

Amendments Respecting Death Sentence

that may be moved in the committee stage. I believe that this bill will only be defeated in principle if there is an unhappy coalition between those who feel that the bill has not gone far enough and those who feel that it has gone too far. Such a result will of course be a defeat for all those who sincerely believe that an amendment related to capital punishment is needed in the law.

I would be in error were I to detain the house further. I believe this bill represents one more step in the continuing march toward a higher regard for human life. Behind this bill is a long history of over 150 years of dire and dark predictions, of hope and fear and of despair and faith in the essential decency of man. I ask the house to continue the unfinished work of what I believe has been a feudal and futile system that for too long has marred the majesty of the law.

Mr. Haidasz: May I ask the Solicitor General a question? First, could he tell me after how many years of imprisonment he would consider releasing a murderer on parole and, second, what measures does the government propose to take to aid the victims of an act of murder?

Mr. Pennell: Each case must stand on its own merits. The parole board examines the age of the prisoner, the time the offence was committed, the circumstances surrounding it, the prisoner's behaviour in the institution, and his relationship with other prisoners and with the staff, and then we make as objective a decision as we possibly can. Experience has shown that paroled murderers are the finest parolees.

With regard to the question relating to the compensation of victims, I appreciate the importance of the question raised by the hon. member. This is a matter which is being dealt with in the provincial field. I would point out that legislation regarding this matter has been introduced in the province of Saskatchewan and I understand other provinces are also considering this question.

● (4:10 p.m.)

Mr. Eldon M. Woolliams (Bow River): Mr. Speaker, may I say, as the leading speaker for the Conservative party, that I speak for everyone in our party when I say that we have listened today to a very thoughtful, skilful and brilliant address. After listening to my good friend's speech, and he is a personal friend of mine, and hearing of his personal experiences with regard to people charged with murder I must say, and I am

[Mr. Pennell.]

sure he agrees with me, that the most lonely period of a lawyer's life is when he has to make the decision whether to place the accused on the stand to give evidence on his own behalf or to take the evidence presented by the crown to the jury and argue that the crown has not made out a case. All of us who have had that experience know that the onus is always on the crown to prove the guilt of the accused and that if there is a reasonable doubt it must always be resolved in favour of the accused. It is not an easy decision to make. I know the minister has had to make that decision, and so have I, so have the great trial lawyers in Great Britain and the United States and indeed some of the great trial lawyers here in Canada, one of whom sits in front of me, namely, John George Diefenbaker. I believe that in his career he has appeared in 22 murder cases and out of these he won some 17 or 18 acquittals.

So we all understand the feelings and the emotion of the minister when he delivered his very able address this afternoon, and we all congratulate him on it.

Before proceeding further with my address I should like to say in passing that any trial lawyer who has done work in criminal law could have made out as good a case this afternoon for the people who rot in jail. The occasion which I remember most vividly is the evening when I visited the penitentiary in Montreal and saw the prisoners' cells which measure about seven feet by four. When the door is locked at night all the lights are turned off and there are no windows so that the men are confined in this space for eight hours. It is an archaic institution which is as old as this country. The same sympathy could be aroused for these prisoners as has been aroused by the minister this afternoon with reference to the death penalty for capital murder.

I have given some thought to this subject and I feel the first thing I should do in this debate is to ask a question and then answer it. However, before doing so may I put on the record the real purpose of the bill. This purpose is found in the explanatory note and I will read it so that those who may be reading this debate some years from now will appreciate what we are debating today.

The purpose of this bill is to confine the imposition of the death penalty in relation to murder to the murder of police officers and others employed for the maintenance of the public peace, acting in the course of their duties, and to the murder of prison guards and other officers or permanent employees of prisons, acting in the course of their duties, for an experimental period of five years.