

Amendments Respecting Death Sentence

its present form. The right hon. member for Prince Albert (Mr. Diefenbaker), as reported in the *Ottawa Citizen* of October 26, 1967, said the following:

Much as I want to protect the lives of police and prison guards, surely we don't apply grades on human life—

He also said:

While the government wants to get rid of capital punishment entirely, it has in the bill also accepted the view of many police and custodial officers for partial retention.

This is a compromise bill which to many of us is quite unsatisfactory in the long run, and yet this is exactly the story of many of the bills that have been introduced in many western countries before final abolition took place. The homicide act of 1957 in the United Kingdom was a compromise measure with inherent anomalies and imperfections, which has satisfied neither those who urged retention of the death penalty nor those who would consign the scaffold to the museum. Dr. Sellin tells us, and I think there is no refutation of this opinion, that the experience of prison administrators with murderers is that they are by far the best behaved prisoners. We get more co-operation from them and more work from them. If we were smart we would start to study them scientifically and we would use all the facilities of sociology, psychology and psychiatry to do so. We would work with these people, and perhaps in a generation we would know how to substantially reduce crimes of violence.

• (8:20 p.m.)

It is from the group of lifers that the warden always draws a considerable number of the most trusted inmate employees. I know this from personal observations. Almost all the killings, Dr. Sellin tells us, committed inside prisons are done by prisoners serving sentences for crimes other than homicide. While homicides do occur within prisons, they are almost never committed by those serving a life sentence but by people committed for robbery, forgery or whatever.

In the last 100 years, Rhode Island has retained the death penalty for murders committed in prison; but there have been none. The likelihood of there being any in Canada is very remote. The claim of the police that the existence of the death penalty reduces such hazards is a myth, yet like other myths is accepted as a fact in many parts of Canada. It is accepted still by many people in this house. It is for that reason this bill has come to us in this form. I would be delighted if we could simply abolish capital punishment now

[Mr. Matheson.]

and move on into the second century of Canada's history with a clean record.

There is the view that abolition would adversely affect the personal safety of police officers in the daily discharge of their duties. There is the view, also, that abolition would produce problems within prison institutions. Consider the following evidence that was given before our joint committee of parliament which studied this question of capital punishment in 1955. A number of questionnaires were sent to all police departments in American cities with more than 10,000 inhabitants, according to the 1950 census. In the six states that had no death penalty in 1955 and the 11 states that bordered on them—I am referring to material which Dr. Sellin produced—information was requested on the number of policemen killed by lethal weapons in the hands of criminals or suspects each year, beginning with 1919 and ending with 1954. Full reports were returned by 266 cities, representing 55 per cent of the cities in the abolition states and 41 per cent of those in the capital punishment states. It was found that there was no difference between the rates of policemen killed in the cities of the capital punishment states and in those of the abolition states. It was therefore quite impossible to conclude that the existence of the punishment in law or in practice affords any special protection to the police that would not be afforded by the threat of life imprisonment.

In other words, the belief that the death penalty is a unique instrument for the protection of society against murder, and superior to life imprisonment in this respect, is not supported by any credible evidence now available. I am satisfied that bill C-168 is only a step in the social progress of our country. I believe that the Prime Minister (Mr. Pearson) would have been delighted to have seen total abolition. I am certain that the former prime minister, with the wealth of experience in this field of a man who has made it the great concern of his life over many years shares this view. However, for the time being this bill is the best that can be expected to gain majority support. After all, politics is still the art of the possible. It is in that spirit, sir, that I, and I hope most members of the House of Commons, will support the bill, looking to better things in the years ahead.

Hon. Hugh John Flemming (Victoria-Carleton): Mr. Speaker, before proceeding to make some remarks concerning the bill itself, I