

Capital Punishment

On top of the economic arguments, a recent study recently showed that if the death penalty had existed these past few years in most Canadian provinces, at least one juror would have changed his or her verdict so as not to feel responsible for the accused being sentenced to death. As jury unanimity is required in this type of trials, this means that the accused would have been either sentenced to a lesser penalty, or acquitted or sent to a new trial. In any event, this means that the death penalty would have had the opposite effect, the murderer being released earlier than otherwise, and the whole exercise costing a lot more.

But there is another economic consideration, Mr. Speaker, and the most important at that. I have just mentioned the legal proceedings which are long and expensive. In view of this phenomenon and the clogging of the courts, a new process has developed, the so-called plea bargaining, which results in reduced sentences. Here is how it works, Mr. Speaker. In view of possible contestations, a Crown prosecutor will suggest to the Counsel for the defence to reduce the charge. For instance, by reducing the charge from first degree murder to second degree murder, on condition that the defence will not contest it during the proceedings. The result is that murderers can end up back on the street rather than in prison.

The instatement of the death penalty would not in any way change anything to this situation. In fact, the situation could be even worse, for there would be more proceedings involved. The frequency of plea bargaining would increase. But this plea bargaining system can work only if the accused has the ability to pay. If he is poor and destitute, I doubt really that a Crown prosecutor would suggest plea bargaining. Knowing that the client cannot pay, chances are that proceedings will end rather quickly. When the accused is poor, it goes very quickly and most of the time, he is found guilty.

Murderers are not all equal when faced with the death penalty, Mr. Speaker. There are those who can afford good lawyers and those who cannot. Unfortunately, society will treat them differently. The have-nots are penalized more heavily, as demonstrated by the U.S. statistics which I have examined. In the United States, out of 1,874 prisoners on death row, there are now 944 whites and 777 blacks, representing 50 percent and 41 percent respectively, while blacks represent only 12 percent of the population as a whole, Mr. Speaker. The have-nots and the poor are those who are affected most. Of course, the remaining 9 per cent are made up of minorities Hispanic or Puerto Rican minorities. Such minorities are heavily victimized by this plea bargaining system.

For all those reasons, I am against the death penalty. I admit that a problem exists, for the number of homicides is much too high. The solution can only be found through a thorough review of our judicial system, an economic impact review so as to reduce social inequalities and injustices. We need also to enhance our formal and vocational training systems, as well as adopt anti-poverty social measures. Let us not accept the institutionalization of the cruel, barbarous and unacceptable act that the death penalty is. If killing is the worst crime, I do not believe that the State should kill to

convince people not to kill, either out of vengeance or for any other reason.

I sincerely doubt that the Right Hon. Prime Minister of this country, who is to take part in the debate, would want to make his mark as the one who reinstated the death penalty. I am sure that all the other Prime Ministers after him will not be proud to represent the first civilized country which instated the death penalty, after having abolished it.

The Acting Speaker (Mr. Paproski): Questions and comments. The Hon. Member for Montreal—Sainte-Marie (Mr. Malépart) has the floor.

Mr. Malépart: Mr. Speaker, I would first like to congratulate my colleague from Ottawa—Vanier on being so straightforward and on the way he presented his speech, given the sensitive nature of the issue.

I would like to remind my colleague from Ottawa—Vanier, as well as all the other Hon. Members in passing, that 11 years ago, on June 22 1976, at 11 o'clock, at about this time of day exactly 11 years ago, abolition of the death penalty was adopted in principle. At that time, Mr. Speaker, 133 Members had cast their vote in favour of Bill C-84 while 125 Members who were in favour of retaining capital punishment voted against it.

Mr. Speaker, after 11 years, after much debate . . . and you will recall that it was on July 14 that the bill came back to the House for third reading, at which time the result of the vote was 130 in favour of doing away with capital punishment and 124 against abolition.

I would like to ask my colleague, given that we are now here 11 years later, day for day, and almost hour for hour since the vote took place at 11 and it is now 12:35, I would like to ask him how he feels as a parliamentarian to see that we are taking a step backward. Eleven years ago, the House of commons, the people, took a stand against capital punishment. Eleven years later, why is it that we are not discussing positive measures, as my colleague the Hon. Member for Ottawa—Vanier has mentioned, to eliminate juvenile delinquency, to prevent people from living in poverty and provide them a better education, better training as well as a more adequate parole and penitentiary system?

How does my colleague from Ottawa—Vanier feel eleven years later, as the House goes over the same debate? A debate which is useless, since it simply deals with a motion providing for consultations.

Does the Hon. Member for Ottawa—Vanier have any comment to make to the effect that what we needed was a constructive debate to find specific solutions to the problems we are having with our prisons?

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Naturally, Mr. Speaker, the situation was different. In 1976, we had a Government Bill. That Government showed some leadership, it presented a Bill and was backing it. The entire Cabinet had approved the resolution.