

## CRIMINAL CODE

PROPOSED AMENDMENT REGARDING  
CAPITAL PUNISHMENT

The house resumed, from Monday, April 4, consideration of the motion of Messrs. Byrne, Nugent, Scott (Danforth) and Stanbury:

Resolved, that it is expedient to introduce a measure to amend the Criminal Code for the purposes of

(a) abolishing the death penalty in respect of all offences under that act;

(b) substituting a mandatory sentence of life imprisonment in those cases where the death penalty is now mandatory; and

(c) providing that no person upon whom a mandatory sentence of life imprisonment is imposed shall be released from imprisonment without the prior approval of the Governor in Council.

And on the proposed amendment thereto of Mr. Macdonald (Rosedale).

**Hon. Gordon Churchill (Winnipeg South Centre):** Mr. Speaker, the debate in which we have been engaged is one of great importance. The decision we will reach tonight will be an expression of the opinion of this house. If that opinion is for the retention of the present law there will be no change; if it is for modification, further steps will have to be taken by way of amendments to the Criminal Code.

I have listened with interest to the very many informative speeches that have been made. All of them I have read with critical attention. I have been impressed by the careful marshalling of arguments on both sides of the question and by the eloquence of those who have spoken as well as by their earnestness and conviction. The House of Commons has treated a serious subject with great care and appropriate consideration.

We have been discussing the question, as I see it, is the state justified in taking a life? Tonight we will give our decision and on that decision will depend the fate of many people in the future. The subject is not new. It has been debated for generations. It will be debated in the future, for murders are unlikely to cease and the state has a perpetual responsibility.

I am entering upon this discussion merely to record my point of view and to express my regret to those of my constituents who may hold a different opinion. I have refused to reply to questionnaires sent in advance for I hold that debate should precede decision.

**Some hon. Members:** Hear, hear.

**Mr. Churchill:** I have not held a fixed position over the years on the subject of

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capital punishment. I am familiar with the stress and strain of being obliged to participate in that awful decision that consigns a man to the gallows. I have been oppressed by the lingering doubt that perhaps an innocent man was being condemned to death.

● (3:40 p.m.)

Twenty years ago I was a member of a committee that endeavoured to obtain commutation of sentence for a man convicted of murder and sentenced to hang. He had been a comrade of mine in wartime. The other day I reviewed certain notes I had made at that time. I recorded that 15,000 citizens of Winnipeg signed the petition asking for clemency and that 75 lawyers of that city in one way or another had expressed similar views to the minister of justice of that period. We failed in our attempt. When all hope of reprieve had vanished I visited the condemned man in his cell on the day before the execution. We talked together as calmly and as dispassionately as if we had been in a home rather than in a prison. He told me he was innocent, but he made no complaints about anything or anybody. Stoically he had prepared himself to meet his fate with the same fortitude that he had shown overseas in wartime. A case like that inclines one to the abolition of the death penalty.

On the other hand, I have been bothered equally as much, if not more, by the many horrible crimes that have been committed. At an earlier period before the war, a convicted murderer who had escaped or had been released from prison in the United States entered Manitoba and strangled two women in the city of Winnipeg. One of the women was the mother of two small children. That case always comes to my mind when the subject of capital punishment is under discussion. It is, of course, only one of many somewhat similar cases. The question I have asked myself repeatedly is: Whose life is the more valuable. The murderer who murders again or the innocent victim? Which life does society consider should be saved? Is the state justified in saving the life of a criminal without being able to give complete assurance that another innocent person may not be sacrificed to that criminal's rage, lust or homicidal tendency? The case of strangler Nelson inclines me to the retention of capital punishment.

A wealth of material on the subject has been made available to us. Not least in value