

*Criminal Code*

taken place. That is a matter completely different from the question of consciousness and suffering in the ordeal of hanging.

I believe a substantial summary of a few outstanding points relating to the intrinsic merits of this problem should be given to the house not only for the sake of brevity but for the advantages to be derived from a concise marshalling of the main facts and considerations bearing upon the issue. For instance, our statistics reveal that out of a population of nearly fourteen million people there is a yearly average of only ten individuals who suffer the supreme penalty under the present statutory provision which the hon. member now invites the house to abolish. Each one of these ten men stands convicted of murder after trial by a jury, usually after an appeal heard by the supreme court of his province, and in many cases after an appeal heard by the supreme court of the country.

Furthermore, the condemned murderer who goes to the gallows is one who has been refused a commutation of sentence. He is usually a man who took the life of his fellow citizen for the purpose of gain, or for some other sordid motive, after having planned his crime and carried it to completion with determination and often with very great cunning. Frequently he has a long criminal record and is the type of person to whom people refer as a bad man. I should like to give the house the thought expressed on this subject in 1924 by one who had been solicitor general of the country, the Right Hon. Arthur Meighen. I believe he expressed very concisely and adequately what the situation is in Canada regarding the criminal who is actually executed. These are the words of the Right Hon. Arthur Meighen, as recorded at page 1294 of *Hansard* for April 11, 1924:

But after the jury's verdict and the sentence there is vested in the Department of Justice a power of review—

I might interject that this power is now vested in the Solicitor General.

—and it is only a fair statement of the practice to say that any circumstances that go to show the lack of appreciation, the mental inferiority of the accused, even far removed from actual insanity, or other circumstances of a strongly mitigating character, operate to relieve the victim from the extreme penalty. So that we are left in the position, in the actual practice of our law, that the most atrocious cold-blooded instances alone are followed through to capital punishment.

In other words, Mr. Speaker, the type of murderer who is executed in Canada is usually a vicious cold-blooded killer, the worst of the lot. I should like to make it clear that in this country the actual infliction of the death penalty is in practice reserved for the worst type of assassin, the man who kills

[Mr. Lapointe.]

with full knowledge of his deed, having carefully planned and premeditated his crime which he usually commits for some very selfish or sordid motive. I think we all agree that all citizens are entitled to effective protection, and the law accordingly provides recourse against the criminal aggressor. The common good of all, I believe, is a sound basis for state action and punishment of the criminal in keeping with the nature and the gravity of his crime.

The struggle of society to maintain order is an immense problem involving rights and responsibilities on the part of the state as well as on the part of the individual. With the development of the community the state has become the keeper of the public peace, and has the power to control the activities of members of society so that all may live in harmony as exemplified in the legislation which permits the exacting of the extreme penalty when the crime has been the commission of murder. Thus each and every one of the citizens of our country is entitled to have his life and his goods protected against wanton aggression. When the assassin is convicted of murder the law ordains his death for the protection of all against him and against those others who might be tempted to follow his example. The legislative enactment is intended to promote security, order and harmony in society so that it may function to attain its ends.

One of its most important aims is to guarantee the lives of its citizens. The desire to live is natural, and it is the clear duty of society to inspire the would-be assassin with due respect for the sanctity of human life. Nor, Mr. Speaker, is the death penalty imposed by our law a disproportionate punishment. Suppression of the convicted murderer is in order as he has become a threat to the lives of others and because appropriate punishment must serve as a deterrent to those who would likewise commit murder. There are excellent reasons for the state to dispose of the life of the convicted murderer in keeping with the statutory requirements of the law. I have already mentioned the necessity to provide a really effective and adequate deterrent which will give the maximum assistance in preventing the vicious and cold-blooded murderer from slaughtering his fellow man. Does capital punishment as we know it in Canada—because after all this bill would have the effect of taking away capital punishment in Canada—provide that much needed deterrent to committing the crimes of murder, treason or rape for which the extreme penalty is provided?