

Capital Punishment

The vast majority of Canadians feel that when individual or public safety is threatened, killing of individuals in self-defence or through declaration of war is justified. It is my contention that the views of society in respect of capital punishment have exactly the same philosophical basis of the right to public safety, and it is for this reason that they and I support the reinstatement of capital punishment.

Mr. Ian Waddell (Vancouver—Kingsway): Mr. Speaker, I rise in the House of Commons to speak to my fellow Members of Parliament and to my constituents, many of whom have written to me here in Ottawa, have called me, have spoken with me on the streets in Vancouver—Kingsway, or have met me on the doorsteps of their houses.

I want to begin by saying that on this extremely complex moral issue I owe my constituents my own judgment. This is in accordance with a long parliamentary tradition going back to the British Member of Parliament, Edmund Burke, who, speaking to the electors of Bristol on November 13, 1774, said:

Your representative owes you, not his industry alone, but his judgment, and he betrays instead of serving you if he sacrifices it to your opinion.

While my own Party has a policy on capital punishment, I am here exercising my own judgment on this issue. That is not to say that I do not respect or consider the views of my constituents, or indeed the views of other Members like the one who has just spoken, who take a view different from the one I take. I have read their letters carefully and I have listened to their views carefully and sincerely, and I respect them all.

This debate is really a life and death debate. If we restore capital punishment, people will be executed by the state. It would be foolish to assume otherwise. That is why I take this debate very seriously.

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I am concerned that many Canadians may think there is an easy way for the state to kill, in a sanitized way, if you like. The Hon. Member who just spoke talked about lethal injections. Maybe we will not have the noose, the electric chair or the kind of circus atmosphere that accompanies American state executions, but I remind Canadians and fellow Members that the state will be taking the life of a fellow human being whether it be in a sanitized way through the lethal injection or through a more public and circus like way of the noose or the electric chair.

Members of Parliament all have different ways of coming at this question. In the period before I entered the House of Commons, I practised criminal law. I think I have the unique situation among Members of this House that as a former Crown attorney and former defence counsel I prosecuted someone charged with murder and I defended someone charged with murder. I will never forget—it is one of these incidents that stands out in one's memory—the murder case that I handled in Prince Rupert when I was a young lawyer. It was my first murder case and I defended a young native woman who was charged with murdering her husband.

I practised law in a period in which the death penalty was abolished but I recall the older lawyers telling me how often juries would refuse to convict even in fairly strong cases because they could see the accused before them. They knew that they were personally sentencing a human being to death. In many cases they simply could not do this. Often people who normally would have been convicted were acquitted, and studies bear this out. To me, this is a more accurate reflection of the real views of the ordinary Canadian than the mere answering of a phone call from a polling organization.

During my practice as a criminal lawyer I came to have a deep respect for our criminal justice system. I think it is one of the best and the fairest in the world. I also saw first hand, because it is a system that functions through human beings, that mistakes can happen. When the state hangs an innocent person, and that has happened in the United States, in Britain and perhaps in Canada, there is no correcting that mistake. You cannot bring the person back. Indeed, along with other kinds of sentences, I feel the application of the death penalty will be, and has been, discriminatory and will fall on those least able to get a good lawyer, the poor, the under-educated, the inarticulate, the mentally retarded, the emotionally disturbed and minorities, and studies in the United States bear this out.

As a criminal lawyer, I also got the opportunity to see criminals as human beings, often pathetic, desperate, sometimes sick human beings, usually inadequate in some way, people who did not fit into society and people who belonged to a minority. More often than not they were poor. That is why I am not surprised to find that studies clearly show that capital punishment is no deterrent to murder.

Why then, I ask myself, this demand to restore capital punishment, given that there has been no real change in murder rates since we abolished the death penalty. Is it a religious demand? The Christian Bible says in the Old Testament, "Thou shalt not kill. An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot". But Jesus of Nazareth in the Bible says:

Ye have heard that it hath been said, 'An eye for an eye and a tooth for a tooth' but I say unto you, that ye resist no evil: But whoever shall smite thee on thy cheek, turn to him the other also.

Most churches have written to me against the death penalty. In 1983 the Pope himself spoke out against capital punishment. Therefore, I do not think the argument for the return of the death penalty is based on religious grounds.

I have a letter from a woman whose daughter was murdered. She tells us that capital punishment will not bring back her daughter; nor indeed, even if restored, will it deter murders of other daughters. Unfortunately, that will be a fact of life.

Why then the demand for restoration of capital punishment, Mr. Speaker? I think it is based on revenge, which is still a natural part of the human make-up, a part that we still have not yet conquered, together with the frustrations of modern life which come from the feeling that in the modern world we