

*Criminal Code*

**Mr. Speaker:** Order, please. The hon. member's time has expired.

**Some hon. Members:** Carry on.

**Mr. Speaker:** Has the hon. member the consent of the house to continue?

**Some hon. Members:** Agreed.

**Mr. Lewis:** I express my gratitude to the house for its kindness. A great deal has been said about jail guards. The people in our jails are undoubtedly very concerned about the consequences to them and I have great sympathy with them. I do not know how you settle these things. Perhaps the factual evidence does not prove anything conclusively, but I noticed when I read the White Paper that on page 108 Table H gives the details of four killings in prison. After studying the table I was struck by the fact that in the cases where the killer was found not one killing was committed by a lifer.

The first one deals with someone who was killed in Kingston penitentiary in 1948 by an inmate who was serving ten years imprisonment for armed robbery. He was not a lifer. With regard to the second one, the murderer was not discovered. The third case deals with a guard who was shot and killed at St. Vincent de Paul penitentiary in the province of Quebec. He had been forced into a cell by two inmates who were threatening and stabbing him. When the guards fired into the cell, Tellier, the guard who was forced into it, was apparently hit accidentally. Who were the inmates who were detaining Tellier? Neither of them was a lifer. One of the men concerned had been sentenced to ten years imprisonment for armed robbery and the other was serving four years for robbery. Edwin James Masterton the fourth case, was stabbed to death at Dorchester penitentiary, New Brunswick, on September 23, 1964, by an inmate 18 years of age who was serving concurrent sentences of 10 and 12 years respectively for robbery with violence.

I am not for one moment suggesting that there is any conclusive proof in this; I am merely saying that certainly it is not proof that if you gave the murderer life imprisonment instead of executing him he would necessarily be the one to kill the guard. It could just as easily be someone serving four years imprisonment for robbery rather than any more serious crime, although robbery is a serious enough crime.

The same argument applies to the police. I have had the pleasure of working with police associations in my professional, legal capacity. I have met these people and no one here can possibly have greater regard than I have for the men, and women now, who are given the job of protecting us against crime.

However, Mr. Speaker, I say with respect to them that their opposition to the abolition of capital punishment, as I have read their briefs, consists of a series of assertions and quite understandable fear but without any basis in fact for that fear at all. I believe that the Minister of Citizenship and Immigration is absolutely right and it can be statistically proved that there are many other occupations in our society with regard to which the death rate is greater per number of workers than it is among the police. I refer particularly to those employed in the construction industry, to those who ply the occupation of rigger, for example.

May I summarize my thoughts on this question. I shall do so briefly and will not take too much advantage of the kindness of members of the house. I believe that we ought to abolish capital punishment because we ought not to retain the practice of the collective destruction of a human being unless it can be shown that there is overwhelming proof that such destruction will serve a useful social purpose. The fact is that there is no such proof, that whatever proof there is is to the contrary, that capital punishment is not a uniquely effective deterrent but on the contrary imprisonment can be just as effective a deterrent.

Second, I urge members of the house not to overlook the possibility of judicial error, the possibility of innocent people being executed. It is impossible to rectify that situation once the person is dead. Third, I ask hon. members to consider the possibility of rehabilitating some of even the most difficult murderers. The history of this matter shows that in many cases, in cases where often you would least expect it, people who are given an opportunity come to themselves and later become useful citizens of society. I submit that we do not have any right to take from even the murderer the possibility of becoming a useful and honourable citizen. By taking his life we make it completely impossible to give him any assistance at all.

I believe there is value in setting an example to our citizens and indeed to the world, because I have always believed that our country holds a unique place among the