

for capital murder should be hanged or not, other murderers, whose crimes were indeed worse than the one which I had under consideration at that moment were not liable to the death penalty.

I suggest, Mr. Speaker, that if you are dealing with the question either of the protection of society or of retribution or with any other angle—and do not anybody misunderstand me or think I am advocating it—that the person who is mentally ill, the psychotic guilty of desiring to commit murder not for any gain, for any purpose but as a part of his psychotic personality, is a greater danger to society than even the murderous criminal who murders for gain.

And it is an obvious illogicality to provide that the person who kills for kicks, to put it in simple terms, can escape the gallows because he is mentally ill whereas the person who kills presumably only if it pays him to do so will receive the gallows. I am not suggesting that the mentally ill be taken to the gallows. What I am suggesting, what I am earnestly asking hon. members to contemplate, is that when we decided that the mentally ill person should not suffer execution we made an important step forward in our consideration of the administration of justice and of punishment.

• (5:30 p.m.)

I submit we should now take another step forward in recognizing that if we are not doing any good to society, and I submit we are not, by taking the life of the other kind of murderer we ought to take the next step and abolish execution altogether. This would be a forward and progressive step based on a sensible and intelligent scientific analysis of punishment and the way in which we treat those who contravene our laws.

The hon. member for Kamloops and many other people have said that statistics prove neither one nor the other; they do not prove either deterrence or the lack of deterrence. May I stop there for a moment and say that the hon. member for Kamloops did a little violence to the statistics he cited this afternoon. He cited from page 104 of the White Paper on Capital Punishment and he indicated there was an increase in the number of murders reported by the police from 1961 onwards. What he should have told the house, and I am sure he would have had he noticed it, is that the footnote to the table indicates that from 1954 to 1960 adjustments were made in the previous years' figures as the result of revised R.C.M.P. and O.P.P. figures on murder offences known to the police.

Criminal Code

From 1954 to 1960 inclusive the Quebec Provincial Police did not report but from 1961 to 1963 inclusive they did report to the Dominion Bureau of Statistics. Obviously that accounts for some of the increase over the previous years.

Another point the hon. member for Kamloops failed to draw to the attention of this house, which is obviously relevant, is that while there was an increase in the absolute number of murders reported there was hardly any appreciable increase in the rate per 100,000 population. One does not have to be a statistical genius to know that if you have a smaller population you will have a smaller number of murders and that if you have a larger population the likelihood is that you will have a larger number of crimes of all sorts.

When you look at page 104, table E, you find that in 1954 the ratio was 1.0; in 1955 it was .9; in 1956 it was 1.0; in 1957 it was .9; in 1958 it was 1.1; in 1959 it was 1.0; in 1960 it was 1.3; in 1961 it was 1.2; and in 1962 and 1963 it was 1.4. Those figures all are related to 100,000 of population. If anything can be clear it is clear on the whole—this is something that has been proved by statistics for many other jurisdictions—that there appears to be a level of this kind of crime over a large number of years.

Finally, in order for the statistics which the hon. member quoted to have any meaning at all to our present discussion, I respectfully suggest to him that the murders ought to be divided between capital and non-capital ones. They are not so divided. His point would be well taken only if these statistics showed that non-capital murders increased in number while capital murders decreased. The likelihood is that nothing of this sort occurred but that both increased in the same way.

Mr. Brooke of the British parliament, to whom I referred earlier, said that one of the things which convinced him in regard to abolition, one of the points which convinced him that continuing the death sentence was worthless to society, was the fact that he found that the statistics covering the five years before the change made in Britain in 1957 and the five years after the change indicated that the proportion of murders which were capital and the proportion which were not were about the same for both periods. The proportion that were capital murders before 1957 was 14.4 and the proportion that were capital after 1957 was 13.5. You can make your own calculations as to