

### *Capital Punishment*

What is an acceptable murder statistic in any case? Surely, when we look at how many murders are acceptable in any one year the answer has to be that one is too many.

To suggest that capital punishment does not deter is to call into question the deterrence effectiveness of all penalties, be they for murder, rape, theft or speeding. Permit me to use an illustration, that of driving a car beyond the speed limit. It is easy to find out how many people were killed by speeding, but we will never know how many were saved by speed limits, by radar traps, by fines, or by earning demerit points and therefore having slowed down. Since we cannot prove the deterrence effects of these measures, does that mean we should discard them? If we must abolish the death penalty because it does not eliminate murder, surely we must abolish prison terms because they do not eliminate bank robberies or whatever criminal example one wants to use.

Five, abolitionists maintain that the ever-present possibility that one innocent person could be executed is reason enough to exclude all capital punishment. I can sympathize with that concern. However, if we were to govern all of our decision-making according to the logic of this particular law of probability, then all penalties for all crimes would have to be removed because there is always some possibility of an erroneous conviction. Abolitionists, nevertheless, argue that there is a unique irrevocability to the death penalty which ought to exempt it from such logic.

However, there is no record of any innocent Canadian having been executed since Confederation. The Marshall case is inadmissible since he was convicted of second-degree murder. There is a much greater risk that some innocent victims will be murdered by convicted murderers who murder once again. According to the Canadian Centre for Justice Statistics, since 1970 alone, at least six murders fall into this category. Therefore, six Canadians would be alive today had their murderers been executed the first time they murdered.

Therefore, I submit that this particular objection is more properly addressed with respect to the administration of justice, not capital punishment *per se*.

A sixth area of concern of some abolitionists is that capital punishment may be arbitrarily and inconsistently applied with a racial and/or socio-economic bias. Again, if this is a problem, it is a problem in the administration of justice and not with capital punishment *per se*. Once it is decided that, in and of itself, capital punishment is a just and reasonable response to first-degree murder, then it must be administered without regard to race, colour or socio-economic status.

While the foregoing comprise some of the major objections that have been raised against capital punishment, others have also been raised. Some abolitionists argue that support for capital punishment is incompatible with a pro-life stance on abortion. To be pro-life with regard to abortion is to be in favour of the protection of all innocent life. To be in favour of capital punishment is to affirm the protection of all innocent

life and to say: "If you carry out a pre-meditated murder, you forfeit your right to life".

What is contradictory is that so many abolitionists are pro-abortion. What is in fact hypocritical of some in the NDP is that they enlist the support of some Roman Catholic spokesmen for their abolitionist position and yet they then turn a deaf ear to the Roman Catholic unequivocal condemnation of abortion.

It is also argued that the Charter affirms the right to life. This is true, but all rights upheld in the Charter are subject "to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". Additionally, "everyone has the right to life . . . and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

Some abolitionists maintain that the proponents of capital punishment should be prepared to execute. I respectfully submit that such an argument is no more logical than insisting that all proponents of law and order must be prepared to become prison guards and policemen. Further, any suggestion that all proponents of law and order somehow take pleasure at an individual being fined or imprisoned is nonsensical.

Further, it is argued that acceptance of capital punishment would align Canada with such countries as Libya, Iran and South Africa. This guilt-by-association argument is only valid if acceptance of capital punishment, of necessity, means Canada thereby accepts in total the principles and the policies of all of those countries which also have capital punishment. This is clearly absurd.

Some abolitionists say that capital punishment is the easy way out, we should find other solutions to the problems of law and order, including murder. I agree that the ongoing battle of maintaining law and order must be fought on many fronts. That is why, for example, I applaud the Government's tough pornography legislation. Pornography desensitizes, dehumanizes and treats humans as things to be selfishly used and discarded, and thereby contributes to violence. However, while there may be many other solutions to social disorder, such as stricter hand-gun controls, this does not preclude the fact that the death penalty should be one such solution as a justifiable and necessary response to first-degree murder.

Further, some abolitionists claim that every murder represents a failure of society and that society must acknowledge its guilt. I reject that assumption. As a Conservative, I also do not believe in the liberal or socialist assumptions about the innate goodness of man, of progress toward some utopian concept of society, or of the causes of crime as primarily environmental, sociological, economic or due to a lack of reason. Rather, I believe that each person must be held responsible for his actions and must be willing to suffer the consequences, albeit sometimes tempered by mercy.

The increase in violent crime since 1962 is alarming. The facts are very clear. We are witnessing an increase in the first-