

*Capital Punishment*

build a society which is warm and generous. I want people from outside of Canada to look upon us in a certain light.

In any discussion about capital punishment there is always the aspect of deterrence. We can never discuss this issue without talking about deterrence. On both logical and statistical grounds the argument is difficult to support. Studies in Canada, the United States, Great Britain, Holland and 30 or 40 other jurisdictions around the world, done by people from different political systems and different religions and races, inescapably conclude that capital punishment has no apparent influence on the homicide rate.

In Canada, for instance, homicide rates have decreased since the abolition of the death penalty. In 1975, there were 3.09 homicides per 100,000 of population. In 1985, the rate was 2.6 per 100,000, and in 1986 the rate was 2.1 per 100,000. The rates have actually fallen over the last ten years.

Those who advocate the return of capital punishment have an enormous responsibility on their shoulders. I will return to that in a moment. However, very few supporters of capital punishment believe any longer that it is a deterrent. They now raise their arguments on other issues.

Colleagues, there is the aspect of vengeance. Most active homicides are too terrible to describe and too terrible to tolerate. I understand that. One can understand how, in the moments of grief which follow such gruesome situations, families and friends can experience vengefulness, a rage, or ill will toward an individual or society. However, revenge does not right a wrong, it does not break the cycle, it does not heal the basic hurt, and it does not solve the problem.

In addition to the aspect of deterrence and revenge one must also ask oneself about equality in our justice system. How fair is it? How consistent is it? I have talked to many lawyers about this. They tell me that some Crown attorneys and some defence lawyers are better than others, that juries are not always predictable, and that more convictions involve the poor and the underprivileged. There are fewer convictions of the rich. Furthermore, the attitudes of trial judges differ a great deal across Canada.

Trial lawyers point out that it is impossible to guarantee consistency. It is impossible to have a system that is infallible. If you come to the conclusion that it is impossible to have an infallible system, the responsibility of those who want a return to capital punishment is enormous because the act of capital punishment, the death penalty, is so final and irreversible. How do we respond if we make a mistake?

In this century, 343 people in the United States have been wrongly convicted of crimes punishable by death. Twenty-five of them have actually been executed. Can we afford that? I suggest that we cannot.

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Of all the parameters in this debate about which I have been anguished the most, it is probably that relating to police

officers and prison guards, particularly in relation to my community. They are the front line individuals in the defence of our society. They are the enforcers of our values. If there is one group in our community that is to be given any benefit of the doubt, I suggest it is they.

Professor Waller of the University of Ottawa points out that a policeman's job in comparative terms is not particularly risky. There are jobs such as those involving miners, loggers, and oil rig workers which are ten times more dangerous. However, that is not the point. Policemen and prison guards lay their lives on the line for the safety of you and me every day and every night. Police officers received calls at unknown and unpredictable times to go into unpredictable situations in which their lives may have been in danger. I have witnessed such situations personally.

Let us look carefully at the analysis of police homicides in Canada over the last 24 years, from 1962 to 1986, the last year for which we have available statistics. Apart from some small aberrations, the homicide rate among police officers has been fairly constant at a time when the population has been growing dramatically and when violence and drug and alcohol abuse in Canada have been growing as well. There is no evidence in those statistics that can lead one to the conclusion that capital punishment provides safety for the life of police officers or acts as a deterrent in those particular cases.

Perhaps there are a number of alternatives that should be considered. Clearly, we can take steps to improve our judicial system to make sure that sentencing is more consistent and relates more equally to the crime involved.

I have absolutely no doubt that the parole system in Canada can be strengthened. It is appalling to read in the newspapers about someone who has been convicted of the type of crime with which we are concerned being told in the same breath that this person will be eligible for parole in just seven years, as so many are.

We can probably do much more in the area of gun control. Professor Waller of the University of Ottawa contends that the gun control legislation we enacted in 1976, ten years ago, has saved some 500 lives in Canada in that period. Gun control legislation is one vehicle by which we can help protect the lives of police officers and ordinary citizens.

We must also be concerned with the whole area of family violence. It is one situation in which many homicides occur. There are many things we can do to reduce and control family violence. One solution is to find the causes of family violence and unhappiness. A family disturbance is one of the situations most feared by police officers.

The crime rates across Canada reveal that many of those involved in crime are young people. I believe we can do much to help them by improving our education system, providing better recreational facilities, helping them to develop careers and helping to solve the problem of school drop-outs.