

*Criminal Code*

Would life imprisonment, which often is nothing of the kind, advocated by the abolitionists, have that effect to the same extent as capital punishment?

Personally, I am morally convinced that the death penalty alone constitutes a measure with enough deterrent power to prevent such crimes and that is the main reason why I intend to vote for retaining the death penalty. That does not mean that I am in favour of retaining hanging as the only method of execution; I would like to see it replaced by the electric chair or even the gas chamber.

I am convinced that, in this day and age, to spare hardened murderers, who are beyond rehabilitation, is to condemn other people to pay for this with their lives.

How many of them will there be? How will it happen? Who will be killed? Will it be the policeman, the peaceful citizen or perchance, another criminal, for they make no bones about killing each other off in the underworld. On the other hand, society must protect them until such time as they are found guilty.

Mr. Speaker, if retaining capital punishment means that murders are prevented, certainly an incalculable number of them, then is it not imperative to keep that law in our statutes, for the protection of society?

Capital punishment certainly acts as a deterrent.

For most people, life is priceless and they will do anything and suffer the worst privations to preserve it, even when life itself does not hold many consolations or bright prospects for the future.

According to an old proverb, fear is the beginning of wisdom, and undoubtedly capital punishment is an effective deterrent. This fear protects criminal organizations against indiscretions and blunders of their accomplices. What holds back professional criminals should all the more hold back potential criminals.

A prison chaplain said that often people found guilty of serious assaults would have killed their victim were it not for the innate and very real fear of hanging. Those who maintain that a severe sentence does not influence the behaviour of criminals and that life imprisonment would have the same effect should be asked why then those sentenced to death try by all available means and make every representation to obtain a commutation and escape hanging. For only death is final in this world and where there is life there is hope.

[Mr. Forest.]

As a deterrent, the death penalty is playing its part for which there is no substitute. To this, abolitionists answer mainly that statistics, in countries and states where the death penalty was abolished, compared with those where it was retained or reestablished, would show that the homicide rates do not increase in the first case. I suggest that statistics do not prove much, either on one side or the other, as far as the efficiency or non-efficiency of capital punishment is concerned. There are too many variations, too many changes as regards circumstances, conditions, between one period and the other, to enable us to make worthy comparisons. To those who rely upon statistics, we could say that according to the press, in Great Britain, during the first year of abolition of capital punishment, namely in 1965, the number of murders is reported to have increased by one third, from 182 in 1964 to 249 in 1965.

• (9:30 p.m.)

Thousands of persons are alleged to have signed petitions asking that the death penalty be brought back. It will never be possible to appreciate adequately the deterrent effect of capital punishment, but I am sure it exists and to a greater extent perhaps in our society than in others. Prison guards and other people have referred to the beneficial effect a hanging has on inmates of a jail where it takes place. You can feel then an atmosphere of meditation which reflects a general feeling of disapproval for this most odious of all crimes.

One of the chief arguments used by those who advocate abolition is the possibility of a miscarriage of justice taking place where an innocent person would be executed instead of the actual murderer.

First, I believe no case can be quoted where, in Canada, it has been found that an innocent person has been executed. Under our judiciary system, the accused is deemed to be innocent, and the Crown has to prove beyond every doubt that he is guilty. Theoretically, there is room for an error, but in practice it is almost impossible. The accused is judged by 12 jurors whose verdict must be unanimous; if he is found guilty, the decision is reviewed by the Court of appeal and, normally, it is then brought before the Supreme Court. Finally, the case is submitted to the Cabinet with a view to commutation. The execution of an innocent person is almost impossible, and the chances of a miscarriage of justice are reduced to a minimum.