

Capital Punishment

tunity to deal, on the floor of this Chamber, with the issue of capital punishment. I would begin my comments, Mr. Speaker, by commending both the Solicitor General (Mr. Allmand) and the hon. member for Greenwood (Mr. Brewin) for their eloquent and impassioned articulation of the issue.

My objection to the death penalty is based upon the conviction that it is both futile and immoral, and that the interests of society would be best served by its abolition. As I have listened to and read the opinions of those who would have us retain the death penalty, I am struck with three basic arguments. The first argument in the case for capital punishment was outlined by the hon. member for Yukon (Mr. Nielsen). He argues that the death penalty is a much greater deterrent than any other form of punishment, so that its abolition would result in an increase in the incidence of murder. The second argument, presented so often by the many form letters which have landed on my desk, has been that public opinion, which seems to demand its continuance, cannot be ignored. The third argument is perhaps the easiest to dismiss; it states that with crime as it is, now is not the time for abolition. It is my intention, Mr. Speaker, to deal with all of these arguments, demonstrate their falseness and, in so doing, challenge those who would claim otherwise.

The hon. member for the Yukon, opening the debate for his party, was led to the conclusion, which he admits as being oversimplistic, that death must be a deterrent. I can agree with the hon. member only insofar as he admits his reasoning to be oversimplistic. As the great Tory Senator, Grattan O'Leary, said in the last debate:

I do not think any civilized mind, any educated mind, with all the evidence we have had before us during the last half century, can stand in this Chamber and say he still believes in capital punishment... There is nothing on earth, no evidence anywhere by anyone, to show that capital punishment does deter the further commission of such crimes.

Let us deal for a moment with the question of the deterrent effect of capital punishment. A great deal of investigation and years of research by some of the ablest minds of the world have been done on the value of capital punishment as a deterrent. Those who have spoken before me have pointed to the findings of many of these studies. I wish to add to their argument by citing the work done by the Norwegian criminologist Johannes Andenaes, who, after years of research, concludes:

But with regard to the very specific deterrent of capital punishment we have learned one thing: all the studies ever made, all the statistics ever compiled, all the data ever processed have failed to produce one shred of evidence that capital punishment has ever been a deterrent to murder.

This confirms the opinion of the British Royal Commission of 1949-1953 on the subject of the death penalty. It determined:

That there is no clear evidence in any of the figures we have examined that the abolition of capital punishment had led to an increase in the homicide rate or that its re-introduction had led to a fall.

Indeed, a comparative study of homicide rates between abolitionist and retentionist jurisdictions in the United States has indicated that the average homicide rates are greater in the retentionist states. A similar comparison of European jurisdictions based on Interpol data would indicate that "For the most part, states which have abolished

capital punishment have lower rates of murders and attempted murder". In Mexico, a UN study also noted no relationship between the presence or absence of the death penalty and homicide rates in different states.

I am not suggesting that abolition will lead to a lower homicide rate. However, for those who have stood in this Chamber and claimed that death was, must be, was bound to be, could not help being a greater deterrent than any other form of punishment, I can only point to the overwhelming evidence which would indicate that the murder rate varies independent of the death penalty. Indeed in 1868 public executions were abolished in Britain, largely because of evidence before the Royal Commission of 1866 that of 167 persons who had been under sentence of death in one town during a number of years, 164 had themselves witnessed a public execution, in consequence of which the commission concluded that those who argued that public executions had great deterrent effect were wrong.

I would argue, Mr. Speaker, as did Sir Samuel Romelly, leader of the movement to abolish capital punishment in the last century, specifically that:

● (2110)

1. The chief deterrent to crime is not barbarity of punishment but certainty of conviction. The former only results in decreasing the latter and is therefore futile.

2. Brutal punishments accustom the people to brutality and themselves tend to increase crimes of violence. Basically put, Mr. Speaker, violence breeds violence.

As Archbishop Temple, who has written much on the subject of the death penalty, stated:

With regard to the chief quality of effectiveness in deterrent punishment, it is not the severity of the penalty inflicted, but the certainty both of detection and of the exaction of the penalty required by law.

In this regard, for the period 1961 to 1974 only 14 per cent of adult suspects charged with murder were convicted of the original charge of murder, and 46.4 per cent were convicted of a lesser offence than murder. A study in Britain indicates that the conviction rate for murder rose dramatically after the death penalty was abolished. Such data would indicate that jurors are, as the Solicitor General indicated on May 3, 1976, loath to convict for capital murder, but are quite prepared to convict for a lesser offence where life is not at stake.

A great deal has been said in this debate and in previous debates which has sought emotional and religious justification of the death penalty. The law of capital punishment, while it pretends to support a reverence for life and justice, does in fact destroy it. I say with all the conviction that I can muster that I am persuaded that the message to be gleaned from the teachings of Christ written in the New Testament is one of love and charity.

The story is told of a sailor who was shipwrecked on an unknown shore and feared for his life. Scrambling up a cliff, he suddenly caught sight of a gallows and exclaimed, "God be praised! I must be in a Christian country". I reject the arguments of those cynics who would exchange the true Christian principles of reverence for life, compassion, and atonement, for revenge, callousness and punitive justice. Execution cheapens life which we must cherish and nurture.