

Capital Punishment

It is interesting to note that in examining the surveys conducted in the United States and of the various states in the United States only one that I can come across, only one, would hold a differing view. I wish to read into the record Isaac Ehrlich, a professor of economics at the State University of New York at Buffalo, who has claimed to have found evidence that the death penalty deters killers. That is the only one, Madam Speaker. Archer goes on to say in his article, and I point out for Members opposite:

—not one of the other 50 odd U.S. studies of the deterrence hypothesis has produced evidence that the death penalty deters murderers. "In a mature social science you don't draw conclusions from a single study because that study could be fatally flawed for any one of a host of reasons. Instead you should draw your conclusions from the preponderance of evidence. And in my view, the overwhelming pattern in deterrence research shows that the death penalty has no effect on the homicide rate".

That is the view of an expert on a study done in the international community on capital punishment with 14 years of research, not three days and three nights, but 14 years with untold hundreds of thousands of dollars spent.

I do not want to go into the litany of information that is available to all Members of Parliament with regard to what happened in that particular state and how the death rate has gone up. I do not want to get into those arguments because I think we miss the principle when we start getting into small, isolated statistics. But they are important nevertheless, both intellectually and from a practical perspective.

The arguments of the experts that I have had an opportunity to read and peruse have all come down on the side that the death penalty or the reinstatement of the death penalty does not deter homicide. I have failed to find in my research and I have asked law professors, students of law, sociologists and others, to provide me with opposing arguments. Perhaps that shows a flaw in my character or, indeed, in my legal training, that of trying to come to my conclusion by obtaining facts and information on both sides of the argument. I have not been able to find those.

In this empty Chamber today, and I wish those in favour of the reinstatement of capital punishment were here in larger numbers because I want to relate for their benefit a true but yet an ever sad story of the Canadian justice system.

In the early 1970s in a community just outside of Sydney, my home, a young man by the name of Sandy Seale was murdered in a park. Sandy Seal lived several miles from my home. He was a young coloured man, an athlete. I remember this just as though it were yesterday. The tensions in that community, the rumblings and the rumours were rampant. As a young Canadian I was scared, scared of what was going to happen. If you only knew the geography of that area of Canada, Madam Speaker, you would understand why. But they found someone to lay a charge against. He was not the son of a prominent doctor, he was not the son of a prominent lawyer. He was a native, and I am speaking of Donald Marshall. An elderly man was subsequently charged with the death of Sandy Seale, some 11 or 12 years later. As young

people, we used to go to the rink and pass this elderly gentleman all the time. But because in 1971 the criminal justice system was flawed, a young Canadian had to spend not one, not two, not three but 11 years of his life behind bars. Do you know what it is like, Madam Speaker, to spend even three hours behind bars?

• (1700)

We hear Hon. Members in this Chamber say with conviction and sincerity: "Well, you know, got to have it, never mind the fact that it does not deter anyone, but we still got to have it". I say that that is one living example of why this great Parliament ought not to reinstate capital punishment.

One would be surprised by the number of Canadians who have been charged and convicted for crimes they have not committed, not because our police officers, our judges or our prosecutors are bad but because of the theory of innocent mistake. There have been many theories about why the Donald Marshall case happened as it did, but let the fact remain clear to each and every Member of the House that an innocent man spent 11 years of his life behind bars, institutionalized for a crime he did not commit.

I cannot in good conscience vote for this motion. I cannot intellectually accept or consent to having someone die at the hands of the state. Some will say that there are other cases where guilt is clear-cut. Is it really clear-cut? Is that the kind of society we as Canadians wish to have, a society that kills, that commits homicide. Because that is what it is. Hon. Members can play with the etymology of words to say that it is not really homicide, it is revenge. However, it is homicide and we ought to remember that.

I would urge the House to look at the facts. There is no deterrence attached to the reinstatement of capital punishment. Yes, there are numerous cases, far too many to mention, of the state making a mistake by convicting an innocent man for a very serious crime.

I will conclude by again referring to the Donald Marshall case. What a tragedy it has been for him and for his family, but also what a tragedy it has been for our criminal justice system! An innocent Canadian was behind bars for 11 years of his life for a crime he did not commit.

Finally, I would paraphrase the words of Edmund Burke. For evil to prevail, all that is required is that good men do nothing. I would hope that good men and good women will vote against the reinstatement of capital punishment.

Mr. Bill Tupper (Nepean—Carleton): Madam Speaker, I value the opportunity to rise to share with you some thoughts on why I find myself unable to support the motion before the House. I have given this matter a great deal of thought. I cannot recall exactly when I became an abolitionist, exactly when I felt that capital punishment should not be a part of Canadian society, but I have been one for a long time.