

discipline within prison walls will become increasingly problematical, requiring more staff and, not least of all, placing in jeopardy the lives and morals of the rehabilitative elements of the prison population.

In any event, capital punishment is required in the case of a subsequent murder in prison or in the course of escape by a convicted murderer because if this existing deterrent were removed, apprehension would exist concerning the safety of the prison staff and the general public from prisoners for whom, because they were already serving a life sentence, a further sentence of imprisonment could have no deterrent effect.

Capital punishment must be retained and restored. Any threat of punishment—be it death, imprisonment, fine or chastisement at school—once recognized as a mere bluff obviously ceases to be a deterrent. Our concern should not be for convicted criminals but for law-abiding Canadian citizens and the victims of crimes committed by criminals. Perhaps here we should be speaking for the dead, not for those who caused them to die.

The notion of an orderly society is beginning to erode, and when erosion starts who knows where it will end? This falling away of society from its reliance on the upholders of law and order must be halted. There must be punishment for committing crimes, and that punishment must be carried out. Society will no longer tolerate subservience to that philosophy which sees all criminality solely in terms of sickness, and therefore devotes more attention to its alleviation than to the alleviation of the unrest that the sickness—if that is what it is—is spreading throughout society.

● (1640)

Mr. Jim Fleming (Parliamentary Secretary to Minister of Communications): Mr. Speaker, it is about three years since I last rose in the House of Commons and addressed myself to the issue of capital punishment in Canada, and I think in that interval, whatever side of this question we as members of parliament come down on, we must admit that we have seen an increasing problem of crime and an increasing concern by the public across Canada, especially in our major urban areas, about the increasing danger to public safety and well-being. Because of that increased problem of crime and increased fear of the consequences of crime, the government did have a responsibility to bring forward legislation at this time which would reassure the public and counteract the increasing crime which we face.

I believe that not only the peace and security package which is now before committee and which has had second reading in this House, but also this bill will toughen the law to give Canadians better public safety. It would be very sad indeed if it is not brought to the attention of the public that this bill, which will abolish capital punishment, will in turn greatly broaden and strengthen the Criminal Code in combating the most serious criminal elements.

First, however, in addressing myself to this question today I should like to deal with the issue which seems to be central to most debates on capital punishment, and that is the question of deterrence. By hanging or executing, is society going to deter others from crime? Initially, I admit, there is one deterrent effect, and that is that the person

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who is hanged certainly cannot commit crime again. Beyond that, however, I think there is a great deal of evidence which casts doubt, if it does not altogether finish the argument, as to whether the death penalty is a deterrent. In "The Annals of the American Academy of Political and Social Science", as far back as 1952 a report was presented by a man named Schuessler entitled "Murder and the Penalty of Death". One excerpt from that article reads as follows:

—statistical studies have uniformly concluded that the death penalty is inconsequential as a deterrent and that relative frequency of murder in a given population is a function of the cultural conditions.

As far back as almost a quarter of a century, careful analysis brought that forward. Perhaps the leading expert in the United States on the question of the death penalty is Professor Thorsten Sellin. As a result of his study on capital punishment and abolition from 1955 to 1967 he reported:

—on the whole the abolition states, as is apparent from the findings, seem to have fewer killings but the differences are small. If this, then, is the argument upon which the police are willing to rest their opposition to the abolition of capital punishment, it must be concluded that it lacks any factual basis.

In Great Britain, the royal commission on capital punishment held hearings from 1949 to 1953 and reported as follows:

The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment had led to an increase in the homicide rate or that its reintroduction had led to a fall.

From the special commission for investigating abolition of the death penalty in capital cases for Massachusetts, in 1958, I quote the following:

There appears, in fact, to be no greater deterrent effect in capital punishment than in a sentence of life. It does not contribute to the reduction of murder, it is simply an easy and harmful way of satisfying the need "to do something about it".

Having presented that evidence from the United States and from Great Britain, ranging from as far back as 24 or 25 years ago, I should like finally to argue that over the years commissions which have carefully studied this question have repeatedly come to the conclusion that society's killing is not a deterrent. Now I simply want to put forward a very simple comparison of abolition states with retention states in the United States. In 1970 there were 75 murders committed in Minnesota, or two per 100,000 population. In the same year there were 88 murders in Wisconsin, or two per 100,000 population. In 1970 there were 30 murders in Rhode Island, or 3.2 per 100,000 population. Minnesota, Wisconsin and Rhode Island are all abolitionist states. On the other hand, some of the highest murder rates are found in states where capital punishment has applied for a long time. For instance, in 1970, in Florida, where there is capital punishment, there were 860 murders, or 12.7 per 100,000 population. In 1970, there were 377 murders in South Carolina, or 14.6 per 100,000 population.

Having dealt with the question of whether the death penalty is a deterrent, and hoping that hon. members will consider the opinions of those august bodies in North America and in Great Britain, and also the comparative statistics which surely suggest that the death penalty has not been an effective deterrent in the United States where it has been carried out, I will then move on to the law as it