

of the code which provides that everyone who commits capital murder shall be sentenced to death and that everyone who commits non-capital murder shall be sentenced to imprisonment for life. In my view it would have been better if the whole idea of the distinction between capital and non-capital murder had been done away with—this is an untidy and unsatisfactory way to go about the matter—and section 202A repealed and section 206 amended to provide that the punishment for murder should be life imprisonment. We propose to bring forward an amendment to this effect when the bill reaches the committee stage so that those who believe that capital punishment should be completely abolished will have the opportunity of expressing their conscientious views on the matter.

For a moment or two I should like to deal with the exceptions in the bill. The exceptions which are provided relate to the murder of police officers, other similar officials and wardens and guards in jails. These exceptions do not apply to very many cases. We have been furnished by the Department of Justice with supplementary documents dealing with capital punishment. Anyone who has not seen the documents will find them in *Votes and Proceedings* for October 24 last. Table F in this supplementary material shows that in the last ten years, that is, from 1957 to the present time, there appear to have been ten cases of convictions for murder where policemen in the course of their duty were the victims. Of those ten cases there were three cases involving execution and five others in respect of which the sentence was commuted; it is not clear from the table what happened in respect of the other cases. Only one person has been executed since 1959.

With regard to police officers killed on duty, as listed on pages 13 and 14 it would appear that from 1964 to 1966 there were six cases in all. Of these two of those accused committed suicide, three were committed to hospitals for the mentally insane and one was convicted of capital murder but his sentence was commuted to life imprisonment. It is fairly obvious that in none of these cases could the death penalty have acted as a deterrent of its absence as an encouragement.

In respect of the death of guards, I think the figures are interesting. The same document indicates that in a period of 22 years, from January, 1945 to September 30, 1967, there were precisely four cases of guards

Amendments Respecting Death Sentence
being murdered. The details in this regard appear on page 14 of the supplementary material. In one case in 1949 there was a conviction and execution; in another case the murderer was never discovered. In the third case there was a conviction and commutation of sentence and in the fourth case, according to the details mentioned on page 14, there does not appear to have been a case of murder at all. There have been no such cases since 1964 although the practice of commutation had become well established by that time.

There is no doubt at all that police officers and their representatives believe that the death penalty is a protection to the police in the performance of their hazardous duties. However, tests have been made in the states of the United States where capital punishment has been abolished and in states where it has been retained. The joint committee of the Senate and House of Commons in 1955 received from Professor Sellin, who has already been referred to and is a noted authority in this field, a brief indicating that there was no difference in the rates of police killings in the abolition and retention states and that since the period between 1920 and 1930, which was the very highest period in respect of the murder of police officers, the number of murders of policemen has decreased steadily both in the abolition states where there is no capital punishment and in the states where capital punishment has been retained.

I have had the opportunity to read a so far unpublished paper in the *Journal of Criminology and Police Science*. It analyses the killing of police officers for the years 1961 to 1963 in six abolition states and in nine neighbouring death penalty states which are roughly comparable. It indicates that the rate per thousand of police victims was .393 per thousand in the abolition states and .398 in the death penalty states, or virtually the same rate in both cases. This, I suggest, indicates very clearly that the police are suffering from a delusion when they think they are in any way protected by the death penalty. Two of the abolition states recorded no police deaths over this three-year period.

Professor Akman of the University of Ottawa has published an interesting article in the *Canadian Journal of Correction*, October, 1966 issue. He has made a study of cases of assault in penitentiaries in Canada in 1964-65. The more numerous victims were inmates, not guards. The majority of the assaults were by short-term offenders. None