

Capital Punishment

cut off, and people guilty of other crimes had their left arms cut off. People had their eyes plucked out, or the foreheads were branded to indicate to everybody in society to beware of them because they had previously committed a crime. That kind of corporal punishment is frowned on today. I do not think that anybody in our society would say we ought to cut off both the legs of a murderer, but surely that kind of punishment is something less than putting him to death. If we do not subscribe to putting out his eyes or cutting off his limbs, how can we subscribe to breaking his neck? I really don't understand that.

In summary, Mr. Speaker, I am opposed to capital punishment because, (1) it is not a deterrent to murder; (2) it is unnecessarily severe and we do not have to go to that length to protect society; (3) society can be properly protected without the use of capital punishment and I have outlined some changes in the parole system and Criminal Code which would assure that, and (4) there is too much room for error. If one looks at the statistics in respect of the hanging of innocent people, one will find they are much more significant than one might have thought possible. I find it reprehensible that any society would take such a final step, in many cases on the basis of hearsay evidence or in conclusive evidence. Those who advocate capital punishment consider wrongful conviction as only a limited possibility. But although most mistakes are prevented by the judicial system and executive clemency, some occur due to mistaken identification, inadequate circumstantial evidence, perjured testimony, overlooking and suppressing of evidence and unreliable expert evidence, not to mention excessive zeal on the part of investigators or prosecutors.

In a 40 year period, 12.3 per cent of the 406 persons sent to Sing Sing prison for execution were found, upon reconsideration, to have been sentenced in error. Hartung found that in Michigan, which does not have the death penalty, judges and juries erred in 10.9 per cent of 759 life imprisonment convictions for murder in the first degree from 1942 to 1951. I suggest that it is inconceivable that we in this parliament could advocate such a final solution to a problem, considering the enormous possibility of error and the fact that the error can never be repaired. Under these circumstances I, personally, refuse to be the hangman for society. I have too much respect for human life, and I have too much concern for society itself to think that it is necessary to impose that kind of solution on a problem that can be solved in a less dramatic way.

Mr. Elias Nesdoly (Meadow Lake): Mr. Speaker, lest there be any doubt, first of all I would like to stipulate that I am an absolute and total abolitionist. I make no apologies for it, and I have no qualms about it. Perhaps it is because I am an impressionable person, or was very impressionable when I was young. I remember that in the 1930's a young man was convicted of murder and sentenced to hang. All the people in the area signed petitions and requested clemency. I remember people going around looking for dollar bills, even for nickels and dimes to help this man. There was very little money in those days. That man was hung, and I heard many of the neighbours say that they wished capital punishment would be abolished once and for all. Not too long ago I talked to some of the signers of the petitions. Many of them are still ardent

[Mr. Cafik.]

abolitionists. However, a few of them now say that they want the death penalty. It seems that the further people are removed in space and time from the act of putting a man to death deliberately, the more likelihood there is that they will be in favour of capital punishment.

Several months ago, when this debate began, one of the members of the Conservative party indicated that his party would be the only party that would have a truly free vote on this issue. I want to assure that hon. member that the members of this party will also be free to vote as they wish. Each member of the NDP will vote according to the dictates of his conscience. I am an abolitionist and I will vote for Bill C-2, although it still has provisions for capital punishment for the murderers of prison guards and policemen. I think that this provision should also be removed.

Statistically, the likelihood of a policeman or prison guard, who is doing his job, losing his life is about three in 10,000. The likelihood of a miner doing his job and losing his life is about 11 in 10,000, and the likelihood of a farmer losing his life when in the fields working with farm equipment is about six in 10,000. That is one of the occupational hazards. I want to point out that abolition has been party policy with us for years. One reason I am a New Democrat is that my party has policies. I would not doubt that most NDP members will vote for this bill, although I understand that several of them are seriously thinking of not voting for it. Most of the members of my party will vote for this bill because they know this is one of the things the NDP stands for, and that is perhaps one of the reasons that brought them to our party in the first place.

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Our party has adopted policies which originated at our conventions. I remember that policies on abolition were adopted as long as 25 or 30 years ago. Of course, these policies have formed the basis of our action in the political arena, whether it be the House of Commons, a provincial legislature or our own constituencies. Other parties have policy conventions, but I have heard it said, or read somewhere, that they have made it a habit to burn their policy statements after a new leader is chosen.

Let me now turn to the question of abolition. Why am I an abolitionist? I am an abolitionist because in periods of crisis, and whenever reactionary elements become more powerful, it becomes too easy for society to make hasty judgments as to the innocence or guilt of a man. Let me preface my remarks by saying that from 1881 to 1960, on the average, approximately 52 persons out of 100 convicted for murder were in fact hanged; the other 48 had their sentences commuted. In other words, 52 per cent of those convicted were executed.

Now, let us look for a minute at the years 1931-35. Here, we find that there were 83 executions out of 106 death sentences. The percentage of executions in death sentences was approximately 83. This was the highest percentage of executions in Canadian history. The period between 1931 and 1935 was also an age of reaction, counter-reaction and discontent. These were the days of the depression, drought, unemployment, riots, the Ku Klux Klan and the communist scare. Many authorities have pointed out that there were several executions during this period which were probably not justified, since some of