderers? It is completely illogical and in my view contrary to good law as well as contrary to the whole concept of the equality of people before the law.

In this debate up to now I have not heard any really good reasons advanced why there should be these two classes of citizens. Inas-

[Mr. Harkness.]

much as the bill provides for the death penalty so far as prison guards and policemen are concerned, certainly it admits that it is a deterrent. It retains the death penalty in those cases on the very grounds that it is a deterrent. Therefore why abolish it so far as the general public is concerned, about whose protection the government should, in my view, be much more concerned than with a limited number of policemen and jail guards? I think that the real reason for the introduction of this bill so soon after the last one was defeated is that it is an attempt to rescue members of the government from the position of defying the law. In effect that is what they have been doing because they have commuted every death sentence. They have refused to accept their responsibilities in regard to reviewing death sentences. They have been defying the will of parliament as expressed here only a year and a half ago. I can see no other reason why this bill is introduced now except to get the government off the hook.

The bill is repugnant to me on that ground. It is repugnant to me on the ground of dividing Canadians into two classes from the point of view of punishment. In addition, I am opposed to it on the general philosophical ground that a deterrent of this kind is necessary. I think members of the government should have accepted their legal responsibility over the past several years and seen, to it that in cases where there was no question of guilt whatsoever the law as it stands on the statute books was carried out. The members of the government have refused to do that. They have commuted every case, no matter how bad it was, and thus refused to accept their legal responsibility. For all these reasons I trust that the majority of the members of the house will vote against this bill, as they did a year and a half ago, and that it will be defeated.

**Mr. Stanley Knowles (Winnipeg North Centre):** Mr. Speaker, I should like to join with other hon. members who have paid their compliments to the Solicitor General (Mr. Pennell) for the excellent way in which he presented this bill when he moved its second reading last Tuesday. I should also like to agree with the remark made this afternoon by the Registrar General (Mr. Turner), which has also been made by other members, that once again we have been having an excellent debate. Our views vary from one extreme to the other, but somehow or other this kind of debate does seem to inspire members to speak both from the heart and