

Criminal Code

[Translation]

Mr. Jean-Eudes Dubé (Restigouche-Madawaska): Mr. Speaker, I do not intend to unduly prolong the debate but I want just the same to make a few remarks in order to explain how I will vote.

I think that I owe it to my constituents and to those who got in touch with me to give the reason for my decision.

As a former crown prosecutor, it was given to me to fight crime and my natural tendency is certainly not to pamper criminals. However, on the occasion of this debate, like all hon. members in this house, I had to study a number of documents favouring abolition or retention of the death penalty. I felt I had to do some research, to listen to several excellent speeches made in this house and most of all, to give that matter some thought.

I must admit that I was in favour of retaining the death penalty. I accepted as a matter of fact the proposition that the death penalty was an efficient deterrent, that it was a protection for the society, that it was a just punishment, and that in any case, our sympathy should go to the parents of the victim rather than to the criminal himself. I realized that hanging was a barbaric act, but I accepted it as being without any alternative and necessary to protect society.

Mr. Speaker, I must admit that I have now changed my mind and I do not hesitate to say that I will vote for the abolition of the death penalty.

I do not intend to mention in this brief speech all the arguments which influenced my decision. Besides, I would only be repeating what others have said better.

Allow me to add that I was greatly inspired by the debate in this house, by the writings of Thorsten Sellin, Arthur Maloney and Arthur Martin, also by comments made by Father Ambroise on a radio program called "Chez Miville", and by three articles by Father Jean-Paul Régimbald which were published quite recently in *Le Devoir*.

In my opinion, Mr. Speaker, the first question which arises is whether the death penalty really protects society.

As pointed out by Father Régimbald, whose name I just mentioned, and who is a former prison chaplain, there are three types of murderers:

(1) The calculating murderer who plans his crimes before hand.

(2) The emotional murderer who commits his crime under stress;

(3) The hired murderer, a mercenary who kills for money.

The first one, the calculating murderer, only acts when he is convinced that all his preparations are so perfect that he will not even be arrested.

The second one, the murderer carried away by passion, does not even think of the death penalty.

As for the hired killer, he is not afraid of anything, not even of dying.

Therefore, it seems that capital punishment is not too effective to deter the three kinds of murderers from committing their crimes.

As a matter of fact, there is no indication that abolition of the death penalty, in certain countries or some American states, resulted in an increase of murders.

Statistics referring to American states or other countries that have abolished or retained capital punishment were quoted several times in the house. Tonight, I wish to give but a few examples.

Wisconsin, Maine and Michigan, three states which abolished capital punishment, have the following rates of murder per 100,000 population: 0.9, 1.4 and 3.3 respectively. On the other hand, Florida, South Carolina and Georgia show rates of 7.7, 10.1 and 10.3 respectively. And yet those last three states have retained the death penalty.

It is true that those six states are not located in the same region, so that comparisons are imperfect. But, even when you compare American states in the same area and with similar population distributions, statistics do not reveal any increase in the number of murders in those where capital punishment was abolished.

In New England and Massachusetts, where capital punishment has been retained, the incidence is 1.8 for every 100,000 people, while in Maine, as I said a moment ago, where capital punishment has been abolished, the incidence is 1.4.

Therefore, it is far from being proven that the death penalty has a deterrent effect.

If the death penalty is not an efficient deterrent, should it nevertheless be retained as a punishment? Is it conceivable that, in 1966, our civilization has not made sufficient progress to rid itself of the law of retaliation?

Can we really find support in the Holy Scripture to maintain that the state should kill murderers?