

reason is serving a life sentence, behaves himself in penitentiary he is treated with comparative compassion and conscientiousness. He is given the benefit of psychiatric and sociological treatment. He is also likely to receive the benefit of cabinet compassion and parole board understanding. He may very well be returned within a reasonable period of time to society and normal life. Even then a convicted killer is checked by the R.C.M.P. at least once each year, and if he ever breaks a law, no matter what, he is liable to reimprisonment.

On the other hand, if a prisoner is guilty of killing a guard he is treated entirely differently. His fellow inmates will not associate with him and will not converse with him. This prisoner is completely dissociated from his fellow inmates because of this action. This is natural because of the psychological attitude of his fellow prisoners who feel their own privileges have been restricted and discipline more severe because of his actions. Such an individual for his own protection from his fellow inmates is usually put in solitary confinement. If this were not the case he might very well be killed by his fellow prisoners. He also sustains loss of privileges.

● (9:20 p.m.)

What is meant by loss of privileges? Go into a penitentiary and see what loss of privileges means. It means dissociation from others in the penitentiary, referred to in the past as "solitary" and before that as "the hole". An inmate is put in a cell, with concrete surroundings, with a solid metal door, with no bed, only a mattress on the floor. He can lose his privileges for a long time, he can lose his cigarettes, magazines, books and radio. His correspondence privileges can be denied, as well as visiting privileges. For only half an hour a day will he ever see God's sunlight, daylight, rain, or whatever the weather may be. For 23½ hours a day he will be in a dissociation cell.

An inmate knows that this is what will happen to him. I say that is a living death. But for another type of killing he will have the opportunity of rehabilitating himself; otherwise he has to suffer all these indignities and finally the cabinet will say whether or not he shall stay there for the rest of his natural life.

I speak not only as one whose position is among the leaders of abolition but as one who understands the feelings, passions and emotions of those who favour the retention

#### *Amendments Respecting Death Sentence*

of the death penalty. In this respect we must consider the experience of the 45 nations which have abolished capital punishment. As I have said, in some cases the abolition of capital punishment goes back 140 years and a number of countries abolished the death sentence over 100 years ago. If you study the best information available from any source in the world, the sociologists, the criminologists, the royal commissions and committees which have studied this question, I say that the factual arguments and the reasoning arrived at leads one to believe in the complete abolition of capital punishment. If we are not prepared to advance that far in Canada today, I certainly hope we are prepared to vote for second reading of this bill and go as far as it allows.

In conclusion, Mr. Speaker, I would ask hon. members to consider this most important problem in a reasonable manner. I ask them to consider facts and not understandable and deep-felt emotions. I ask them to consider that as we have wiped out the barbaric practices of the past, we should accept this advancement in world civilization and accept the precept of God's will, "Thou shalt not kill," and vote for second reading of this bill.

**Hon. George Hees (Northumberland):** Mr. Speaker, I think we are all agreed that we must approach this very serious matter of capital punishment in a manner that is completely free of emotion. I think we are all convinced, also, that in our approach to justice there is no place for vengeance, and that our sole purpose in carrying out justice is to deter our fellow human beings from committing crimes against other human beings, and so make the world a better place in which to live. Therefore, our purpose in examining this matter today is to decide how this can best be done, in particular when dealing with those who commit capital murder.

We also know that today the death penalty can be imposed only if a murder is a capital murder. A capital murder is one that is committed in cold blood. It is a premeditated murder, one that is thought out carefully, planned and decided upon well ahead of time. There is nothing casual about it; it is not a crime of the moment; it is not a crime of passion. Those types of murders are non-capital and are not punishable with the death penalty.

So today we are dealing with only capital murder, the kind of cold-blooded, premeditated crime such as I have just described. Some of us have sat as members of cabinet,