

*Capital Punishment*

So, looking at the number of murders in this country, one finds that in fact the rate has decreased since capital punishment was removed as a reality in Canada. Again, seeing capital punishment as a deterrent, obviously, is inappropriate.

If all punishment has a deterrent effect, then the value of capital punishment must lie only in its marginal deterrence. The question is one of the extent to which it deters more than would a prison sentence.

Deterrence is a concept based on the assumption that crime follows the calculation of an individual's advantage. Legislators, relying on deterrence as a strategy to control crime, may increase the severity of penalties in the belief that this will increase the individual's fear of punishment, thus decreasing the incidence of crime. The question is whether sufficient knowledge is available to justify such an approach.

The validity of the literature supporting the deterrence effect of punishment has been questioned on the basis that deterrence has been used in too broad a sense to be very meaningful at all. If one looks at the facts, it is indicated very clearly that the deterrence aspect is an inappropriate justification for capital punishment.

The other issue, of course, is the risk to the innocent. Perhaps the most forceful argument against capital punishment is the danger that an innocent person may be put to death. There is no system that can ensure the infallibility of judgment. In the past, there have been cases of mistaken execution. Even with all of the safeguards in the modern context, that risk still exists.

In 1982, Donald Marshall, wrongly convicted of murder, was released from the penitentiary in New Brunswick after serving 11 years.

Aside from the possibility of false evidence in a murder trial, the crime, by its very nature, arouses emotions that carry with them the risk of incurring failures of perception in those making the decision. It has been reported, Madam Speaker, that 343 persons were wrongly convicted of murder in the United States. Again, the matter of risk is involved.

As many speakers earlier have indicated, where capital punishment is available, a jury can be very reluctant to bring in a guilty verdict, knowing that that will be the ultimate result. The fact is, where capital punishment exists, a jury will often free the accused, rather than bring in a guilty verdict which could attract the death penalty.

So, if we are interested in protecting society from dangerous criminals, from murderers, again, the evidence would indicate that capital punishment is an inappropriate approach to take.

Another reason for voting against the reinstatement of the death penalty is the inequality of justice as it is applied today. I think it is fair to say that the death penalty, in practice, is not administered with equality. Those who are executed are, for the most part, from the disadvantaged, the uneducated, or minority groups.

In the United States, where the most statistics on this issue exist, it has been found that the poor, the black, the ignorant are the most likely to be executed. Those with money or influence usually avoid the death penalty.

Incidentally, the existence of the death penalty also encourages inequality in the application of justice in the political context. There is a danger of its use under the guise of treason in the event of a dictatorship ever coming to power.

When we look at our own situation, Madam Speaker, today, while we speak, there are 12,122 people serving time in federal prisons in Canada. When one looks at the population within those prisons, one finds that 9.1 per cent are native people, who constitute only 2 per cent of the Canadian population. In other words, one in ten prison inmates is native, whereas in society they represent one in fifty.

That indicates, again, a very racial bias in our judicial system, given the significantly higher proportion of native people in our prisons than exists in our society generally.

As a New Democrat, I feel strongly that those people who will be eventually executed, if the death penalty is reinstated, are those who are poor, those who have come from a disadvantaged background and who do not have the resources to hire the best lawyers in the country. It is those who are at the mercy of the injustices of our judicial system.

• (1240)

I have deep concerns regarding the reinstatement of capital punishment. I want to talk about the immorality of reinstating the death penalty. The taking of human life is morally wrong for the state as well as wrong for the individual. The state should set an example by recognizing the sanctity of human life in all cases.

The international conference on the abolition of the death penalty, which concluded with the Declaration of Stockholm reaffirming that it was the duty of the state to protect the life of all persons within its jurisdiction, ought to be the rule of the day. It called upon all nations to abolish capital punishment.

The death penalty is fundamentally dehumanizing, proclaiming the worthlessness of the offender's life. It eliminates one of the three main purposes of punishment—rehabilitation. Those who choose alternatives to capital punishment support respect for all human life and make possible efforts by society to reform and rehabilitate the offenders. Philosophers such as Plato, Hobbes, and Rousseau have supported the view that virtue can be taught and punishment should be directed toward the correction of the offender. The aim should be to reform and deter criminals and to maintain public peace.

Let us consider the coalition which has come together in opposition to the initiative to reinstate capital punishment. It includes all main line churches in Canada. The Pope has indicated his position against capital punishment. The three political Leaders in Canada have indicated their abolitionist position, as have, which is interesting, the three leaders of the