

Capital Punishment

period between 1976 and 1985, during which period they will say the murder rate did not increase, following the enactment of the 1976 legislation abolishing capital punishment. It can also be argued that everyone knew that capital punishment would not be used during the earlier 14-year period between 1962 and 1976, and during that period the murder rate increased dramatically.

Having been in public life through those years and having served as the chairman of the Welland City Police Commission from 1965 to 1971, I well recall the broadly-felt view that the growing lack of discipline associated with the move to relax our laws was in fact contributing to the rising murder rate. Certainly, the murder rate increased coincidental with the capital punishment debate in Parliament, a debate which began here in 1966. In that year, the murder rate was 250. Over the next nine years, it increased yearly: 338, 375, 391, 467, 473, 521, 546, 600, and finally, 701 in 1976.

Murder is the unlawful killing of a human being. The death penalty is punishment for such a crime only after the full exercise of the justice system—a system in which accused murderers are given the right to counsel, to cross-examination, to a trial by an independent and impartial public jury, and to appeal. Laws have been created to protect citizens from anti-social harmful and murderous acts. Those who participate in unlawful behaviour risk punishment by a court of justice.

My position is: the death penalty where justified, that being the case of first-degree murder, where the action has been planned and premeditated. I believe that this is a just penalty for such killers, and I have confidence that this Parliament and our judicial system will ensure that such a penalty is never used indiscriminately; or, in any case, where there is any doubt of a person's innocence.

• (0040)

Mr. Brian Tobin (Humber—Port au Port—St. Barbe): Mr. Speaker, I am pleased to rise in my place to participate in this important debate this evening. I am pleased to have the opportunity to speak, but nevertheless I am not happy that such an occasion is necessary for Members of Parliament.

Let me say at the outset that as one who opposes the return of the death penalty in the country, I respect the views of all Members of Parliament who have spoken on this day and past days on the question of capital punishment. I cannot believe, after weeks and months during which the question has been before us and Members have had time to reflect upon it, that there are any in the House who may not share my view, who are for capital punishment, and who speak for it with anger in their hearts and vengeance in their minds. I accept the word of Hon. Members who support a measure which I believe to be Draconian and not worthy of society in 1987 and say that they support it on the basis of capital punishment being a deterrent. If I do that, I then must ask my colleagues who support capital punishment on that basis whether in fact in the cold light of day we can truly say that capital punishment is a deterrent.

I have a confession to make in the House tonight. I am one of those who some time ago did not know how I would speak this evening or how I would vote this evening, because I was assailed by two things. I was assailed by a concern that I do what is right and by a concern that I remove the emotional baggage all of us in society carry whenever we hear of a crime being committed in which a human life is lost and see it objectively. As a politician I was one of those who wondered what my constituents wanted me to do. Quite frankly, as a politician I was one of those who wondered how I spoke and how I voted would affect my future as a parliamentarian, my re-election; I was counting votes.

I understand tonight those who are in the House, even as I speak, who have not made up their minds. I understand those tonight who, even as I speak, are not sure than when the bell rings for the division how they will vote.

I want to address my comments to them, because for the vast majority of us in the House who have considered this question and made up our minds, our votes are pretty well registered for or against. The reality at this late hour, some 15 minutes or 20 minutes before we vote, is that the scant few in the House who are not quite sure, who are still wrestling with the question of capital punishment, will decide for all of us and for the country whether or not we take the first step down the road to a return of capital punishment.

My Leader spoke some weeks ago in the House on this question. He reminded us of the words of the famous British parliamentarian, Edmund Burke, who told us that our representatives owe us not just a reflection of the views of their constituents on any given day or week but their best judgment. It was that reminder which sent me out to see beyond taking merely the pulse of my constituency, or taking merely the pulse or temperature of the country on a given day on a given question, and asking myself a hard question, whether or not I had given my constituents, as a Member of Parliament, the benefit of my best judgment.

In applying that kind of criteria to myself, one who was doubtful and one who was unsure, I concluded that beyond cosmetic concerns, at least in my case—and I do not apply this to Members who may have an opposite view—I could find no fundamental reason to support the restoration of capital punishment.

There were those who would seek biblical references for the restoration of capital punishment, those who would latch on to the biblical phrase “an eye for an eye” and say, “that is good enough for me; let's restore capital punishment”.

I have received correspondence in my own province from the Divisional Commander of the Salvation Army, from the Right Reverend Martin Mate of the Anglican Church of Canada in Newfoundland, from Archbishop Alphonsus L. Penney of the Roman Catholic Church in Newfoundland, and from the Moderator of the Presbyterian Church in Newfoundland,—from diverse and varied religious organizations which cannot