

impaired?—A. Do you say it is the humane thing to keep alive the insane individual?

Q. No, I do not say it is humane; I say it is more dangerous to keep alive the criminally insane than it is the man who is not criminally insane. What I cannot understand is why are there more criminally insane people left living from an apparently humanitarian point of view—that is not my view; I am talking about the general view. What I can't understand is, if we are going to protect society, why do we not execute the criminally insane. They are of no use to themselves and they are of no use to society. As a matter of fact they are dangerous.—A. Well, I think the main distinction would be drawn from the malicious and criminal intent which motivates the criminal who commits the capital crime—

Q. That is what I want to get.—A. There is something deliberately malicious in murder.

Q. Yes.—A. And the offender's punishment serves as a deterrent. Now in the case of the insane person his predicament is not the result of his own act or volition and therefore invites every sympathy.

Q. Yes, but that won't help his next victim.—A. That would be an accident, really, rather than a deliberate act.

Q. An accident which could be avoided if he were executed.—A. In order to protect society and to protect him this unfortunate individual is kept apart.

Q. Not always successfully.—A. Oh, well, human institutions unfortunately have a percentage of imperfection.

*By Mr. Blair:*

Q. Fifty per cent, almost, of the commutations given to these people are given because of their mensrea, their mental deficiency, in many cases?—A. In considering the advisability of commutation I dare say the question of impaired mentality enters into about 35 per cent of the cases.

Mr. HOWDEN: I was going to ask a question which is outside the reference, Mr. Chairman. It will only take a moment. Mr. Gallagher mentioned the deterrent effect with regard to different countries. The hero-worship of the American press undoubtedly stimulates a condition which leads to crime. There is no doubt about that. We have a much more sane attitude on the part of the press in this country, and still a much saner attitude on the part of the press in England, where they have the best record. I was going to ask the witness if there is any means by which the press can be controlled in the matter of reporting the details—

The WITNESS: Of the commission of crime?

Mr. HOWDEN: Criminal murder, exactly.

The WITNESS: That is really a question for parliament to decide.

Mr. HOWDEN: It is an important matter. It is something that parliament should have taken cognizance of long ago.

Mr. PLAXTON: Let us raise it.

The WITNESS I would hesitate to answer that question, without giving it more mature consideration. Offhand, I would hesitate to muzzle the press. They have done excellent work, I think, in support of law and order in this country, so far. One might desire that they should inform the criminal world, because criminals also read the press, of executions. They do not need to go into the harrowing details, but at least criminals should know when executions occur. The press gives great prominence, as you say, to the commission of the crime and very little to the fact that the criminal is punished. I believe that this is inadvertent on their part, and if it were drawn to their attention probably they would take care of it.