

*Criminal Code*

is the White Paper prepared by the Department of Justice. I am not sure that anyone has produced in this debate any argument that is not to be found in that booklet. The statistics have been helpful but how much they prove is somewhat uncertain. On page 110 a review is given showing the number of murders over a five-year period in the various States of the Union. Massachusetts and Pennsylvania have populations almost equal in size. Both retain capital punishment. In the five-year period there were 187 murders in Massachusetts and 717 in Pennsylvania. What does that prove? Compare both those states with Michigan whose population is only slightly larger. Michigan is an abolition state. In the five-year period murders in Michigan totalled 806 as against 187 in Massachusetts and 717 in Pennsylvania. Does this prove that capital punishment is a deterrent? But then look at North Dakota and South Dakota, states which could not be more alike in every respect. North Dakota has abolition; South Dakota retains the death penalty. In four of the five years tabulated their record is identical. Does that prove anything and if it does, what is it?

The abolitionists say that the retentionists cannot produce any figures to show that the death penalty acts as a deterrent. Nobody can, for those who are deterred from committing a crime do not volunteer that information to anyone. To say that the death penalty is no deterrent is to say that men do not fear death. This, to me, is incredible. Fear of death is an instinctive reaction. To conquer or subdue that fear is a feat of which some people are not capable. In wartime fear of death operates 3,000 miles away from the battlefield, one mile away, and on the battlefield itself. No one who has seen death in many forms can say and be believed that fear of death is not a powerful factor in determining a course of action. That is not to say that many criminals are not completely reckless and fearless. But there must be many others, criminally inclined, who shrink from risking their lives.

The sanctity of human life is a powerful argument that has been used very effectively during the course of this debate. I wish that the sanctity of human life were universally acknowledged. In the 66 years of this 20th century so little regard has been paid to the sanctity of human life that literally millions of people have been destroyed without compunction in war, in concentration camps, by atomic bombs. They have been destroyed in

[Mr. Churchill.]

the heat of action and with cold-blooded premeditation in the gas chamber.

In the state's increasing conflict with the criminal how much weight should be given to the wholly admirable ideal of the sanctity of human life? Which life is more sacred, that of the deliberate killer or that of the possibly defenceless and harmless victim? Which life is more useful to the state? To which does the state owe the greater responsibility? Can the state give an assurance that the cold-blooded, calculating murderer will never have another chance to practise his evil ways? We are told that only a few murderers become repeaters. Whose life is the state prepared to offer up as the second victim or the third victim? Where, then, lies the state's responsibility for the sanctity of human life? These are some of the questions that I have been pondering during the last few days.

We have been informed by countless articles and statistics that crime is on the increase. We now know that we are in the shadow of organized crime which has infiltrated into Canada. Organized crime appears to make use of professional killers to accomplish some of its objects. To frustrate the operation of our laws professional killers apparently are employed to liquidate witnesses in narcotics and other cases. These professional killers either have no fear of capital punishment or else run that risk to avoid speedier punishment at the hands of their masters. Organized crime is a state within the state conducting war from within. How lenient can the state afford to be with those whose aim is the destruction of the state? Should capital punishment be retained as the state's ultimate weapon against organized crime which, far from being activated by impulse or emotion, relies rather on the most carefully planned, the most carefully premeditated operations?

The section of the Criminal Code which the abolitionists would like to remove is the very one which deals with planned, premeditated murder. The section, reprinted in the White Paper on page 67, reads as follows:

Murder is capital murder in respect of any person where it is planned and deliberate on the part of such person.

The section also provides the death penalty for those who kill law enforcement officers and prison guards. In recent years capital punishment has been sparingly used. The section is there in the act but the cabinet may use its discretion in its application. Commutation of the death penalty, life imprisonment instead of hanging, may be determined