

*Capital Punishment*

House of Commons and the other place. Conclusion No. 54 at page 14 of their final report reads as follows:

The committee has already indicated in paragraph 28 that comparisons between different countries on the basis of available statistics must, of necessity, be made with reservations. However, the committee considered that criminals in North America appear more prone to the use of firearms and violence than European criminals. The committee does not attempt to explain why this should be so, although it appears likely that it results from the comparative youthfulness of North American society and the variegated nature of its population. Whatever the reason may be, the committee is of the opinion that it is obviously more imperative to retain the stern penalty of capital punishment as a continuing restraint against the use of violence by professional criminals.

In a subsequent paragraph of the report it is stated:

The committee also noted a difference in the types of murder committed in Canada and the United Kingdom. In the United Kingdom, murders of the familial-passion type which are not subject to control by the death penalty, or any other penalty, constitute an appreciably higher proportion—

Further on in the same paragraph it is stated:

The committee has concluded that the death penalty is most likely to operate as a restraint and a deterrent to professional criminals who are obviously not deterred from crime by the risk of imprisonment alone, and that it is necessary to retain capital punishment to minimize the tendency of Canadian criminals to use violence in the commission of other crimes.

I concur in the suggestion made by the hon. member for Parkdale that hon. members of this house should examine not only the evidence but the conclusions of this committee which spent many months in examining this question. This report represents the considered views of the hon. gentlemen who served on that committee, after a comprehensive examination of all the evidence. Let us not stop at that point, however. Both the hon. member who moved the introduction of this bill and the hon. member for Parkdale quoted various authorities when they spoke today. I was impressed as I am sure all hon. members were by the remarks made by the hon. member for Parkdale when he pointed out his special knowledge of this subject through his long study of it and his relationship with the prosecution and the defence—I would assume both—of criminals. No one would suggest he has not had a great deal of experience.

There are other people who have also had a great deal of experience in this field. Here is one example. Lord Chief Justice Darling of the privy council stated in the House of Commons committee of the United Kingdom in 1930 that in his 26 years' experience on the bench he was convinced that:

[Mr. Smith (Calgary South).]

In view of the checks and safeguards of English law, it is practically impossible for an innocent man to be hanged, although a great many guilty ones escaped.

Then he goes on to discuss the aspect of the importance of capital punishment as a deterrent. Perhaps one of the most convincing arguments is to be found in the report of the special parliamentary committee of 1956. They come to this conclusion, on the sole point of whether capital punishment does represent a deterrent:

In considering the arguments for and against abolition, the committee was conscious of the view of the provincial attorneys general and other officials responsible for law enforcement from whom it received evidence that capital punishment is an important and necessary deterrent to murder.

The report goes on to say:

The committee has concluded that capital punishment does exercise a deterrent effect which would not result from imprisonment or other forms of punishment.

Not so very long ago, a very close relative of mine spoke in a debate on a similar bill. After some 20 years experience both in the prosecution and the defence of men convicted of murder, he said this:

Mr. Speaker, I speak tonight, and I hope the expression I use will not be misinterpreted, as a firm believer in capital punishment for murder. I go even farther and say that I am a firm believer in hanging as the method.

I am quoting from page 3280 of *Hansard* of June 6, 1950, a speech made by Mr. A. L. Smith, who was speaking at that time on a similar bill.

I could offer, a number of other examples of people who are recognized as authorities because of their experience, their association, with this important legislation before us. I merely offer them to suggest that because one authority, undoubtedly with a great deal of experience, does not agree with the principle of capital punishment it does not follow that we cannot readily draw from the experience of a great many others who do agree it is absolutely essential. Therefore, I come to what after all is the basis of this bill. We are asked to consider one question, and one question only, namely do we believe that the state should take the life of a convicted murderer? We should not clutter it up with any other considerations at this point. We have before us, then, the question of whether or not capital punishment does represent a deterrent.

I subscribe to the theory, based on the history of the United States where certain states saw fit to abolish capital punishment and re-establish it later, that it is a deterrent. I suggest that the history of New Zealand, which followed exactly the same pattern; I suggest that with the controversy