

*Criminal Code*

fact that we do have murderers in our society.

What we are all interested in, I believe, in the fairly enlightened society in which we live, is the achievement of a net saving of human life, because we respect human life and recognize that the right to live is the primary right of all individuals. However, I think there has been a great deal of misplaced sympathy for the murderer. I suppose this is understandable. The murderer is fairly tried in public in a court of law. He is the subject of news broadcasts and newspaper stories. He is probably photographed daily and his story is given on television every day.

But what about his victim? Nobody hears anything about the victim, though he, or she, may have been killed in cold blood. The public achieves some affinity with the murderer but none with the victim, because the victim is already dead and buried before the trial takes place. There is no word said about the orphans and widows. There is no concern about them, because their story has not been publicized.

I think, too, that insufficient attention has been given to the fact that we in the Canadian parliament in 1962 made extensive amendments to the Criminal Code with regard to capital punishment.

• (8:50 p.m.)

We are not dealing with a law that is 100 years old. We are dealing with a law in respect to capital punishment that is very new, and that has not even been tried out properly as yet. Under it, in order to be liable for capital punishment, murder must be deliberate, or it must be the murder of a peace officer or jailer. There are many types of murder to which capital punishment no longer applies.

I have great sympathy for the position of law enforcement officers. After all, society depends a great deal on law enforcement officers so that we can walk in safety on our streets, and sleep at night knowing that our houses will not be broken into. Only today I received a telegram, as I am sure did most hon. members, from the annual meeting of the Federation of Quebec Municipal Policemen, representing more than 6,000 municipal policemen, conveying the text of a resolution saying it had been unanimously resolved (a) to oppose the abolition of the death penalty,

[Mr. MacLean (Queens).]

and (b) to establish a national fund of indemnification concerning dependants of murder victims. I cannot help but support their point of view.

There has been a great deal of argument about whether the death penalty is a deterrent, how much of a deterrent, and whether it is a greater or lesser deterrent than life imprisonment. This is an argument that cannot be proven on either side but I would not like to have to try to convince anyone that capital punishment is not a deterrent. Statistically this cannot be proven because the deterrent effect of both capital punishment and life imprisonment is obscured by the fact that most criminals plan a crime on the basis that they are going to avoid any penalty, and that is the basis on which cold-blooded murders are committed.

To say that you can judge the deterrent effect of capital punishment or life imprisonment by interviewing the criminals who have been caught, tried and convicted, is not logical, because there you are dealing with cases where the deterrent did not work. I say the deterrent value is with respect to people who did not commit crimes, who were deterred from becoming murderers by the fact that capital punishment or some other heavy penalty would be meted out to them if caught.

In this connection it is interesting to note that within recent years in Canada one murderer was condemned to death and it was only after all his appeals were exhausted that he confessed the crime for which he was sentenced was not the only murder he had committed, that he had murdered four or five other persons. It was possible to prove his statement because the bodies were found where he said he buried them, and their location had been unknown to anyone else prior to that time. This was a case where the criminal carried on murdering when he had not been apprehended. He got away scot free on the first occasion, and that encouraged him to murder five other persons.

Generally speaking murders are less frequent than they were 100 years ago, but this is not due so much to the type of penalty as to improvements in methods of detection and improvements in forensic medicine. It is now possible to prove a murderer guilty in many cases where it would have been entirely impossible a century ago. As a matter of fact, in the days before a reliable chemical test had been developed to discover small quantities of arsenic, murder by arsenic poisoning