

Capital Punishment

commits first degree murder. Almost one-quarter of respondents feel that this is too widespread and that capital punishment should only be potentially available for some first degree murders. Of this minority, more than three-quarters cited murders of police and jail guards, and just over one-half cited murder in the act of committing another violent crime as potential capital offences.

However, the psyche of my constituents was much more interestingly revealed in respect of a question about serious terrorist acts which did not involve taking a human life. The hypothetical example I cited was drawn from real life and dealt with a terrorist who intended to blow up an airliner by planting a bomb in the hand luggage of his fiancé. The fact that he did not succeed in committing murder was not due to his efforts but due to the diligence of the airline inspection system. Astoundingly, more people favour capital punishment for terrorism of this type even though no life was taken than favour capital punishment for first degree murder.

These results and many notes and letters which I received indicated quite clearly that the public's desire to see capital punishment reinstated was first and foremost based on a concern for public safety. Some people who have committed the vilest and most violent type of murder were judged simply too dangerous to have around. In addition, there was and is a steely determination to take whatever steps are necessary to ensure that the type of terrorism against innocent people now prevalent in Europe or in the Middle East does not spread to Canada. It was for these reasons that people overwhelmingly supported the resurrection of the death penalty.

The second question I asked was, "Who should impose the sentence"? Once again the public's view coincided closely with my own and represented a complete rejection of the previous system. The public simply does not want the very serious decision to take a life to rest in the hands of any one individual such as the judge. Over 85 per cent of the respondents felt that the jury should first vote whether the individual was guilty or innocent of a potentially capital offence and then, immediately after returning this decision, the jury should be asked for its recommendation on whether the sentence should be a capital one. Some 27 per cent of respondents felt that the jury alone should be society's surrogates and should determine whether capital punishment is imposed, while over 58 per cent felt the jury should express its opinion to the judge directly and that the judge should bear its views in mind before imposing the sentence.

It is quite clear that the public does not wish to delegate this authority to any one individual who may be a so-called "hanging judge" that automatically imposes the sentence or who may have, on the other hand, a philosophical opposition to imposing capital punishment. The public wants any decision to take a life to be based on an extremely wide forum—those jurors who have heard all the evidence.

I was very interested to learn that such a double jury vote system exists in other parts of the world and that in practice

results very similar to those I intuitively felt should be obtained were obtained. Only rarely is capital punishment imposed in cases of murder involving close family members, the area with the greatest likelihood of rehabilitation. However, for serial killers, killers of hostages, and killers caught in the act of committing another crime such as rape or child molestation, the death penalty is frequently imposed.

Finally, I asked what method of execution should be selected. The restitution of the noose received only 9 per cent support. Overwhelmingly, by their votes and in their comments, people indicated that if they found the taking of a human life necessary, it should only be done in the most humane method possible.

Older people of both sexes, particularly those likely to have encountered serious operations, strongly supported lethal injection. They, as I, have experience with general anaesthesia and know that within 20 seconds a person can be rendered unconscious and that a lethal injection can then be administered.

Younger voters were more apt to favour allowing the condemned to have the choice. However, once again they clearly indicated that they desired the most humane method possible. Consistently, almost three-quarters of the respondents chose these two options for both sexes and at all ages. The public does not believe in an "eye for an eye" or in revenge, and neither do I. If the deed is to be done, we want it to be done using the most humane method possible.

Some people might believe that capital punishment is in some way playing God and no one has the right to decide when a life should be taken, that this is a decision that should be left to God. Certainly I respect this view, and the more consistently it is espoused, the more respect I have for it. The people who are most consistent in terms of this view are those who in wartime are conscientious objectors even when the fabric of society itself is threatened.

For example, even with Hitler threatening in the Second World War, these people were consistent and refused to accept that taking a life could be justified by bearing arms. I have the highest respect for those who hold this view. However, I do not share it. I believe society can justify taking a life when public safety is involved.

When society has identified individuals who pose such a threat to public safety, who have committed crimes such as serial killing or murders after torture or brutalization, society, in the form of the jury, has the right to judge that they represent a threat to society's safety and that society has the right to protect itself by taking a human life.

In my mind there is no consistent philosophical basis for accepting the right to take a life in defence of one's country because public safety is threatened or self-defence is threatened, and yet hold out the philosophical argument that taking a life can never be justified.