

Criminal Code

humanitarian trends which would be served by the adoption of this bill. I do not believe we are justified in altering our traditional outlook towards this question. I say, why change our law when capital punishment appears to have proven itself most effective in deterring the criminal, or should we say the "potential criminal", from his depredations? The knowledge that execution, the rope, usually awaits the murderer in Canada provides him with a most salutary train of thought.

I know that during the course of his remarks the hon. member for Moose Jaw asked whether anyone could provide him with evidence that hanging had ever kept a murderer from committing his crime. That is rather difficult to establish, but I think if my hon. friend had read more closely the evidence adduced before that committee of the House of Commons which sat in 1937 he would have found evidence given by experts who have had actual contact with criminals in jails and penitentiaries. They testified these criminals openly admitted that, in many cases, what had kept them from committing murder was the fact they knew that if caught they would be hanged. That is in the evidence if my hon. friend wishes to look for it. I say, the longer the preparation for crime, the better chance the criminal has of pondering the consequences and of desisting from his criminal pursuit. This may mean saving the lives of innocent people who do not deserve to be killed; people who are entitled to protection; people to whom our sympathy should go, rather than the criminal. We have no real scientific data or statistics to establish even the approximate number of those who are deterred from the commission of murder, and those whose lives are spared by this deterrent. I doubt, Mr. Speaker, that we should take a chance.

Can we ignore the fact that the strongest instinct of man is that of survival, self-preservation? When all other moral forces have failed should we not, if necessary, inspire fear if it is to deter the assassin? In that respect I am sure that a great majority of the members in this house who have had the opportunity of serving in the armed forces of this country, and who in common with hundreds of thousands of other Canadians have had to face arduous and tense situations, will agree with me that, in spite of all the arguments that can be brought forward, in spite of all the so-called scientific developments in the sphere of mental sciences and other considerations of the kind, the instinct of self-preservation is strong and still remains in even the most hardened criminal. Should we remove this barrier

[Mr. Lapointe.]

of protection our citizens now enjoy to achieve what I consider to be the rather questionable reform proposed by this bill? Should we be remiss in the discharge of our sacred duty towards all Canadians, merely to gratify a sense of humanitarianism towards the most anti-social of all criminals, the traitor, the murderer and the rapist?

From what little experience I have had in dealing with these cases, it is in my view impossible for the bandit planning a crime and contemplating the possibility of murder, not to measure the consequences of his act. I believe he must be very callous indeed to persist in his recklessness. As I said, no one knows how many are deterred by the thought of the rope, the gallows, the drop into eternity. Undoubtedly a few are not deterred. They are the hopeless, the reckless, the desperate few who deliberately take a horrible chance in order to gratify their selfish ends. I am not one of those who will make the way of those desperate few more easy. Those who are responsible for the protection of society, whatever their personal feelings in this matter, in my opinion will be driven to the conclusion that in alleviating the extreme penalty now provided by the law they might assist—and I think that would be sufficient—in multiplying the incidence of murder. They would, thereby, be letting down the people who are surely entitled to the protection of their lives.

I believe, because of this situation in Canada, because of what I have described here tonight, it is our duty to maintain capital punishment no matter how distasteful it may be to take the life of a human being. The execution of the assassin who kills his victim wilfully, and with malice aforethought, is the most effective means we know of at the moment to protect our Canadian people against wanton aggression.

Mr. A. L. Smith (Calgary West): Mr. Speaker, I speak tonight, and I hope the expression I use will not be misinterpreted, as a firm believer in capital punishment for murder. I go even farther and say that I am a firm believer in hanging as the method of extermination, and I use that word advisedly, of a murderer. I do not approach this subject so much in the way of sentiment or even of, what shall I call it, exaggerated ethics about the sacred regard we all have, and which our law has, for human life. I know that in this debate the bible has been quoted. We have heard the commandment, "Thou shalt not kill." It seems to me that that commandment has an equal application to the murderer as he kills his victims as it has to the law of this land in seeing to it that capital punishment is meted out to him. But if there