

Amendments Respecting Death Sentence

When the police apprehended the murderer, Mr. Speaker, they found that unfortunately this young man had spent some considerable time in a mental institution, that he was quite obviously ill, and the possibility of hanging simply had never occurred to him.

If we in this house should come to the conclusion that killers who calculate committing murder ahead of time should hang, not because they commit a premeditated murder but because these people deserve to be punished, then if you can accept that philosophy I would accept the argument as valid. I could not shed a tear for the hired killers of the Mafia or crime syndicates who get off a plane at Dorval airport with a briefcase, having arrived from somewhere in Europe, snuff someone's life out a day or two later in Montreal and then return home on another plane. I am sure that the cycle occurs in reverse as well, and that people from Montreal travel to Europe and do the same sort of thing.

I do not particularly care whether we kill these people for punishment's sake, Mr. Speaker; but no one has proven logically that capital punishment must be retained as a deterrent. The fact is that people who engage in this type of exercise do not anticipate getting caught. The cold brutal fact of the matter is that in the United States, where some states retain the death penalty and others do not, people of this sort do not even care if they operate in a state that has the death penalty; they are that callous that they never think of getting caught. If they thought they might get caught they would not hire themselves out, for the simple reason they do not relish being locked up in the penitentiary for eight years, ten years, 20 years or a lifetime. So I contend that nobody has proven that the death penalty is a deterrent.

On the other hand, Mr. Speaker, hon. members may ask why we are bringing forward this bill and making a change in the law. There is one factor we must take into consideration. Whether or not we are able to prove that capital punishment must be retained, the policemen of this country believe that the death penalty does give a protection. If they are going to carry out their role properly then we should not take away from them this psychological advantage. For this particular reason though I would prefer complete abolition I am prepared to accept the exception outlined in the bill in regard to our law officers and prison

[Mr. Mackasey.]

guards because, as I say, they need this psychological protection. I am sure that eventually their fear, their sincere belief, that their job would be more hazardous if the death penalty were removed completely, will also disappear.

The hon. member for Bow River (Mr. Woolliams), in those few moments when he was not attacking the government—I will refer to that matter on another day—spoke very eloquently, drawing on his great knowledge that he has as a top criminal lawyer in this country. I read his speech over very carefully because I take his remarks very seriously on most occasions. He made reference to the report of a commission set up last year by the President of the United States that dealt with the subject of crime. I was unable to get a copy of the report, and I apologize for that.

Mr. Woolliams: I will let my hon. friend have one.

Mr. Mackasey: I am sure the hon. member quoted accurately so I will read from *Hansard*. Both copies in the library were out on loan. Since the hon. member did not tell us in his remarks whether he was an abolitionist or a retentionist, and I cannot presume from his remarks which side of the fence he is on, I think it is fair to quote what he said.

The hon. member referred to an excerpt from the report, and I think it is a very valid one. As reported at page 4085 of yesterday's *Hansard*, the hon. member quoted the report as follows:

"It is impossible to say with certainty whether capital punishment significantly reduces the incidence of heinous crimes. The most complete study on the subject, based on a comparison of homicide rates in capital and non-capital jurisdictions, concluded that there is no discernible correlation between the availability of the death penalty and the homicide rate."

In other words, the report indicates that, whether or not any one state retains the death penalty, the commission was able to determine that this has absolutely no effect on the incidence or rate of murder. The report went on:

● (3:30 p.m.)

This study also revealed that there was no significant difference between the two kinds of states in the safety of policemen. Another study of 27 states indicated that the availability of the death sentence had no effect on the rate of assaults and murders of prison guards.

That again proves that the death penalty is not necessarily a deterrent; certainly, it is not