

Capital Punishment

Martin Luther King was assassinated, we did not hear Mrs. King clamouring for the return of capital punishment or for capital punishment to be applied. In the last capital punishment debate in the House, I was the minister putting through that bill. In the middle of the debate, a young policeman was murdered in Toronto—it was a horrible killing. Of course it affected the debate, but what was significant was that the widow of that murdered policeman wrote to me and to Mr. Brewin, who was then a member of the New Democratic Party, and pointed out that although she regretted and grieved the loss of her husband, she did not want to see the killing repeated and she did not want us to vote in favour of capital punishment. In fact, she said that her policeman husband who was murdered would not have wanted it to be brought back.

If we were really interested in lowering murder rates and protecting the public, we would try to determine the causes of murder and violent crime, and we would go to work on those causes. Some of the causes which have been suggested are the rise in violence due to the use of alcohol and drugs, the ready availability of guns, our poor education system, poverty, injustice, poor housing, weak and inadequate recreational programs, weak family life, poor systems of juvenile corrections, poor psychiatric services and inadequate support for our policemen. If we want to support policemen, let us give them the support they need so that they can do their jobs properly—the training, manpower, equipment and so on. But let us not fool them by going along with the myth that they will be protected if we reinstate capital punishment. This is the real solution.

Mr. Domm: Mr. Speaker, I rise on a point of order. I am sure the hon. member on the government side will want to correct his statement wherein he corrected us by saying that we gave wrong figures concerning France versus Canada. If the hon. member would relate the number of fatalities in France per 100,000—and they have capital punishment—he will find that our rate is much lower.

Mr. Deputy Speaker: The hon. member is entering into debate.

Mr. Allmand: I was not comparing the rate in France to the rate in Canada. I said that France was the only country in western Europe with capital punishment and that its rate of murder, in comparison with its neighbours in Holland, Belgium, Sweden, Denmark and West Germany, was higher. I never said that it was higher than the rate in Canada; it is higher than that of its neighbours in western Europe.

If we are really interested in solutions and in protecting the public, we should aim our efforts toward the causes of violent crime and correct them. When we ask the public in a simple poll in a referendum whether they are in favour of capital punishment, of course they will answer yes, because they are outraged by the crimes in their communities and want protection. If we ask them other questions, they may reply in different ways. If we said, “What do you think is the principal cause of violent crime and murder” or “What would be the best way of protecting communities against murder” and listed

many options including capital punishment, we would find capital punishment somewhere in the middle of the list.

No one in Canada wants to see a long string of executions. They want protection from violent crimes and murder. We in this House have a responsibility to give them that protection. We should direct our efforts and deliberations into that area.

Capital punishment is not justified for several reasons. First, capital punishment is deliberate killing, and deliberate killing is morally wrong, unless it is done as a last resort in self-defence. Capital punishment is not a last resort in self-defence.

Second, it does not effectively protect communities and individuals against murder. Since capital punishment involves, by its very definition, the taking of life, the burden of proof is on those who would present it as a solution to show that it will be effective and will do the job they claim it will. I have not heard any argument either tonight or in the other five debates in which I participated on this subject.

Third, capital punishment is not justified because if a mistake is made, it can never be reversed. With all other penalties in the Criminal Code, if one makes a mistake, one can reverse the situation, release the person and give him damages for what he suffered, his wrongful imprisonment.

Fourth, when capital punishment is applied traditionally and historically, it is applied inequitably. It has been applied more often to the poor, to racial minorities, to the uneducated and to immigrants. Those people with means, who are wealthy or have connections, have a much better record of escaping the penalty of capital punishment, of escaping execution.

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Finally, it is unjustified because—and this point was made by the head of Scotland Yard in Britain—it is ineffective since it leads to too many acquittals. In countries where there are juries, juries are more likely to acquit when the penalty for murder is capital punishment because they are afraid that they may wrongly send someone to their death. As I said, this argument was made by the head of Scotland Yard in Britain. On the other hand, when juries know that capital punishment is not the penalty for murder, they are more likely to convict, and at least put the person away where he will not be a danger to society.

I can suggest some matters which should be sent to committee for study if the House is really interested in studying the basics of this problem. First, as I suggested before, we can make a reference to committee to study the cause of violent crime and what the responses should be to those causes.

Second, we could examine whether the present sanction for murder is the best one. I am thinking of the life sentence with a minimum term of imprisonment of 25 years before parole for first degree murder and a minimum of ten years' imprisonment before parole for second degree murder. I think it is time to re-evaluate this to see whether it is the most appropriate penalty for murder when there is not capital punishment.

Third, a committee could very well study programs for long-term offenders. How do we deal with offenders when they