

A smile plays over Wilbert Coffin's lips as he descends the steps of the Prison de Quebec, looming high above the St. Lawrence River. If not for the handcuff shackling his wrist to a burly constable, he might be out for a stroll in the late-summer sunshine.

## Was The Wrong Man Hanged? Fifty years later, the cause celebre that was the Wilbert Coffin case is resurfacing

By Marian Scott

But the caption of the September 1955 photo explains otherwise: the affable mining prospector wearing a half-smile and his Sunday best is en route to his place of execution for the murders of three American bear hunters in the Gaspé bush.

Fifty years after Coffin's hanging on Feb. 10, 1956, at Montreal's Bordeaux Jail, the Gaspé woodsman who maintained his innocence to the gallows remains the justice system's most potent symbol of doubt.

Many believe he was a scapegoat, railroaded by Premier Maurice Duplessis's Union National government, anxious for a speedy conviction to appease U.S. authorities and protect the province's tourist industry.

"You're talking about a case where the doubts are so large and so palpable that it cries out as a total and complete injustice," says Toronto criminal lawyer Edward Greenspan.

And Coffin was, as his brother-in-law Leigh Stewart says, "just an ordinary guy like anyone around."

The Supreme Court of Canada upheld Coffin's conviction, and a 1964 royal commission cleared police of wrongdoing. But the controversy over Coffin's hanging galvanized opposition to capital punishment, culminating in Canada's abolition of the death penalty in 1976. And half a century later, residents of his native Gaspé region still share a deep sense of outrage.

"Everyone in the Gaspé has thought about the Coffin case," says Dale Boyle, 33, an award-winning folk-blues artist now living in Montreal, who penned a song about Coffin.

On February 10, 2006, 150 supporters and four generations of the Coffin family gathered at the white-frame St. Andrew's Church in York Centre where Coffin is buried, near the town of Gaspé, to commemorate his death. Anglican churches across Canada will remember him in prayer tomorrow.

In Toronto, the Association in Defence of the Wrongly Convicted announced it has assigned a team of lawyers to study the possibility of having Coffin's conviction overturned. "It seems amazing to me that nobody has been

willing to go the extra mile to look into this case," says Win Waher, director of client services for the group, who called it "a blot on the criminal justice system."

"We can't bring him back but we certainly can give him justice and bring peace to his family." "Duplessis wanted a culprit and he found one," says Lionel Rioux, 89. One of the few surviving players in the Coffin drama, Rioux is the coroner who held the inquest into the deaths of murder victims Eugene Lindsey, 45, his son, Richard, 17, and Frederick Claar, 19, all of Pennsylvania.

Under pressure from American hunters, U.S. Secretary of State John Foster Dulles demanded action from Quebec authorities. Duplessis, alarmed at the potential impact on tourism, didn't wait to see how local authorities would handle the case. He immediately sent in a hand-picked team that included Capt. Alphonse Matte, Quebec's toughest cop, and Assistant Attorney-General Noel Dorion, the province's top prosecutor.

"It was Duplessis's gang. All of Duplessis's big shots," says Rioux. Their murder investigation and the subsequent trial cut a swath through the close-knit community.

Sgt. Henri Doyon, head of the Quebec Provincial Police detachment in the Gaspé, was demoted and later fired for raising doubts over Coffin's guilt, and he died a broken man in 1975, says his daughter, Henriette Doyon, 53. "It's hard to fight a big machine," she says. "My father was an honest man, a fair man. In the name of justice, he lost everything."

"It's not just us, it's not just the Coffin family," Doyon adds. "Everyone in the Gaspé wants this injustice corrected. We all feel it in our hearts, that one of us was hanged."

"This mystery is in the true Gaspé style. It has the implications of bloody violence, the horror, the quality of the unknown, which has marked the legends and history of this land of stark granite cliffs and brooding forests since the white man first went there."  
— Frank Lowe, *Montreal Star*, July 21, 1953



Eugene Lindsey, a railway steam fitter in Altoona, Pa., had set out with his son and Claar in a green Ford truck on June 5, 1953, on a bear-hunting trip to celebrate Richard Lindsey's high school graduation. It was not their first visit to the Gaspé, a popular destination for hunters from the state.

