

*Capital Punishment*

To those who say that capital punishment serves as a protection to society I state that capital punishment has the reverse effect. In the first 49 years of this century there were 2,346 persons charged with murder in Canada. Only 895 of that total were convicted and only 480 suffered capital punishment. That is a rate of approximately 20 per cent. That is to say that four out of five escaped capital punishment. In other words, out of a total of 2,346 persons charged with murder, 1,451 went scotfree. They are free to walk our streets and enter our homes. Someone will say that these people were acquitted. Yes, they were acquitted but I invite hon. members to consider why they were acquitted. I maintain that because of the horrible character of the punishment juries would not convict. If you ask the judges, policemen and crown attorneys who have attended murder trials where the accused has been acquitted they will tell you that those people were murderers, in the large majority, who escaped punishment. What protection is that to society?

I have described the situation in England in 1810 when the death penalty was inflicted for thefts of goods of the value of five shillings or over. This was later amended to thefts of goods of the value of 40 shillings or over. It is known that the victims themselves would not want to complain and witnesses would not testify and juries would not convict in many of these cases. If juries did convict they would find the accused person guilty of having stolen goods to the value of 39 shillings even though the accused had often testified to the fact that he had stolen goods to the value of over 40 shillings. The same result is obtaining in Canada in connection with murder. Those Canadians who are chosen to sit on juries are so opposed to the horrible results of finding a person guilty that they will find a way to acquit an individual who may really be guilty.

**Mr. Deschatelets:** Would the hon. member permit a question at this point?

**Mr. Regnier:** Yes.

**Mr. Deschatelets:** Is the hon. gentleman aware that before the trial takes place each individual called to serve as a juror has to state whether he is opposed to the death penalty?

**Mr. McGee:** That is not so.

**Mr. Regnier:** I am not aware of that condition and if the hon. member for York-Scarborough says it is not so I am inclined to accept his word. In any event, even if it were so that would be a stronger argument

supporting my contention that the people who believe in capital punishment would hesitate to see it imposed.

It has already been proved this afternoon that capital punishment is no deterrent to murder. The figures cited have proved that. No one who is in favour of its retention has adduced any figures. I should like to challenge those who want to speak on this matter to bring forward figures to support their argument.

The only reason I can think of why we are retaining capital punishment is that we have not yet reached a sufficiently high degree of civilization. We are like those people in England in 1810 who felt that the goods of the people of Great Britain would not be safe if capital punishment were abolished in relation to crimes involving stolen goods over the value of five shillings.

We hear talk all the time about abolishing war, bloodshed and violence. I think we should start by taking the first step in abolishing violence on the part of the state. We should place a higher value on a human life. Governments would then naturally have a greater respect for human life when it came to a matter of going to war where millions are killed. We have to start at home with the abolition of violence before we go into the world and abolish war. We have to demonstrate that human life is sacred.

I believe that nearly all points in connection with this subject have been covered. The hon. member for Parkdale has mentioned the inequalities confronting the accused when he goes to court. As the hon. member said, often it depends on whether the judge has a feeling of revulsion toward capital punishment or whether he thinks the law as it stands should take its full course. The inequality of the means of the accused enters the picture and much depends on the type of person the crown prosecutor is. A judge can swing a jury just by the inflection of his voice and there is an element of inequality there. I have heard a judge in court—thank heaven it was not a murder trial—ensure, just by the inflection of his voice on one word, that the accused would be sentenced. This is what the judge said:

You can pronounce two verdicts, one of guilty and one of not guilty.

What would you make out of that? The judge clearly indicated to the jury what he wanted them to do, and this could happen in a murder trial. You cannot go to a court of appeal on the inflection of the voice of a judge, who sometimes is more eloquent in what he does not say than in what he says.

I do not want to take up any more time because many hon. members want to express