

*Amendments Respecting Death Sentence*

We also find that of the 20 men who killed 22 officers in this period, 15 tried to escape from a criminal activity. This interests me. I have visited jails and penitentiaries over the past 34 years. I have spoken to many hundreds of inmates in our institutions. I have spoken to a number who committed murder and were later executed. To each and every one of them I put this one question: When you committed this murder did you take into consideration the fact that you might get life imprisonment and that in all probability you would be hanged? Not one man to whom I spoke who was found guilty of murder and executed, out of the hundreds whom I interviewed in the jails and penitentiaries, ever said that he gave the slightest thought to what the penalty would be if he was caught.

● (9:10 p.m.)

I have spoken to men who have killed in passion and emotion. One specific case comes to my mind immediately. This case involves a man who went home and found his best friend in bed with his wife. He reached for a gun and killed them both. He had no thought of hanging or any penalty; this was done in emotion. He was not worried about capital punishment. Capital punishment never came into consideration. Capital punishment does not come into consideration in the majority of homicides.

The minister has already had his attention drawn to the studies and works of Professor Thorsten Sellin, but I should like to suggest to hon. members who have not read his words that they should do so. He testified before the joint committee on capital punishment, and I should like to put several of his statements on record. At page 718 of volume two of the Proceedings and Evidence of that committee we find this:

One argument for the retention of the death penalty is the contention that if it were abolished, the police would be more likely to be killed or injured by criminals or suspects when they are encountered. It is assumed that the presence of the threat of possible execution deters persons from carrying lethal weapons when they engage in crime or from using them against the police when they are in danger of arrest.

At page 719 Professor Sellin states:

In the author's seminar in criminology at the University of Pennsylvania during the academic year 1954-55, several studies have been carried on relating to various aspects of capital punishment. One of these studies was specifically designed to secure data on the comparative risk of a policeman's being injured or killed by a criminal or suspect using a lethal weapon.

[Mr. Winch.]

Without going into detail, the conclusion of that knowledgeable gentleman, as it appears on page 723 is:

It is obvious from an inspection of the data that it is impossible to conclude that the states which have abolished the death penalty have thereby made the policeman's lot more hazardous.

These are the facts. They are irrefutable facts. Someone has suggested that this is an opinion, but it is not an opinion. One of the most reputable penologists and criminologists of the world has made available his conclusions based on the history and academic study of cities with more than 10,000 population in the United States. This covers a history of assaults, injuries and deaths of policemen during the course of carrying out their duties. In the breakdown and analysis of his report, Professor Sellin makes these statements, and these are not opinions but facts. Perhaps these are facts that some members of this house do not like.

Let us now turn to a consideration of the hazards of guards. Very few have been killed in Canada during the past 100 years. Several members of this house during discussions have told me that if a man is in jail because he has committed homicide or for some other reason he is likely to kill a guard because he can only be sentenced to the same life in prison. The people who use that argument have not visited our penitentiaries and have not talked with prisoners. I am afraid they do not know a great deal about penology. The idea that these prisoners may kill again because they can only receive another life sentence does not stand up to the facts.

It has been substantiated that in some cases an individual has killed in order to commit judicial suicide. These people wanted to end it all but because they did not have the courage to commit suicide they have killed with the hope they would be convicted of murder and put to death by society. There are substantiated cases of this nature, particularly in the United States. If there is no death penalty for murder, then these individuals have nothing to gain by committing homicide in order to effect judicial suicide. Perhaps that is a minor argument.

Let us look at one major aspect of this whole situation. An individual in penitentiary on a life sentence for killing someone is faced with a factual situation. There are two different aspects to a life sentence. If one already sentenced to life kills a guard he is treated differently from one who is sentenced to life for a passion killing. If one who kills in passion or one who for any