

a deterrent with respect to which one can make a significant evaluation.

On page 4086 of *Hansard* the hon. gentleman brought to the attention of the house the following quotation from the same report:

The question whether capital punishment is an appropriate sanction is a policy decision to be made by each state. Where it is retained, the types of offences for which it is available should be strictly limited,—

That is what this bill seeks to do:

—and the law should be enforced in an even-handed and nondiscriminatory manner, with procedures for review of death sentences that are fair and expeditious.

**Mr. Woolliams:** Would the hon. member permit a question?

**Mr. Mackasey:** Let me finish, please. Continuing:

When a state finds that it cannot administer the penalty in such a manner,—

I wish to pause there, because I do not like the word “cannot”. A bill is before the house that seeks to correct the situation presently existing. All sentences of death recently have been commuted and thus a mockery has been made of the present law. That cannot be justified. I continue:

—the penalty should be abandoned.

and these words are significant—

—is being imposed but not carried into effect,—

and that precisely is what has been happening in this country—

—the penalty should be abandoned.

In Canada sentences of death are passed but those sentences are not carried out. Under such circumstances the President's committee suggests that the penalty ought to be abandoned.

I see that the hon. gentleman wishes to comment. Would he do that after I have finished.

**Mr. Woolliams:** I merely wanted to ask a question.

**Mr. Mackasey:** I am speaking from notes and I do not wish to lose the trend of my thoughts. I shall listen to the hon. member when I have finished.

Yesterday the hon. member for Northumberland (Mr. Hees) read into the record an account in the *Toronto Star* which dealt with the brutal, nonsensical killing of a man in Toronto. I wish to read into the record an extract from today's *Globe and Mail*. I am

#### *Amendments Respecting Death Sentence*

not referring to a *Globe and Mail* of last year, or of ten or 20 years ago; I am referring to today's edition. The subject matter of the article was alluded to by a previous speaker on the Liberal side. The events of the article took place in Germany and the headline of the article is, ‘At last’. “Man jailed 7 years for 1947 slaying”. The body of the article says:

Manfred Jung, 40, broke into tears yesterday as a juvenile court sentenced him to seven years in jail for a double slaying 20 years ago.

That he was jailed for seven years is not of great significance. Of great significance, however, is the following paragraph:

And in the courtroom an 85-year-old pensioner who had spent 18 years behind bars on a false conviction in the case murmured: “At last.”

White-haired Johann Lettenbauer had walked out of a prison only two years ago after a new probe of the case cleared him in the 1947 murder of his daughter, Maria, 25, and her 2-year-old son, Arthur.

Police, tipped by an ex-convict, tracked down Jung in 1965 as the real killer and obtained from him a statement admitting he axed to death the young woman and her infant when she found him searching her house for food.

The article concludes by saying that the pensioner received \$15,000 compensation for wrongfully spending 18 years of his life in prison. Had the death penalty been in force in Germany during the original conviction we should have had another Evans case. We should have had another case where justice had miscarried.

Some say: What about Canada? Let me answer this way. About a year ago, when this matter was being debated in the house, I happened to turn on a radio to listen to one of those open line shows carried on station CKGM in my area; Mr. Pat Burns was on the air. During that show something of significance happened. The wife of the clergyman who had been attached to St. Vincent de Paul penitentiary called in—unfortunately, the name of the clergyman escapes me but I shall try to find it during the week end. This lady was an avowed abolitionist and she spoke of case after case where people had been convicted of murder. Because of her father's background and because of the work he did, she was able to learn much about the murderers and of the incidents which led up to their lives of crime. During her remarks she said something that was extremely significant. Her husband had been one of the last to speak to Wilbert Coffin, who was found guilty of murder, shortly before he