

*Criminal Code*

you to be a useful citizen at the expense of the state."

● (7:50 p.m.)

Some hon. members are ready to compromise by moving amendments to provide that the murder of a police officer or prison guard be considered capital murder. In other words, if a gangster robs a bank and kills the teller and manager of the bank he does not hang, but if he kills a police officer during that robbery in the bank, he would hang. This would be an infantile compromise which cannot be accepted. Our duty is to protect society in general, not the criminal.

I should now like to read a few paragraphs in favour of capital punishment to be found in a book published by the Department of Justice entitled "Capital Punishment, Material Relating to its Purpose and Value". Paragraph 9 reads:

Law enforcement authorities entertain the view that the death penalty is an effective deterrent to murder and that it is particularly effective in deterring professional criminals from carrying weapons and committing crimes of violence.

Paragraph 10 reads:

The death penalty safeguards police because a criminal seeking to avoid arrest would have much less fear of the consequences of the use of firearms or of violence if there were no death penalty.

Paragraph 23 reads:

The whole experience of mankind is to the effect that the threat of instant death is the most effective deterrent of all; death is death and its terrors cannot be described more forcibly.

Paragraph 25 reads:

The fact that capital punishment has obviously failed as a deterrent when a murder is committed does not mean that it may not have deterred many other people from committing murder.

And finally, paragraph 26 reads:

It is reasonable to suppose that the deterrent force of capital punishment operates not only by affecting the conscious thoughts of individuals tempted to commit murder, but also by building up in the community, over a long period of time, a deep feeling of peculiar abhorrence for the crime of murder.

I believe that if we abolish the death penalty we will be putting into the hands of the criminal, murderers and crime syndicates an extra strong weapon; that is, the right and licence to kill—to murder without being punished by death when convicted and, if convicted, the right to a pension of care for life by the state.

If we abolish the death penalty we will be depriving our citizens—the police officers, taxi

[Mr. Rock.]

drivers, storekeepers, bank managers, operators of garages, pay clerks, tellers and jewelers—of their greatest weapon, the knowledge that "if you kill us you will be hanged when convicted". The abolition of the death penalty will put police officers, watchmen, guards, wardens, detectives, witnesses and prosecutors in a strait-jacket. They will be reluctant to do their duty as before. They will not take the chances they took before to protect our citizens. On the other hand, the abolition of the death penalty will give an added weapon to the criminal because criminals would use violence, especially those who had been in and out of jails many times and following conviction, may face a long sentence, possibly equal to life. They would not hesitate to kill and take the chance of not being apprehended.

I am not prepared to vote for the abolition of the death penalty until parliament makes drastic changes in the administration of justice and adopts proper penal reforms. At this time my conscience guides me in voting to retain the death penalty, without a compromise, for the protection of society. I take my stand on the side of the victims, on the side of the mounted police, provincial police, municipal police and other law officers, guards, wardens, bank managers, storekeepers, paymasters, garage owners, taxi drivers, watchmen and children, as well as all other victims of this horrible crime of murder. I will not take away from them and society the most important invisible protective weapon they have in their favour, the death penalty.

I will vote against the motion, without compromise.

**Mr. L. R. Sherman (Winnipeg South):** Mr. Speaker, I rise at this point in the debate neither as an abolitionist nor as a retentionist in the generally accepted sense of those terms. I am opposed to the death penalty, but not for the same reasons as many classical abolitionists. I am opposed to the death penalty because it brutalizes me and brutalizes society. It forces me to descend to the same level as the murderer I am hanging. It is sanctioned murder and I resent having to participate in it or have any part in it because it drags me down to the level of the person who is sentenced to death.

Many of the classical abolitionists buttress their opposition to the death penalty by insisting that it is no deterrent. In this regard I emphatically disagree. My colleague, the