

*Amendments Respecting Death Sentence*

comments I made a year ago. I quote first from page 3866 of *Hansard* for April 5, 1966:

In recent years capital punishment has been sparingly used. The section is there in the act but the cabinet may use its discretion in its application. Commutation of the death penalty, life imprisonment instead of hanging, may be determined by the cabinet judging with great care each case on its merits.

May I just interpolate, sir, to say that for a number of years I was with those who had to make this very serious and awful—using that word in the proper sense—decision as to whether a man would live or die. We had to make a determination of the cases brought in front of us.

Then I went on to say this:

The abolitionist should have no cause for complaint if the section remains in the act and the death penalty is rarely used.

That is the situation that prevails at the present time and has prevailed for several years, including our administration.

Then, I went on to say:

The retentionist should have little cause for complaint if the section is retained as the state's reserve power in case of necessity.

You may say that this is not very satisfactory. There are those who argue that the government is not fulfilling its function, is not obeying the law, when it commutes every case that comes before it, as the government has been doing for the last four years. This is a debatable point. Since I am not now in government circles, I can rely only on what I read in the newspapers regarding capital cases.

I can reach my conclusion with regard to the seriousness of them and form an opinion as to whether the guilty person should be subjected to the extreme penalty. However, the members of the cabinet, I know from my own experience, are likely to have information which is not available to me as a member of the general public. Of course the responsibility rests with them, and the prerogative of mercy rests with the governor in council. Whether or not the government has been doing the proper thing over the last four years, I make no decision at this stage, or pass no judgment. I am not in a position to do so without more information; I cannot say whether they are right or whether they are wrong. On the basis of the information I have, I think they have been wrong, but then perhaps they have information which is not available to me.

I thought, on April 5, I had put before the house a compromise. We heard it said yesterday that this bill is a compromise. I thought

[Mr. Churchill.]

that in these two sentences I had a compromise that might carry us along until there was an alteration in public opinion. As a retentionist, as I was then and will remain, unless arguments are advanced to change my opinion, I have no cause for complaint if this section is retained as the state's reserve power in case of necessity.

I want it retained if at all possible as a reserve power in case of necessity. When I was speaking in the earlier debate I was dealing with organized crime and its increase. Among the subjects that bother me, sir, in public life and in private life, the one at the top of the list is organized crime. I have the strongest feelings with regard to this subject. I feel we are failing in our duty as a parliament and as a state in not crippling organized crime, a state within a state which is directing our lives and influencing them. I should like therefore, unless otherwise convinced, to retain this reserve power in our statutes, so that if organized crime gets any worse we will be able to remove from society those people who are enemies of society.

• (4:40 p.m.)

As a friend of mine said to me today at noon, it is something like warfare. We understand war; we have had enough experience of that. But the criminal element in our society, organized crime that exacts life, is acting in the same way as a foreign enemy and should be treated in the same way. Organized criminals who have no respect for life are as serious a menace as a foreign state that wishes to attack our country and to kill our citizens.

So, Mr. Speaker, I have very strong feelings about organized crime, and as a retentionist this is one of the reasons I should like to retain the law as it is, in case of necessity. We may need capital punishment in order to deal effectively with those people who are attempting to destroy our society from within.

I wish somebody would deal with my second to last paragraph on April 5, which I should like to read again:

Society must decide which life is the more valuable—the child, the woman, the police officer, the prison guard or the criminal. The state cannot guarantee life for all of these at our present stage of development. The state cannot yet guarantee that prisoners will never escape. Psychiatry cannot yet guarantee an absolutely accurate answer to psychiatric problems. The parole system cannot yet guarantee that reformation and rehabilitation have been completely successful. Until those guarantees can be given the state owes a higher duty to its law-abiding citizens, to its women and children, than it does to the criminal.