

*Criminal Code*

have clause (c) handing the keys to the convicted capital criminal's cell to the governor in council, which is actually the cabinet of this country.

Now, Mr. Speaker, since this cabinet presently sitting on your right, has such a poor record in regard to facing up to its duties in dealing with capital convictions, I say to you that if this resolution carries, and if the leniency shown in the past projects itself into the future, then the firm administration of justice as it ought to be performed has a poor chance in the years to come. In other words, since those hon. gentlemen opposite have commuted all death sentences to life imprisonment, or to a term which is, actually, less than life imprisonment, the Canadian people fear that they will also commute future sentences to something increasingly less.

There is one further point, and it is this: To vote for clause (c) of this resolution, and for this resolution in its entirety, is to make the freedom of a convicted criminal a political question, since any parole he might try to obtain he would need to obtain from the cabinet. Our parole board is above and apart from all political ilk or association. The cabinet is not. This clause brings politics to bear to control and govern what amounts to, or can amount to, the civil liberties of the citizens of this country. No, sir. Do not ask me to vote for clause (c).

What about the deterrent? Time and again, one hears the catch phrase used by the abolitionists: It has been proven that the death penalty is not a deterrent. Mr. Speaker, this catch phrase is not true. I wonder if these people ever stop to consider the stupidity of such a statement and what its ultimate application implies? In the first place, on what experience or evidence do they base their conclusion? On what index do they base their statistics? One has only to go to the historical fact that in many cases where capital punishment had been abolished by act of government in other countries and states, it has been re-imposed within a short time to combat the homicide which continued and increased and finally incensed the population to the point at which its return was demanded. No. In denying the deterrent value of a penalty in this, as in any other division of criminal activity, one can make such a claim only on the basis of evidence—and we have heard no such evidence.

Has anyone heard a potential murderer say: "I would not take a life because capital

[Mr. Alkenbrack.]

punishment is not in effect"? If such a statement sounds stupid, it is certainly not more so than the glib, parrot-like repetition of the phrase one hears so often—"We know that capital punishment is not a deterrent to murder". I submit that we know no such thing. Nor can we even conjecture reasonably what a deterrent capital punishment is to this ultimate and most horrible of all crimes against humanity. Probably not even the most expert and skilled analysts of the human mind would dare to give more than an approximation on such a subject, so qualified that it would tell us nothing. Yet the most amateur practitioner in human behaviour glibly tosses the now familiar phrases about in support of abolition as if the human mind could be fathomed, measured, calibrated and predicted—and, in particular, the mind of a potential murderer.

And now one is inescapably drawn to the most staggering conclusion of all. Given, for one moment, that the theory of the abolitionists is true; let us presume, for argument's sake, that they are right, what is the only conclusion? I say it is this: If capital punishment is no deterrent to wilful premeditated murder, then no punishment whatever is a deterrent to any crime. If this is so, why have any law?

If the prospect of paying for murder with his own life is not deterrent to a calculating, would-be killer, then what a mere bagatelle lesser punishment would be all the way down the line of lesser crime to thieves, embezzlers, reckless drivers and junior perpetrators of petty crimes. And yet, hon. members will agree, thieves do run, many reckless drivers do leave the scenes of accidents, and embezzlers deny the forged signatures, all in a desperate effort to escape the penalty laid down in the statutes.

Does anyone with even the most elementary powers of reasoning think for one moment that the knowledge and prospect of retribution does not deter—does not give at least some acute practical mental consideration to the minds of all sane people, at all ages of accountability, in every moral exigency with which they may be faced? The only possible exception to this is the complete and utter maniac, a man so deranged that he is incapable of thought. And this man is effectively protected from the death penalty by the statutes. Certainly, the insane are so well protected that it is a fact that the sane killer often seeks that defensive haven, the plea of insanity—a somewhat ironical fact if we for