

Capital Punishment

We must also concern ourselves with the irreversibility of the death penalty. While I share with all members a high regard for our judicial system, the possibility of error is always present. Professor Charles Black of the Yale Law School, in his book "Capital Punishment: The Inevitability of Caprice and Mistake" concludes that capital punishment should never be inflicted, not only because it is wrong on moral grounds and ineffective as a deterrent, but because the vulnerability of the criminal justice system to caprice and mistake cannot be improved or eliminated. Certainly the Christie case in England raises some very serious questions about the imperfection of the judicial system and the absoluteness of capital punishment. Such an eventuality is a situation which we cannot ignore nor accept.

Many people believe that it would be unsafe to let murderers live, with the chance that they might gain remission of their sentence and return to the streets and kill again. Unfortunately the popular mood is formed on the most exceptional and unfortunate cases.

Uniform Parole Reports data consistently report that homicide, and indeed violent offences in general, are the crimes associated with the lowest recidivism rates.

I would but bring before the House the case of Jim Casey and Thomas Shand. Jim Casey, convicted in 1956 in Vancouver of killing a policeman, had his sentence commuted and was paroled in 1968. Casey's former prison classification officer has said of him:

I firmly believe that Jim Casey is the finest example alive for the cause of abolishing capital punishment. He epitomizes what can be done with time, patience and insight.

The Mayor of Saint John, New Brunswick, where Casey now lives, added his praise:

He's an extra special type of man and a tremendous influence for good in our city—especially with young people.

It is my hope that the peace and security package might further this kind of rehabilitation. I would also like to mention the case of convicted murdered Thomas Shand of Winnipeg. In a very moving letter to the pastor of a church which had befriended Shand after his conviction, he wrote:

For a year and a half now, I've been preparing for death and in a sense, even welcoming it, just for the peace of mind I would get, knowing that I would never again harm a human being, or they me. Now I must find reasons to go on living, with the hope that some day I will be released from prison to make a contribution to society to amend the wrongs I cast on so many. I know that a debt of this nature can never be fully repaid, but I shall strive . . . to right the wrongs, so that one day my family and friends may walk without shame, and that the family of Ronald Houston may be compensated for their grief.

Up until about six months ago, I was a firm believer in capital punishment, thinking that death was the only solution. I, like so many others, read or heard somewhere the eye for eye and tooth for tooth was the only answer, not even knowing who said it, or for that matter, in which part of the Bible it could be found. All we knew for sure was that it said so in the Bible, so therefore, it must be the right way to do things. We never stopped to take into consideration the time, place, people, or the environment in which they lived. I'm not saying that today the situation is any less violent, but I can say that the majority of people are more civilized and educated, and are interested in finding out why some of us do what we do and, if possible, correcting these malfunctions before they do irreparable damage to ourselves, or those with whom we come into contact. Unfortunately, there are still many of us who do not believe in the "seek and cure system." We would like to get the problem over with as soon as possible, by meting out confinement or, in some cases, execution. It wasn't too many years ago that as many as 200 crimes were punishable by death.

[Mr. Daudlin.]

Some of our reasons for urging these punishments were guilt and fear, knowing that perhaps we could have possibly prevented the crime if we had acted sooner, by giving a little of our time and understanding to some child who needed attention and genuine affection. Each and every child in this world has at one time or another called out to us, begging us to hear them, love them, and, yes even sometimes to discipline them. In many cases their pleas fall on deaf ears, because a lot of us are caught in our own selfish needs and just don't have the time or patience to hear that child's cries. There are two other main reasons why people believe in confinement and capital punishment which I'll name, but won't go into, because they are both self-explanatory. One is vengeance and retribution, and the other is that it will serve as a deterrent and warning to those who might have ideas about going astray, which in my opinion is pure fiction, and probably the greatest hoax of all times.

The testimony of Thomas Shand, who as a child was brought up in a series of foster homes and who completed only the eighth grade in school, should humble us all.

Before I briefly mention the matter of public opinion, I would point out to hon. members an observation made by Albert Camus and in doing so encourage members to read his essay, "Reflections on the Guillotine". In his arguments, Camus relates the role of alcohol to crime and states that the proportion of alcohol's responsibility in crimes of murder is shooting. "The State that sows alcohol", says Camus, "cannot be surprised to reap crime".

In a letter from the United Church of Canada, Presbytery of Essex, it was pointed out to me that a study conducted in Philadelphia over a five-year period found that 60 per cent of killers and or killed were under the influence of alcohol. Recent disclosures at trials in Canada would indicate a similar situation. This is a cancerous problem to which the Solicitor General's office and the Department of Health must be prepared to pay greater heed. We must be ready to deal with this problem, and deal with it expeditiously.

I want now for a moment to deal with the extent to which we as members should have regard to public opinion. I am certain that it is important for governments and members to be sensitive toward, and to take account of, the opinions of the public before legislating on important issues. In deciding to what extent effect should be given to public opinion we must determine to what extent that public opinion is well informed and instructed.

● (2120)

In examining the work done by Dr. Fattah I am led to believe that the anxiety of the public is based on arguments which, earlier in my remarks, I rejected as being invalid. They are based, for the most part, on an emotional case for public execution. I need not remind hon. members, as has already been done, of the tradition of Edmund Burke, Sir Winston Churchill, and the right hon. member for Prince Albert (Mr. Diefenbaker), all of whom have pointed out that a member of parliament owes his constituents not his only his industry, but his judgment as well, and he betrays, instead of serving them, if he sacrifices it to their opinion.

I think it is unfortunate that several hon. members of this Chamber, long prior to any debate or discussion of the issue, have determined how they will vote on only the smallest of questionnaire responses. By refusing to examine the issue in a critical manner they have done, not a service, but disservice to their constituents.