

*Criminal Code*

So, one has to choose between the protection of society and this very remote possibility of miscarriage of justice.

According to our law, it is obvious that murderers escape their just sentence because of the principle that it is better to acquit a criminal than to run the risk of condemning an innocent.

Mr. Speaker, I have neither the time nor the inclination to answer all the arguments advanced against capital punishment, but I should like to point out that almost all who, as members of the police force or penitentiary staff have come into contact with criminals for several years, are opposed to the abolition of capital punishment, and it seems that this is also the opinion of the Canadian people.

I believe that this is a realistic and practical view of the problem.

Before closing my remarks, Mr. Speaker, I should like to point out that the general regulations or principles concerning crime punishment, have been carried out by our courts time and again for generations, and have had for effect to castigate or to punish a crime, but not to seek revenge. Their aims were, namely, to stop the criminal from committing a second crime, to prevent other people from committing similar offences, and in a wider sense, to make the court itself feel that crime is really an offence against the state that should be punished by the state for the common good of society. If an individual has shown through his conduct that he is antisocial, or is a threat to the community, he should then be temporarily or permanently excluded from it.

This is the expression of reproof, on the part of the state, of the harm done to society as a whole. However, punishment must always fit the crime. It is in that light that a penalty or a sentence must be considered and not as revenge or retribution.

Arguments brought up by abolitionists did not convince me of the need for further amendments to the legislation and for the elimination of the ultimate protection that society has against criminals of that kind, which will be the only ones to be executed, namely those who deliberately and wilfully take the life of other people.

[*English.*]

**Hon. D. S. Harkness (Calgary North):** Mr. Speaker, I believe that the basic question we must consider when deciding whether to retain or to abolish capital punishment is the

protection of the general public. All other matters are secondary and subservient to this. Every organized society has, as a matter of necessity, provided sanctions for this purpose. The fundamental reason for these sanctions is to prevent or to deter those actions which would take the lives, injure the bodies or impair the property rights of the members of the society to which they belong.

● (9:40 p.m.)

I do not think there is anybody in this chamber, Mr. Speaker, who would argue that there should be no deterrent to crime, or that there should be no police forces or prisons or nothing to prevent anybody doing just as he likes. I do not think that there are any in this chamber who argue that way.

Therefore, the argument in connection with this matter really comes down to this: Is capital punishment an effective deterrent to capital murder and treason, is it necessary as a deterrent, or are there other deterrents which would serve the purpose as well.

I firmly believe, Mr. Speaker, that no other deterrent is as effective, and I firmly believe that for the general protection of society we cannot afford to do without this final sanction of capital punishment for those people who have committed the crime of capital murder, or of treason. Statistics have been very much used, particularly by the abolitionists in this debate and to some extent by the retentionists, and in the great mass of literature which has come to my office. I submit, Mr. Speaker, that nothing can be proved one way or another from statistics. You can take the same statistics provided in a book put out by the government, and issued to all of us, in order to prove either side of this question to your own satisfaction. Hon. members can take the statistics to prove one position, and others may use them in a different way, to prove the opposite. As an example, turning to page 118 of this book and looking at the statistics for the state of Vermont, we see that the murder rate for that state from 1958 to 1963 was 3.2 per hundred thousand; .5, .3, 1.5, .3 and .5. Vermont is a state which has capital punishment. The abolitionists will take the year 1958 and say that the murder rate was 3.2, and they will compare that rate for the same year with the one in the state of Maine, for example, which happened to have a murder rate of 2.5, where they have not got the death penalty.

However, if you compare all the other years, you will find that the rate in Vermont