

*Capital Punishment*

one of us in this House who has had direct experience with the judicial system, that executing an innocent person is a real possibility. Yet some Hon. Members have said they doubt that anyone innocent has ever been executed. I think we have to look at the evidence, Mr. Speaker. Any Member might debate parts of it, but in the aggregate it makes a case that any reasonable individual must acknowledge.

In the United Kingdom, there is strong evidence that three people have been unjustly executed since 1945. In the United States, one study indicates that 12 per cent of people executed over a 40 year period may have been innocent. Another study indicates that 100 innocent people may have been executed in the U.S. since 1900. In Canada we have had two suspected, albeit unproven cases, of unjust execution, in 1956 and in 1960, in the cases of Wilbert Coffin and Raymond Cook respectively. We have had three certain cases of wrongful conviction for murder in Canada in the last 16 years. We have executed 710 people in Canada since Confederation. If our error rate was only half as high as the rate for errors in the American study, we may have executed 40 innocent people in Canada.

My fifth concern lies with retribution as a justification for the death penalty. At the heart of the retribution argument is the raw and honest demand for revenge. Retributionists, from Immanuel Kant to the present, have insisted that retribution need not be tied to deterrence, that it stands on its own as justification for execution. This is an argument, an appeal I can understand.

Faced with the horror of particularly brutal, cold-blooded or serial murders, our first reaction is that the murderer deserves to die, that no other justification is required. Kant and others have elaborated this argument, saying that we are reinforcing the value we place on life by demanding for murder the greatest of all payments, the forfeit of the murderer's own life. I will not deal with the paradox implicit in this logic. I will accept it as a natural, visceral first reaction to murder.

Let us clearly understand, however, that the basis for this moral argument is that those people who die are those who deserve to die—only the guilty, not the innocent. But if the net result of restoration of the death penalty is the possibility of executing innocent people, provoking new murders and releasing potential killers onto the streets because of reduced conviction rates, where is the justice in retribution?

We have in the last analysis, Mr. Speaker, other alternatives. We are not a poor society, and we must determine how highly we value the lives of innocent people. We must decide, as a society, just how highly we value revenge.

I know very well what public opinion has to say on the death penalty. I have no reason to believe that the views of my constituents in Ottawa West are any different than any others. I believe, however, that the public desire for the return of the death penalty is based on the mistaken belief that it deters murder. It is rooted in a legitimate fear of violent crime and violent criminals. It reflects a justifiable frustration with a

criminal justice system which sometimes appears unable to keep dangerous offenders from repeating their crimes.

We have the resources to strengthen and increase policing, to reform our sentencing and parole procedures, to keep convicted murderers off our streets. The costs are not high, \$5,500 a year, according to the Solicitor General (Mr. Kelleher) for each prisoner we add to the prison population. Even if the death penalty does not deter murders, deterrence research has shown us what factors do affect murder rates. Poverty and unemployment are at the heart of all detected rises in murder rates. We have to decide what we really want to come out of this debate. Do we genuinely want to reduce murder rates? Or do we simply want the atavistic satisfaction of killing those who offend us, whatever the risk to innocent lives?

Are we prepared as Members of Parliament to make the hard choices implicit in a policy which would reduce poverty and unemployment, improve policing and strengthen parole regulations? Or would we prefer the notion of a quick fix, which all available evidence tells us may please the public, but which will do nothing at all to reduce murder rates?

What this motion tells us is that we can be seen as champions of law and order without taking the trouble to deal with the real and complicated issues we know are at the heart of crime. We have the resources as a civilized society to solve our problems without killing people. If we decide that our desire for revenge is stronger than our taste for justice, then we will deserve the moral agony we will surely face on the day we learn that we, as Canadians, have executed an innocent person.

I believe that on the day we vote as a House for restoration of the death penalty by supporting this motion, we will inflict a dark scar on the soul of our nation. We will announce to the world that knowing all the risks to innocent lives we still demand the sweet satisfaction of revenge.

It is because I know we need not resort to this needless savagery, Mr. Speaker, that I will vote against the restoration of the death penalty.

[*Translation*]

**Mr. Ferland:** Mr. Speaker, I would like to start by congratulating the Hon. Member for Ottawa West (Mr. Daubney) on his excellent exposé of this question, and I must say I share his views. However, perhaps he would care to look at the problem from another angle, especially considering that since the beginning of this debate on capital punishment, there has been no attempt to look at the problem as a personal responsibility. Let me explain, Mr. Speaker. As Members elected to the Parliament of Canada, we share the power in this country and I would even go so far as to say we share the power over life and death of all Canadians, but we share this power among 282 Members, including yourself, Mr. Speaker. This means that the Hon. Member and myself each share one two hundred and eight-second of the power in this country. And perhaps he would care to comment on the following. If the Parliament of Canada adopts a Bill to reinstate capital punishment in