

*Criminal Code*

I take it, Mr. Speaker, that we all agree that in drafting laws for the benefit of the Canadian people we necessarily take into account Canadian conditions as we find them. Our vast expanse of territory with its policing problems—and I can assure hon. members that there are many—our close proximity to large centres where major crime is reported to be rampant, make it necessary for the Canadian authorities to keep all criminals fully informed as to our reputation for justice, swift and sure, and for stern measures in the enforcement of law and order.

I say that our reputation as such has a deterrent effect, and I base this assertion on the numerous testimonials which we in this department, and others connected with the administration of justice, receive from authorities who are charged with similar responsibilities in the country to the south of us. They are all unanimous in saying that the reputation this country enjoys for swift and sure justice, and for strict application of the law, has a deterrent effect on the criminal element in their country, and prevents them from crossing the border to commit crime in Canada.

I say also that the efficiency of our police agencies has the same deterrent effect, and so has the attitude of the Canadian public, whose education for generations allows no patience with those who commit major crime. I should also mention that, generally speaking, the press of Canada shows no such tendency as unfortunately is found elsewhere, to encourage hero worship of the gangster type of criminal.

It is stated by the opponents of capital punishment that this method of punishment has never had the effect of diminishing the incidence of murder in any country. I maintain that leniency to the murderer, to the point of exempting him from the fate which he so cruelly inflicts upon his fellow man, has not proven its effectiveness in preventing crime. On the contrary let me emphasize the fact that the frequency of murder in Canada appears to be at a remarkably low figure. Indeed, if the number of arrests, convictions and executions for murder in Canada is compared with similar data elsewhere, and may serve as an indication, we find our statistics covering the past ten years show the rate of execution, with a population of approximately fourteen million, to average about ten per annum. It seems that the fate of the killer who eventually goes to the gallows has provided Canadian authorities with an extremely effective means of coping with the incidence of such major crime. Our very low rate of actual executions, which stands at

one person per million and a half of population, seems to be outstanding proof of the efficiency of our present system of capital punishment.

I say this with some reserve because I believe that in analysing such a question it is not sufficient to base one's argument purely on statistics. There are so many factors which have an extremely important effect on the rate of murder in any country that statistics alone are not sufficient to prove the efficiency or inefficiency of capital punishment. However, I give these figures for what they are worth—and they certainly do indicate a very low incidence of murder in Canada.

All capital cases pass through the clemency records of my department. I have here a table which was compiled recently and which gives the number of cases brought to court between 1939 and 1948. This table shows the number of cases in this country during those ten years to be 179. Of these there were 89 executions; 46 were disposed of through commutation of sentences and 44 were eliminated by courts of appeal.

While we are on the subject of statistics, and since the hon. member for Moose Jaw quoted profusely from statistics a few weeks ago, I should like to ask him to compare the figures I have just given with those of the six states in the country to the south of us where capital punishment is still abolished. Incidentally I might remark that twenty-five years ago, I believe, there were fifteen states where capital punishment had been abolished. It has been re-established in seven or eight of them. In one it was re-established following a referendum where the people themselves asked for the re-establishment of capital punishment.

These six states were Maine, Michigan, Minnesota, North Dakota, Rhode Island and Wisconsin. We find that in 1946, the year for which I have the figures, the population of those states was 13,388,500. At that time the population of Canada was estimated at 12,307,000. Although I have never had the privilege of visiting these states, I understand they represent a cross-section of the United States, closely resembling that of Canada.

During that year the total number of convictions in those states stood at 65, showing an incidence of 4.85 convictions per million of population, whereas in Canada the figure was 22, showing a rate of 1.78 per million of people. I believe the testimonials I mentioned a little earlier, and these figures—if one is to base his conclusion on statistics—do not point to Canada as a proper testing or experimental ground for the so-called