When the trio still hadn't returned a month later, a search of the woods between Gaspé and Murdochville turned up the empty truck, the elder Lindsey's partial remains on July 15 and the boys' a week later. Bears had eaten much of the bodies but bullet wounds pointed to murder.

Hordes of reporters descended on the Gaspé to file sensational accounts of blood-crazed killers and gory folk tales, and the media's attention quickly fastened on Coffin, the last man known to have met the victims.

The 37-year-old was well-liked and had no criminal record aside from a fine for shooting deer out of season. But the newspaper coverage "was so lurid," says Cynthia Patterson, 51, a community activist whose father was on the inquest jury. "He (Coffin) was portrayed as this devilish person."

"I knew Coffin," says Rioux, who doubled as Gaspé's coroner for 17 of his 48 years as a country doctor. "He always had a smile on his face. He'd order a round for everybody with just 50 cents in his pocket."

**"the controversy over Coffin's hanging galvanized opposition to capital punishment, culminating in Canada's abolition of the death penalty in 1976."**

Of Rioux's rich trove of memories, the Coffin case haunts him the most, says the retired doctor as he squints through a magnifying glass at yellowed newspaper clippings in his Quebec City condo.

Coffin told his version of events at a coroner's inquest Rioux called on July 27, 1953. The former coroner says he sent the typed transcript of Coffin's testimony to the province's attorney-general in Quebec City, but it disappeared.

Coffin would never get another opportunity to tell his story; during his trial his own lawyer kept him off the stand. "They eliminated the only declaration that Coffin ever made," Rioux says. "Coffin defended himself pretty

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well at my inquest. They destroyed his testimony. I'm certain they did it on purpose."

Coffin said he met the hunters on his way into the bush to prospect for minerals when their truck stalled. He agreed to take Richard Lindsey into Gaspé to buy a new fuel pump, was rewarded with \$40 U.S. and promised to look in on them again. When he stopped by the Lindsey truck on July 12 as arranged, the hunters didn't show up.

Rioux felt Coffin wasn't telling the whole truth about what happened in the woods. Coffin would later admit that when the hunters didn't show up, he helped himself to a suitcase containing clothes, binoculars and the fuel pump from Lindsey's truck.

But asked whether he thinks Coffin was capable of killing the hunters, Rioux shakes his head emphatically. "No, he was a good-time Charlie."

On Aug. 11, police arrested Wilbert Coffin.

On Aug. 27, the coroner's inquest resumed, but this time Duplessis's right-hand man, Dorion, took charge, Rioux says. Dorion refused to let Rioux question Coffin. And then, Rioux says, he ordered the six-man jury to change its verdict.

"At the end of the inquest, the jury went into a corner to discuss. The leader came over to say: 'We can't hold Coffin responsible, there's no proof.'"

The jury had decided that Claar and Richard Lindsey were murdered by a person or persons unknown and that Eugene Lindsey had died of unknown causes. But Dorion had his own ideas.

"Dorion saw that things were not going the way he wanted," Rioux says. "He told the jury: 'If you don't condemn Coffin, we're going to do it ourselves.' He threatened the jury. The jury had no choice. It's appalling."

In the end, the coroner's jury found Coffin criminally responsible for the deaths of Claar and Richard Lindsey, and sent him to trial.

### Coffin's Trial

Marie Stewart pushes a tin of homemade gingersnaps towards the visitors in the cosy, wood-panelled kitchen of her house overlooking the York River in Gaspé. Now 75,

she was 22 and working in Toronto when news came over the radio that police had arrested her big brother for the murders.

"No way, no way did my brother do that," says Stewart, the second-youngest of 11 siblings. "He was such a kind person. He never hurt anybody in his whole life. He'd give the shirt off his back if he thought it would help someone."

The Coffin family felt caught up in a maelstrom far beyond its control. "Nobody knew what to do, and no money to do it," says Stewart's husband, Leigh, 74. "We all believed in the justice system. We never thought it would come to what it did," Marie says.

From the start, Duplessis's investigators treated the murders as an open-and-shut case, says Alton Price, 75, a retired schoolteacher in the Eastern Townships and author of a 1996 self-published book on the case, *To Build a Noose*.

