

*Criminal Code*

public interest, and in order to satisfy that interest the newspapers give wide publicity to all the sordid details of the crime and trial. This morbid press publicity permits many weak-minded persons, of inadequate self-control, to dwell upon the details of horrible crimes with the real danger of repeating them. The extensive publicity can and does lead to imitative crime.

Shortly after the Suchan-Jackson hanging, the following report was carried by the Canadian Press. I refer to the report in the *Ottawa Citizen* of February 10, 1953, which reads as follows:

Two mothers who went out to look for their children Monday may have saved a seven-year-old boy from possible hanging during a game of cowboys and Indians . . .

The seven-year-old boy was found with his hands tied behind his back, a rope around his neck and the loop thrown loosely across the beam. Part of his clothing had been ripped off.

Four 10-year-old lads were held responsible by Police Chief Clifford Mosher . . .

"They certainly were realistic about the hanging scene," Chief Mosher said. "If the mothers had not arrived in time a tragedy might have occurred."

Executions are quite frequently discussed by children and others, with most unhealthy consequences. These are some of the major arguments which I suggest mitigate against capital punishment in Canada today.

Now, what are some of the arguments advanced in favour of retaining it? There is only one with which I should like to deal on this occasion. Most people who believe in hanging frankly confess that it is a horrible and revolting practice, but they say it is necessary in order to protect society. They maintain that hanging discourages and deters potential murderers. This was an argument which was advanced by the Solicitor General in 1950, but unfortunately he did not produce any evidence to back up his argument. Personally, I believe the argument that the death penalty is a deterrent is a myth, or at best a hypothesis, because the evidence is all on the other side.

In spite of the fact that over a period of many years literally tens of thousands of people have been hanged, burned, decapitated, electrocuted or shot, the number of murders increases with amazing rapidity. If capital punishment really deters crime, how did the commission of crime survive the reign of King Henry VIII? While that king sat on the throne 72,000 people were publicly executed for minor or major crimes. Hanging was no deterrent. A few centuries ago there was hardly a responsible person in Europe who did not think that the safety of the state depended upon the right of the state to hang a man, if his religion was not correct. If you happened to live in France or Spain, you

might be hanged for being a Protestant. If on the other hand you happened to live in England or Holland, you might be hanged for being a Catholic. Despite that fact, we know that religion flourished in most of the countries in Europe. We know that public executions did not deter it. There is no evidence of a significant relationship between the murder rate of a country and the presence or otherwise of the death penalty. Most people who hold that kind of belief have not tried to verify it.

A few years ago Governor Harry L. Davis of Ohio made an intensive study of this aspect of the problem. He examined in detail the murder rate in a number of states in the United States before and after capital punishment was abolished. His conclusion is found on page 80 of the book "Capital Punishment" by J. E. Johnson, which is in the parliamentary library. It was as follows:

It is thus easily seen that, on the whole, it appears to make little difference in the prevalence or scarcity of homicides, whether the punishment is death or life imprisonment.

Today more than thirty nations of the world have abolished capital punishment. England and France, I believe, are the only countries in Europe, outside of the iron curtain sphere, that still have capital punishment. In those countries evidence would not indicate that abolition has resulted in an increased murder rate.

Some hon. members may recall that back in 1930 a parliamentary committee was set up in the House of Commons in Great Britain. This parliamentary committee sought evidence from all the countries in Europe which had abolished capital punishment. The committee invited experts from those nations to come to London to give testimony. Some of the evidence was, I think, pertinent, and I should like to place it again before the House of Commons. The Belgian government sent a representative to testify. He said that in Belgium there had been no executions since 1863. The Belgian attitude to the death penalty was summed up in a memorandum sent to the committee by the minister of justice. I quote from that memorandum:

Since the death penalty was definitely abandoned, the crime ratio has remained practically stationary . . .

In the face of results so conclusive . . . it seems inconceivable that a Minister of Justice should ever again think it possible to re-establish a penalty, the uselessness of which has been amply demonstrated.

In Denmark the last execution took place in 1892. The Danish minister of justice made this statement to the committee:

It may be considered proved that the abolition of this punishment has not had any adverse influence on the number of capital crimes.