

*Criminal Code*

Before I conclude I should like to ask the hon. member who asked me a question whether he honestly feels that this penalty is fairly and equally applied to all people. I should like him to ask me that question, because regardless of the statements made in favour of retaining the death penalty I would stress strongly the fact that justice is not properly or fairly meted out to everybody. Even the professional killer has a far better chance of escaping the noose than the little man. The professional syndicates have money and can get their men acquitted in cases where the ordinary person would not have a chance at all. It goes every farther than this. In many cases the scales are weighted heavily in favour of the prosecution.

Let me take the case of Arthur Lucas, one of the last people to be hanged in Canada before the House of Commons began to ponder the abolition of capital punishment. I am not arguing whether Lucas was innocent or guilty but there was a real question about the processes of justice which resulted in his conviction. The Crown spent something like \$40,000 on these processes whereas the accused's legal aid counsel had to get by on an allowance of \$1,500. Surely anybody can see that all the strikes are against the little man, the man without any financial support, and I would defy anybody in this house to say that that is not a true statement.

The injustice of this penalty is further illustrated and illustrated more vividly in the case of two convicts who were both found guilty of murder. The one who had financial support received a life sentence. What happened to the other man, the little fellow who did not have the financial support? He was executed. Surely that is not justice. Could anything be more unjust when a life is at stake?

We have heard many good speeches on this subject with arguments pro and con, but I have just dealt with two topics because I feel that they are two matters which can be talked about without arguing whether they are right or wrong. I would ask the members of this house, especially those who have not made up their minds, to think deeply about this question before they make a decision, and I ask them to vote for abolition. In voting for abolition they will scratch this terrible penalty right out of the statute books of Canada.

**Mr. Mac T. McCutcheon (Lambton-Kent):**  
Mr. Speaker, my intervention in this debate

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will, I trust, be brief. In a debate such as this repetition is impossible to avoid. However, I hope I shall not inflict repetition upon the members of the house more than is necessary.

I have listened intently to the many eloquent presentations and those I have not heard I have read. It seems to me, Mr. Speaker, that a new high in quality of debate has recently been achieved in this house. I believe the quality of the speeches which have been made and the thought which has been put into them are on the whole better than any series of debates to which I have listened since becoming a member of this house. There has certainly been much research in depth.

Having regard to the arguments presented in this house, and following the perusal of much material relating to the subject, I have formed three main conclusions. My first one is that capital punishment has not been proven to be a deterrent. I have uncovered no incontrovertible evidence pointing to the fact that it is. By the same token, Mr. Speaker, the lack of capital punishment has not clearly demonstrated or pointed up an increase in the murder rate per capita. There has not in my opinion been any irrefutable evidence pointing to an increase. Indeed, the evidence, as I see it, would seem to point up the fact that the punishment for the crime is not the deterrent; the actual deterrent is the fear of being caught.

Therefore I have concluded that the average criminal type has only one basic thought regarding punishment and that is the fear of being caught. The criminal mind seems to assume that the offender will remain undetected and therefore that punishment is of secondary consideration. In this regard he acts and reacts not unlike other members of society such as those whose most serious crime is, say, a parking violation.

We must bear in mind that for over three years, through the device of cabinet reprieve—I might add, automatic cabinet reprieve—we have in effect had abolition of capital punishment in this country. I do not blame individual cabinet members for the stand they have taken. Personally I would find dealing with the subject a most trying experience. But I submit that jointly and severally the members of the cabinet have not taken the proper stand.