

Criminal Code

not see its way clear to bring in an amendment to the Criminal Code abolishing capital punishment, but as they have not seen their way clear to do so I am very glad that they are going to refer the matter to a committee.

A number of years ago I, along with others, tried to have the death sentence on three Indians changed to life imprisonment. I was told at that time that I did not know what I was talking about. Had I ever seen a man hanged, I was asked. Apparently you have to see a man hanged before you know anything about it. I had not at that time, but about three weeks later I went to see a man hanged, a young man. He had not killed anyone himself but he took part in a bank hold-up and he was condemned to death. That was about eighteen years ago and because of it I still have nightmares.

I have no hesitation whatsoever in saying that in my opinion no judge or member of a jury should be permitted to sit on a case where they may bring in a verdict of death unless they have seen a man put to death, and unless they themselves have seen a man hanged. It is a horrible thing to go into a small room like a disused elevator shaft, such as the one in British Columbia, with about a dozen people standing around waiting for the condemned person to be brought in, and to see the look of fear and the expression, "Well, I have had it". It is horrible to see that foot-long knot behind the condemned man's ear, and to see the executioner's touch on the man's shoulder, "Forward a little bit there, please, that's a good boy". And then the drop. It is horrible to see and to hear that rope whanging back and forth across the sides of the trap and to hear the gurgling noise and the sighs that come up from below.

I think something is wrong with us when we have to resort to that sort of thing in this modern day and age. Yes, we have to protect society, we have to incarcerate those dangerous to society, but I think we should also remember that the majority of homicides take place in a time of passion and under the strain and stress of difficult circumstances. Although we have got to inflict some penalty upon them we should not arrogate to ourselves the right to take the life of another human being.

I sincerely hope that this committee in its studies will obtain information from all over the world, and that they will study the records of those countries which from 1853 have not had capital punishment. I hope they will study on a per capita basis the records of crime in those countries where there is no capital punishment compared with

those where they do have it, and I hope they will also take the same opportunity of getting information on corporal punishment.

It was my privilege to be permitted to visit the penitentiary in British Columbia for a couple of days before coming here to the House of Commons and I found there that unless it is ordered by the courts they never use the lash or the paddle. Those in charge of the British Columbia penitentiary inform me that a far greater deterrent to bad conduct on the part of inmates than the paddle or the lash is the bread and water treatment, and confining prisoners to their cells for twenty-four hours a day. I think the same principle would apply in the matter of the committing of crimes.

Therefore I am most certainly opposed to capital punishment and to corporal punishment, and I have a great deal of hope that, when the report of the committee is presented, the minister will amend the Criminal Code again so as to remove this throw-back to savagery and barbarism from the statute books of the Dominion of Canada.

Mr. Garson: Mr. Speaker—

Mr. Deputy Speaker: May I remind the house that if the minister speaks now he will conclude the debate.

Mr. R. R. Knight (Saskatoon): Mr. Speaker, this is one of the occasions upon which I envy hon. members of this house who may be designated by the term "my hon. and learned friend". I admit immediately that I am not in my own field when I take part in this particular discussion; but if any of my hon. friends think that I, through ignorance of the subject, should not take part in this debate may I refer them to the hon. member for Kamloops (Mr. Fulton) who has held up the juror to eulogy before the house and made him out to be practically infallible. I remind the house that in most cases the juror is an amateur like myself so far as legal experience is concerned. Possibly he has never been in a law court in his life; yet collectively at least, if not individually, he is supposed to have some sanity and ability to judge, again collectively, the particular issue before the court.

Capital punishment is of course a controversial subject. Practically all my life I have been trying to make up my mind about it, although I do not claim to have had any extended or morbid interest in the matter. But as a layman I should like to express, inadequately of course in the opinion of my learned friends, one or two of the things about which I have been thinking. There is