

*Capital Punishment*

Maine and Vermont are side by side with basically the same kind of people, income range and otherwise. Maine does not have the death penalty, Vermont does, yet Vermont's murder rate is slightly higher than that of Maine. It is the same with Rhode Island with no death penalty when compared with Connecticut, North and South Dakota, Virginia and West Virginia as well as with Oregon and Washington, which have a death penalty. In each case, the state which does not have capital punishment has a lower rate of murder although just slightly, than the state adjacent to it which does.

It is argued that the death penalty is needed to protect policemen and prison guards, and we all agree that policemen and prison guards have a difficult job and need all the protection which society—we, the people—can give, but I say to you, Mr. Speaker, in all sincerity, that the death penalty will not make their jobs one bit safer. The subculture in prisons will be there tomorrow as it was yesterday.

I do not want to enter into the numbers game but we did in fact have a bad year in 1962 while the death penalty was in place. In the year of our last hanging, 11 policemen were murdered. The high number since that date was in 1984 with six police murders, and at that time there was a substantial increase in the number of policemen serving their respective communities.

From 1961 to 1983, 14 prison guards were murdered with no clear indication of the deterrent effect of the death penalty. Indeed, the President of the Police Association of Ontario writes:

There is no concrete evidence to prove that it is or is not a deterrent and indeed it is quite likely that we will never know with certainty if capital punishment deters one who is contemplating murder.

I would ask my colleagues to note the reference to "one who is contemplating murder" since in this debate most of us are talking about premeditated and deliberate murder.

The Canadian Association of Chiefs of Police has decided it is futile to base an argument of reinstatement on the grounds of deterrence. The point is simply that capital punishment has no material effect on the murder rate. It is not a deterrent and it fails completely to meet the test of justifying a return of the death penalty.

I turn next to the crime penalty aspect, the penalty must suit the crime. Retentionists will argue that legislation must make it safe for the public to walk the streets at night and at least with capital punishment a murderer will not commit a second offence. For them, the only just punishment for a murder, that most heinous of crimes, must be death. It is an appropriate means of justice—or so they say. Apart from death, there is no guarantee that a second offence will not take place—and I will not guarantee that it will not take place, either. But it is to be noted that the rate of occurrence of a second offence of the crime of murder is, thankfully, the lowest of all criminal offences.

• (1610)

In looking at these issues, one has to weigh the balance. Sometimes the cure is worse than the disease. While I have the greatest respect for our system of justice and our courts, I do not for one moment believe that that system rests on that delicate balance of an eye for an eye, or a tooth for a tooth, or an assault for an assault, or a rape for a rape, or a life for a life. Of course the penalty must suit the crime; but a life for a life concept is barbarous, outmoded, and revengeful. Yes, some convicted murderers, not executed, may murder again. But let us weigh the results of the restoration of capital punishment.

All of us have read the recently released study by Professor Freedman of the University of Toronto. We have a system of justice made up of people with feelings as strong as those held by the Members of this House. There is no doubt in my mind that the reimposition of the death penalty would have an effect on jurors. I have had a member of the Supreme Court of Canada say to me that, in the event that the death penalty is reinstated, he will resign before invoking that penalty.

Once again, the most frequent argument against the death penalty is the gross inequality of its application. I am convinced, as some of you are, that the wealth and status of the accused will have some bearing on the result. I am just as convinced that the death penalty, if imposed, would be imposed more frequently on the poor, the socially deprived, the disabled, or on the ethnic and social minorities.

Our courts are not infallible. Occasionally they do err. One of the reasons that lawyers are so very much concerned about this issue is that they know that false testimony is sometimes introduced into evidence; they know that there are cases of mistaken identity, cases of biased or circumstantial evidence. All of these things make it possible to convict an innocent person. It can happen. It has happened. No amount of compensation or expression of regret will ever bring back a life that the state mistakenly takes. What a terrible crime by the state against a citizen!

You may ask: What about the polls? I have to admit that my constituents read the polls and read the results, and they are just as concerned about the rise in crime generally as are people across the country. I know that a majority of Canadians favour the restoration of the death penalty.

Some of my colleagues have said that they will vote in accordance with the wants and the wishes of their constituents, and they ask why I do not do likewise.

Well, Mr. Speaker, I have come through three general elections, and in each one the issue of the reimposition of the death penalty has come up. It is a point that has been raised at candidates' meetings, general meetings, and in other forums. My answer has always been that I am opposed to the restoration of the death penalty. The people of St. Catharines do not expect me to change my religion or to vote against my conscience. I take some comfort in knowing my home community.