

*Capital Punishment*

case. After 1976, since murderers no longer had to fear for their life, we could have expected a rise in crimes. That did not occur. Some might say those statistics are questionable. There is undoubtedly another logical way of refuting the argument that the death penalty is a deterrent. Let us examine for a moment the various types of crimes that are divided into three categories. First, there are crimes of passion. They account for fifty per cent of the crimes committed in Canada. Those are crimes committed in a state of anger and, by definition, not premeditated by their authors. Therefore, the deterrent effect cannot act in that case.

Then, there are murders committed by the mob, which can be said to have a form of death penalty for settling accounts. Who hasn't heard of bloody wars between rival factions fighting for territories, criminal activities? So, even though mobsters can be killed as reprisals by opposing factions, this does not prevent them from killing. Therefore, the deterrent effect does not come into play in those cases and would not either if the State intervened.

Finally, in the remaining cases where individuals commit sordid crimes, the majority of those crimes are committed by individuals with very acute personality problems. Therefore, if the individual is not fit for trial, it must be concluded that the deterrent effect does not apply, or again if the murderer suffers from mental illness, he cannot be convicted for his crime. Therefore, capital punishment again is useless.

Some would say that capital punishment must be reinstated for second-time offenders, people who have already been convicted and who, after being paroled or simply having done their time, commit a crime when they get out of prison. On the other hand, it must be noted that, according to statistics from the Professional Association of Criminologists, and I quote:

Second offences (new murders) are very few in numbers when the individuals involved are paroled—less than six cases since 1963.

According to other sources, there would be 22 such cases. Whatever statistics we look at, I agree that if it be 22 cases, this is 22 cases too many, but in my view, drawing attention to the second offence problem is sidetracking the debate to important but secondary considerations. Those subsequent offence cases cannot be construed as pleas in favour of reinstating capital punishment, but rather as eloquent pleas in favour of a reshaping of our penal and judicial system, including parole. Because finally, Mr. Speaker, even if we had capital punishment, it remains that the major losers in that are the victims' families. And I find it deplorable that this House spends so much time debating the reinstatement of capital punishment, when we should have used all that time to try and find solutions to compensate relatives and victims of crimes.

Those victims need help, both financial and psychological, or just consolation. We should direct our action to them. And we would do much better by finding a solution for those people than by simply attempting to avenge them.

Indeed, on May 28, 1987, it was reported in the media that the federal and provincial Governments supported the

establishment of a system allowing victims of criminal acts to get compensation from their aggressors. The Minister of Justice (Mr. Hnatyshyn) announced that discussions were well-advanced with his provincial counterparts for the setting up of a system that would force convicted criminals to pay a fine into a fund for compensating their victims. I commend the Minister for that initiative. This is something productive, constructive.

Such retaliatory measures as taking away from criminals their unlawfully acquired monies, either in the drug trade or otherwise, to give them to the victims seems to me to be much more progressive and civilized than the cruel and barbaric gesture of ordering the death of a human being. We advocate the indemnification and compensation of the victim rather than retribution.

Retribution, Mr. Speaker, is the other argument frequently heard to justify the reinstatement of the death penalty. However, I will not insist on that argument because I do not find it valid.

Retribution, the law of retaliation, is a sociological and judicial concept which is outdated in our civilized societies. Its logic is questionable and I think unjustifiable. Because someone strikes somebody else with a stick does not mean we should strike back likewise.

● (1230)

Other advocates of the death penalty, Mr. Speaker, base their case on economic grounds. I have heard that argument in my constituency. To keep prisoners in jail is costly. It is true that it is very costly. The detention of an inmate is a heavy burden for the State. Indeed, it represents about \$110 per inmate per day in federal prisons and an average of about \$85 in provincial jails. Admittedly, that is a lot of money. However, the death penalty will not change that. Indeed, to reduce the financial burden, all murderers would have to be put to death, that is some 650 per year. It is absolutely impossible to empty a jail and put all inmates to death. However, the legal proceedings which could extend the numerous appeals before the courts could be even more costly than imprisonment.

Moreover, I wrote on March 25 last to the Minister of Justice to try to obtain some statistics on the costs of legal proceedings leading to the death sentence. The Minister indicated in his reply that the relevant information was not available and had never been collected.

What we can do is estimate these costs by looking at those in the United States. A study which appeared in the October 15, 1986 issue of the *Wall Street Journal* established the costs of a trial ending in a death sentence at \$4.5 million in California and \$7.3 million in New York State. To institute proceedings and reach a conviction for murder. It could be argued, therefore, that it would be more expensive to obtain an execution, but I will not rely on this type of argument, Mr. Speaker. I wish to put forward other information.