

deterrent value of this ultimate penalty. Dr. Thorsten Sellin speaks of capital punishment in these terms:

It is an archaic custom of primitive origin that has disappeared in most civilized countries and is withering away in the rest.

Arthur Martin, who started out as a retentionist, adopts the views of Richard A. McGee of the United States when he says:

I believe that punishment for punishment's sake is and should be repugnant to modern civilized man. Punishment, whether it be the ultimate or the most minor penalty, should be a by-product of society's systems of control and not its central purpose. In this context capital punishment is both unnecessary and irrational.

In 1960 Maxwell Cohen, who has made so many great contributions to Canada and at the present time serves as Dean of McGill University Law School, told us that the arguments for the elimination of the death penalty are statistical, ethical, administrative and broadly human. He said:

• (5:10 p.m.)

It is not enough to leave the matter to the burdened conscience of a cabinet, a jury or a judge. The law should and can speak for all of us with clarity and compulsion. We have a virtual suspension of the death penalty today in Canada. Let us legalize our convictions.

I am convinced of this nor can I agree with some of the comments I have heard during the course of the debate about how easy it is for some life prisoners to get out. Many serve 20, 30 or 40 years or die in prison. I have made a study of this during the past years, partly because I was fortunate enough to acquire three books of clippings of Robert Bickerdike, a former member of this house who was referred to by the right hon. gentleman. This subject was the preoccupation of Mr. Bickerdike's life in parliament. He was supported by Hon. George P. Graham, formerly of Brockville. These two men made a lifetime study of this matter and gathered together a great deal of valuable material that is only now being supported in a truly scientific way by the research of such people as Sellin, Savitz and Campion. These authorities, Savitz, a sociologist, and Campion and Sellin have produced material that is available to all of us here in parliament but is unfortunately not available to our constituents. Their research puts the case clearly and positively.

Dr. Savitz made a special study of the deterrent effect of capital punishment in Philadelphia. He writes in the *Journal of*

Criminal Code

Criminal Law, Criminology and Police Science:

If capital punishment does indeed deter—deterrents should be most in evidence in the days immediately following the execution and in the locality where the crimes were committed and where the criminal is known.

And as a result of extensive study what does he find?

We must conclude from the data at hand that there was no significant decrease or increase in the murder rate following the imposition of the death penalty—

Therefore there emerges no pattern that would indicate deterrence.

Donald R. Campion particularly studied the question of danger to police officers throughout the United States with respect to the abolition of capital punishment. He came to this conclusion:

In summary, therefore, we conclude that the data available to us do not lend empirical support to the claim that the existence of the death penalty provides a greater protection to the police than exists in states where that penalty has been abolished.

I am heartened with the approach that the right hon. gentleman took in this debate. In my opinion it is consistent with some of the wisest comments we have heard in the course of the debate and with the historical approach of the hon. member for Hochelaga (Mr. Pelletier), who made a serious and idealistic speech, and the scholarly contribution from the member for St. Paul's (Mr. Wahn) as well as others. He ended up essentially on a moral or theological note. In my opinion this cannot be overstressed. Mr. Reinhold Niebuhr complains:

A community may believe, as it usually does, that reverence for life is a basic moral attitude, and yet rob a criminal of this life in order to deter others from taking life.

The Secretary of State (Miss LaMarsh) speaking on March 28th said that there were some crimes, some kinds of murder which "cry out" for the ultimate penalty. The hon. lady was particularly concerned about the effect on children. I am a father and I have quite a few children. I can well picture my feelings if anything came to blight my Wendy or Jill. However, I believe, having spoken to several psychiatrists and psychologists on this subject, that if a man is convicted of some vicious crime against a child the most sensible, logical and reasonable thing we can do with that man is to send him to a penitentiary institution where he will remain under supervision, under close psychiatric study,