

*Criminal Code*

the members of the house to consider on a non-political basis. The duty of each member, I think, is not one of considering which way his party is going to vote. We who sponsor it belong to different parties. We who have had something to do with arranging for this debate have approached the question on a strictly non-political basis. The arrangements have been made with the co-operation of the government and on the basis that each member shall have the chance to debate the matter in the most practical manner so that the question may be given the fullest consideration. Each member may say what he wants to say and can listen to other views which may be of assistance to him in arriving at his own decision on the disposition of this resolution, a decision which each member will have to make entirely on his own.

It goes without saying, sir, that no matter on which side of the debate one speaks or on which side one will eventually vote, whether for the abolition or for the retention of capital punishment, I think there is general agreement in the house that those who speak on either side are speaking with absolute sincerity. This is a problem which raises honest doubts in the minds of those who have to consider it. An argument which is sufficient to convince one man may not be seen by another man in quite the same light, and there does exist what I consider to be a very honest difference of opinion in the method of arriving at the same solution which we all seek. I think one thing we all have in common, whether we are in favour of abolition or retention of the death penalty, is the protection of society.

This is the first point I should like to make on my own behalf, since I am asking for the abolition of the death penalty. It is my considered opinion that the removal of the death penalty in accordance with the terms of this resolution does nothing to weaken the defences of society against potential murderers.

It is my second proposition that one sign of advanced civilization is that the more civilized a country becomes the more reluctant is the society of that country to take the life of any person. It is therefore a double-barrelled suggestion which I make. I seek the full protection of the people in this country without seeking to weaken any protection they presently enjoy from the law, and the remedy I seek will I think enhance the reputation and stature of this country as a civilized country.

It is my considered opinion that the sentence of life imprisonment is just as much a deterrent as the death penalty. I think that when Arthur Maloney of Toronto spoke in the house on this subject, he spoke with a measure of calmness, logic and sincerity which certainly excited the admiration and respect of every member who heard him. I should like to read just two paragraphs which illustrate both the tone of his speech and the argument he used in 1960, to be found at page 1198 of *Hansard* for February 18 of that year. Here are the two paragraphs which impressed me both as to content and as to the manner and tone with which Mr. Maloney dealt with this question:

There is no question of revenge or retribution, I am sure, that enters into the thinking of any of us in this house, and certainly not into the thinking of anyone who favours the retention of the penalty of death. To me the sole question to be determined and the only question we are called upon to decide is this: Is the penalty of death the only effective deterrent available to stamp out the crime of murder or is there another alternative penalty that is equally effective and less drastic?

There is a wealth of incontrovertible evidence, to some of which you have already been referred, to which you can look in your search for an answer to this question. This evidence demonstrates to the point of moral sureness and certainty that the penalty of death is not the only effective deterrent to the crime of murder and that a sentence of imprisonment for life has proven, where these experiments have been made, to be equally effective.

It is on that basis that I make my argument. I, as a citizen of this country, feel that the only excuse society has for taking the life of any person is if it is proven necessary to do so for the protection of our society and our way of life. In order to prove that it is necessary, obviously, to prove that no other means will avail. I cannot follow the logic of reasoning that if it is wrong for one person to take a life then it is right for a group of us to take a life. Our rules and our laws reflect the opinion of the majority of the people, who have expressed their opinion in the formation of the government. But, after all, it is only the opinion of the majority of the people. Even if that opinion were unanimously held by my fellows, I would not think it right to take a life. But, as I say, it is only a majority opinion and the majority can only be justified if it is proven that no other method can be found to protect our society.

I can certainly understand the concern of those who believe that the death penalty is the most effective deterrent.