

Why? Because suddenly public opinion has swung behind abolition.

There is a strong horror of executing innocent persons. Representative J. Charles Whitfield of Houston, Texas, an abolitionist, some time ago pointed out that six men in Texas were executed, but it had later been found that they were not guilty.

Last night I came across a story reported in a weekly publication about a man who had been sentenced to hang for a murder he never committed. He had been framed by a railroad detective, of all people. This happened in 1928. This man was working in a railroad shop in Dunsmuir, California, and going out steadily with a nice girl. He went over to her house one night and found her all upset. She subsequently told him that a railroad detective had come up to her on the street and made improper advances. When she rebuffed him, he made obscene and insulting remarks to her. She ran home in tears. When her boyfriend heard this it made him quite angry. He went to his office and demanded that the railroad detective apologize to this girl. He was just laughed at and told to get out. A fight ensued and, in a blind rage, the young man gave the detective a severe beating and left him sprawled on the floor shouting: "You will regret the day you laid a hand on me".

Four years later the young man had good reason to remember it. He was working in a lumber yard in a town in the state of Oregon when a railroad steward named Fred Sullivan was found murdered. Someone had entered the dining car while it was on a siding and battered Sullivan while he slept. It looked like a case of robbery. Sullivan died without regaining consciousness. Police and railway detectives began rounding up suspects, and on the day after the attack two detectives picked the young man up on the job at the lumber yard, which was a mile from the siding. They drove him to the railroad yard where the attack took place, and he almost dropped from shock, because standing there was the railroad detective he had beaten up four years earlier for insulting his girl. The detective had learned that the young man was working at the lumber yard and had told the police to pick him up.

The young man was taken to jail and searched, but nothing incriminating was found on him. The jail warden and his wife, Mr. and Mrs. Edward Rae, went over his clothing with a magnifying glass looking for bloodstains, but found none. The railroad detective who hated the young man went to

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the jail and took his clothes away saying he wanted them put under a microscope. The prisoner never saw his clothes again until the trial, at which time a six inch blood stain was found on the trousers.

At the trial the jury returned a verdict of guilty, after they had deliberated for only 45 minutes. He was sentenced to hang; but only a week preceding the date of execution the state supreme court agreed to review the case. The execution was postponed, and two months later the governor of the state commuted the sentence to life imprisonment. The case had aroused some public clamour against hanging, and the state law was changed. Oregon abandoned execution by hanging.

In September, 1951, 21 years later, a woman named Mrs. Albert Borden sent an affidavit from Chicago where she lived to the Oregon parole board. Mrs. Borden said her former husband had died and that on his deathbed he told her he had killed the steward, Fred Sullivan, during a robbery. The affidavit said that the prisoner, whose name was Theodore Jordan, had no part at all in the crime. Who can say there could not be such an occurrence in Canada?

Two years ago the state senate and the assembly of the state of New York passed a bill abolishing capital punishment for most offences, reserving the extreme penalty for a person killing someone on duty, or for a life convict who commits a murder in prison or while trying to escape. This was a bill very similar to the one now before us.

Centuries ago the death penalty was imposed for many different crimes, which had nothing to do with murder. We have come a long way from the days when people were hanged for stealing a loaf of bread. Since those days, the death penalty as a punishment was imposed for treason, rape, murder and a few other special crimes. In recent years we have come to adopt a more civilized attitude. I was particularly interested in reading of the stand against the death penalty taken for the first time by the United States department of justice, under which the F.B.I. operates.

In a letter to congress two years ago, the deputy attorney general declared himself against the death penalty, in the following terms:

Modern penology with its correctional and rehabilitational skills affords far greater benefits to society than the death penalty, which is inconsistent with its goals.