

Criminal Code

your arguments are false. It is the same thing in our country. You speak of hangings in England where a judicial error was found to have been committed. Well, I claim that this is false too.

Mr. Lewis: That is a statement of fact, not of an argument.

Mr. Caron: I say that in England there has been a 30 per cent increase in the number of murders committed. In Canada, a substantial rise has been noted since our Prime Ministers and cabinet members have decided to commute death sentences to life imprisonment. Crime has increased in Ontario and everywhere. You will say that our population is increasing and that could be the reason. But I maintain that, since they do not have to fear the gallows, they have no hesitation in killing people. If they were sure to be hanged, they would be much more careful.

The death penalty, capital punishment, has a terrific effect—especially hanging—as was found in the case of Napoleon's armies, for instance. At a certain time, there was a wave of suicides. Officers everywhere were taking their own lives. Well, Napoleon decreed that anyone doing so would be hanged. That wave of suicides stopped because of the shame one's family would have suffered if one were to be hanged. And when I hear the hon. member for Hochelaga (Mr. Pelletier) talk about the executioner, well, I say that I would rather be the executioner than the murderer. The executioner has nothing to be ashamed of, because he does justice in the name of the state, while the murderer kills for his own satisfaction.

Mr. Speaker, if crime has increased in the last few years it is because we have become soft. The Prime Minister (Mr. Pearson) and the Leader of the Opposition (Mr. Diefenbaker), when he was Prime Minister, commuted the death penalty a number of times. In some cases, there was not even a recommendation for mercy, neither from the judge nor the jury, but the sentence was reduced to life imprisonment just the same. The Prime Minister said yesterday that was the queen's prerogative. One knows that the queen reigns but does not rule, and that the ministers decide not the queen.

Therefore, I say that the Prime Minister and the ministers must not intervene, especially when there is no recommendation for mercy from the court.

Mr. Speaker, it is said that this is madness. It might be to a certain extent. I will admit with Alexis Carrel that whoever gets angry commits an act of madness. But is it madness which would prevent someone from recognizing the fact that those criminals were brought into court, were examined by experts and found able to stand trial. Any madness there might be here is their own because they did not want to get an education, they did not have the will power to check their passions when they were young. Today they give free rein to all their passions because they can no longer resist. But they know just the same that they are doing wrong, that they are hurting society. And what do they do? They keep on going the wrong way until they commit a murder. I say that those who walk into a bank with a gun in their hands, genuine or not, intend to commit a crime. They should be hanged also, not only sentenced to life imprisonment, but hanged because they intend to do wrong.

I claim that we do not have the right to change that system and that most people today want the death penalty retained. I have received hundreds of letters; a few were in favour of abolition but most of them were in favour of retention. I feel that is the decision we should take. In the United States, of the 20 states who abolished the death penalty, 11 put it back into force. Why? Because they noticed that crime had increased since its abolition. I am given statistics for the state of Maine and other states that have abolished the death penalty. I suggest that statistics can be made to prove just about anything. But one thing is sure and that is that we have no right to do away rashly with this legislation.

In Montreal recently, three men were charged with murder. One of them was found guilty of manslaughter. Immediately after, the other two asked the judge, through their counsel, to have their plea changed to that of manslaughter and the crown accepted.

That shows that people are afraid of the death penalty. They are not afraid just before committing murder, because they think they are not going to be hanged. They think they can fool the community, the police and everybody else. But once they are caught though, they are afraid of the death penalty. That is why those two were glad to plead guilty of manslaughter, since it only meant life imprisonment for them.

In Montreal, there was the notorious "Santa Claus", Marcotte, who went into a