

### *Capital Punishment*

the books in Belgium and Ireland, but it has not been carried out since 1945 in Belgium, and 1954 in Ireland. In effect, in all of western Europe, Canada, and most states in the U.S., as well as New Zealand and Australia, the death penalty is not in force. If Canada were to vote for this resolution and bring back the death penalty, we would be the only entire country in the western world to go in that direction.

As I said a minute ago, the British Parliament turned down an attempt recently to bring back the death penalty because they believe it is inappropriate in a civilized society. The death penalty does not protect. It is against our moral codes. It is not appropriate in a civilized society.

● (1520)

Fourth, it is irreversible if you make a mistake. There have been people mistakenly convicted of murder in recent years. Thank God we did not have the death penalty. Donald Marshall, a young Micmac Indian from Nova Scotia, was convicted of murder and served 11 years before they found out that he did not commit the crime. He was released from prison and has been compensated. If he had been convicted prior to 1962 he would have been hanged. John Wildman of Ontario was convicted of murder and served seven years before they found out he did not commit the crime and he was released from prison.

Professor Bedau in the United States recently wrote a book on the subject documenting 349 cases of people being mistakenly convicted of murder. Of those, 23 were executed. Capital punishment does not protect, it is morally wrong, it is not appropriate in a civilized society, and it is irreversible if you make a mistake.

Fifth, it is selectively inequitable. When it exists it is applied unevenly against the poor, minorities and immigrants. It is applied in that way because these people do not have the money to hire the best attorneys or to pursue the long process through the appeal courts, which sometimes takes years and is extremely expensive. Even if you are convicted in the last court of appeal you can go on and apply for commutation to the Governor in Council or, in the United States, to the Governor of the State. That is a very expensive process in which much discretion is exercised at every level.

Discretion is used at the very beginning of the system in determining whether a charge of first degree murder is laid, the punishment for which is death, or a charge of second degree murder, the punishment for which is life imprisonment, or a charge of manslaughter, the punishment for which is lesser again. The exercise of discretion at the beginning of the process by the Crown can mean life or death and depends to a great extent on the bargaining which takes place between the attorneys and on how good your attorney is.

Some people have described the death penalty as a lottery in which the odds are loaded against the poor. In the years in which we had executions in Canada there were a very small number of executions compared to the number of murders.

The highest number of executions in Canada in any one year was in 1931 when there were 22 hangings. It is interesting to note that that was in the pit of the Depression when people were out of work and desperate. There were 172 murders in that year and only 22 hangings. The average rate in the 1950s, which is the last decade in which we had the death penalty, was five executions and 140 murders per year. In the 1940s there was an average of 10 executions and 120 murders per year. One might ask what happened to the other murderers during the 1950s and who the five were who were executed. More often than not they were the poor, the minorities and the immigrants.

Those are the main arguments against the death penalty. It does not protect, it is morally wrong, it is not appropriate in a civilized society, it is irreversible if you make a mistake, and it is applied inequitably to the poor and the minorities.

The principal argument we hear these days in favour of the death penalty is that it is the only appropriate form of justice. Where does that standard of moral justice come from? It certainly does not come from the western countries or the churches. I have pointed out that the churches do not accept that as a standard of justice nor do the western countries. Who accepts it? Who has that type of justice?

The country recorded as having the greatest number of executions last year is Iran where there were 450 executions. Is that our model of justice? In South Africa there were 125 executions. Is that our model of justice? In Communist China there were 105 executions. Is that our model?

People who argue that capital punishment is the only appropriate form of justice for murder are proposing an eye for an eye and a tooth for a tooth type of justice. They are proposing a system based on revenge, and that is not our concept of justice.

There is a lot to be said on the subject and I will not have time to cover it all. If we are really serious about reducing and preventing murder we will do things to prevent the act from taking place in the first place. We will deal with the causes of violent crime and murder, we will do things which are proactive rather than reactive. That is what has brought down the murder rate in those states which have very low rates of murder. In the State of Minnesota the rate of murder is 1.7 per 100,000. Compare that with Texas or Florida. Minnesota abolished capital punishment a long time ago and has had much better social and public education programs. They were involved in the communities in a way not seen in the southern states.

We must concentrate on the causes, prevention, security, rehabilitation, assistance to victims, more resources and training for the police, better family crisis intervention, better drug and alcohol rehabilitation, more effective gun control, less violence on TV, better juvenile corrections, education and recreation, and more support for the home and school.

It is my belief that the motion before the House is biased and indeed foolish. When the Government introduced it it said