For example, investigators pinned a photo of Coffin with a rope sketched around his neck on the wall. Rioux concurs the investigators had their minds made up about Coffin's guilt. "I was really disgusted to see that everything was decided in advance."

But they had little to support their case until early August, when police obtained the stolen

Just a stoic man, with a few mining claims.

When Alton County cracked the whip, at him was laid the blame.

You see, they got their man, but any man could have killed.

You see justice does leave holes, that the innocent sometimes fill.

from *The Wilbert Coffin Story* song by Dale Boyle

suitcase and its contents from Coffin's common-law wife, Marion Petrie, a coil-winder at Northern Electric in Montreal, after detaining her for 18 hours.

The three police officers sent from Quebec City — captains Matte and Raoul Sirois and Sgt. Jean-Charles VanHoutte — then subjected Coffin to a brutal interrogation for 16 days, but failed to extract a confession.

The day the inquest resumed, they finally allowed Coffin to see his father, Price says. The cops secretly monitored the exchange.

"When his father asked him how he was, Wilbert replied, 'Not to worry, they were not man enough to break him and he would be home soon,' " Price recounts. Prosecutors later presented Coffin's words — "they are not man enough to break me" — to the jury as a confession.

However, Doyon, the Gaspé police chief, trusted Coffin enough to let him sleep in his own family's apartment above the police station, says his daughter, Henriette. "The cells were downstairs, damp, cold little

cells," she says. "My father said, 'I wouldn't let a dog sleep down there.'"

Doyon, who was demoted to constable and transferred to Quebec City after the trial, was haunted by Coffin's death. "He often talked about Coffin," his daughter says. "He said: 'That man was not guilty.' It hung heavy on his heart."

But the family paid dearly for his defence of Coffin, she says: Fired after nearly 25 years of service, Henri Doyon was denied a pension. He had a nervous breakdown and became a heavy drinker. "They would have done better to hang Doyon, too, instead of killing him little by little," she says. "I'm proud of him, but we suffered a lot. Do you have to pay such a high price for honour?"

### Coffin's Lawyer Didn't Put On A Defense

Of all the puzzles in the Coffin case, none has confounded observers more than defence lawyer Raymond Maher's failure to call a single witness.

"Maher killed him. He might as well have opened the trapdoor," says lawyer Greenspan, who has studied the case extensively. "It was incompetence with a capital I. It's the worst case of lawyering I've ever seen."

The Crown ended up charging Coffin with only the murder of 17-year-old Richard Lindsey because it judged there was not sufficient evidence to obtain a conviction in the two other deaths. Police and prosecutors took a full year to build their case, scouring bars, gas stations and coffeeshops from Gaspé to Montreal for witnesses who saw Coffin spend the money they alleged he stole from the hunters.

At the three-week trial, which opened in Perce July 12, 1954, the prosecution called 88 witnesses who testified that Coffin had "sprayed U.S. money about," as the *Montreal Star* reported. Yet the prosecution produced no murder weapon and no direct evidence linking Coffin to the killings.

Maher, an alcoholic who was drunk for much of the trial, boasted he would call more than 100 witness to the stand. But when the time came, he rose to his feet to say: "My Lord, the defence rests."

The jury took only 30 minutes to convict Coffin of Richard Lindsey's murder. "It's a stain on not only the Gaspé but on Canadian legal history. It sits out there as a horrible example of how everything can go wrong in a case and nobody at the trial sees it," Greenspan says.

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Maher's biggest mistake was refusing to let Coffin testify in his own defence, Greenspan says. "At the trial, all the jury wanted to hear was Wilbert Coffin say: 'I didn't do it.'"

Wilbert Coffin, convicted and sentenced to hang for the murder of a 17-year-old Boston hunter, escaped from the Quebec Jail early yesterday morning but surrendered voluntarily a few hours later.

— *Montreal Star*, Sept. 7, 1955

The day before his departure in the bright September sunshine for Bordeaux Jail's death row, Coffin talked his way out of prison with a fake gun and hailed a cab to freedom. But hours later he was back in custody, having heeded his lawyer's advice to put his confidence in the appeals process.

"When my brother broke out of prison, I stayed up all night and prayed, 'Bill, don't turn yourself in,' " Marie Stewart recalls. "If he was out in the woods, nobody on Earth would have found him."

"Have you ever seen a murderer go back to jail?" Rioux asks. "Coffin went back to prison like a good schoolboy."

Why did the appeal process in which Coffin placed his faith fail to free him? Simply, Greenspan explains, because the justice system was not set up to admit error. "The notion of wrongful conviction has only recently become part of our legal landscape in Canada," Greenspan says. "There was a belief that anyone who was convicted was rightly convicted and that the system never makes mistakes."

Greenspan adds that belief also prevailed at the 1964 Brossard Royal Commission into the Coffin case. The inquiry was sparked by the 1963 book *J'accuse les assassins de Coffin (I Accuse the Assassins of Coffin)* by Jacques Hebert, a crusading journalist and fierce opponent of the Duplessis administration.

However, to head the review of the police investigation, Judge Roger Brossard named none other than Captain Jean-Charles Van-Houtte, one of the three original police officers in the Coffin investigation whom the future senator Hebert named in his book as Coffin's assassins.

Hebert's two lawyers — one was his close friend Pierre Elliott Trudeau, future prime minister of Canada — objected to this conflict of interest but Brossard quashed the objection.

In his 719-page report, Brossard cleared police but vigorously denounced Hebert,

who was subsequently arrested for contempt of court for the book and sentenced to 30 days in jail and a \$3,000 fine.

"I was afraid at the Brossard inquiry," Rioux now admits. "If I had opened my mouth, I would have been condemned for contempt of court. When the authorities make a mistake, don't go ask them to retract."

Dale Boyle wrote a song, *The Wilbert Coffin Story*. The lyrics went in part.

Three years went by, and they sentenced him to hang / He swore "I ain't the one" and his hangman felt the same / With seven unlucky chimes, and a single death flag raised / Wilbert Coffin was sent to an early grave.

Hundreds gathered at Gaspé's train station when Wilbert Coffin's body came home, Marie Stewart recalls. "The day my mum brought his body home, it was unbelievable, the crowd at the station." On the simple headstone that marks where Wilbert Coffin was laid to rest is inscribed: "Judge not, that ye be not judged."

Once the funeral was over, family members shrouded their memories in silence. "The family never talked about it. We all felt a lot in our hearts but we never discussed it," says Stewart, one of four surviving sisters. "I said once to my brother Donny: 'Nothing in my life will ever hurt or affect me as much as this has.' And Donny said: 'Me, either.' "There's not a day goes by that I don't pray that some day this will be corrected."

Alton Price, who believes he knows the identity of the real killer, continues to lobby the federal government to reopen the case. "He was a little Gaspesian, a nobody in their minds," says Price, whose father worked for Noranda Mines and knew Coffin slightly. "I saw Coffin as coming from where I came from, the working class. That's why I wrote this book. I don't give a damn if it sells or not. I'll have peace of mind."

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## Convicted Murderer Released When "Dead" Woman Turns Up Alive

By JD Staff

Malkani Bibi's relatives tearfully buried her in 2003. Malik Taj Mohammad was arrested and charged with Bibi's kidnapping and murder by Pakistani prosecutors who claimed that his motive was to violently resolve an acrimonious property dispute.

Mohammad's defense was that he couldn't have murdered Bibi because she was alive. However, he didn't present any proof, and the court relied on the testimony of relatives who buried her in finding him guilty. He was sentenced to life in prison.

Three years later Mohammad's supporters were finally successful in proving that he was innocent: they discovered Bibi was imprisoned in the eastern Pakistan city of Gujarat. She had been there since a theft conviction in 2004.

After Mohammad filed a petition with Pakistan's Supreme Court for a new trial based on the new evidence, Bibi was transported to personally appear before the Court. Satisfied that Mohammad had been the victim of a miscarriage of justice, the Court quashed his conviction and ordered his immediate release. The chief justice also ordered a lower court to oversee an investigation of how Mohammad had been prosecuted and convicted of a crime that never happened, to affix responsibility for the grave error, and to determine appropriate compensation for Mohammad's ordeal.

### Sources:

Pakistani freed after murder victim found alive, Reuters News Service, *Scotsman*, July 25, 2006.  
The best grounds on which to free a convicted murderer, Reuters News Service, *Vancouver Sun*, July 28, 2006.



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