

*Capital Punishment*

cence or guilt. Many times I have gone out to prison at the request of inmates who claimed that they were innocent, that they were in on a "bum-beef", that is, wrongfully in prison. Every time I checked out these complaints it ended with these people admitting that they had committed the offence, but that they should have got off on some technicality or that their lawyer did a rotten job, he was a bum.

My experience has been that more guilty men go free than innocent men convicted. That is not all bad, unless they are dangerous. I have known a good number of the former, and not the latter. Had I found one innocent man I would have fought for his release. I was involved in a case in Seattle involving a Vancouver man. We did get the evidence and he was acquitted of the charge.

Back to the issue of public opinion. We have an informed public. There are those who, as abolitionists, like to pretend they are somehow more tolerant, wiser, and better people than those of the public who want retention. Some even crudely, childishly, resort to labelling those who seek to restore capital punishment as rednecks. I suggest that if that were true, and I reject it, 80 per cent of Canadians, 17,600,000 Canadians, are rednecks. If it were necessary to engage in this childish name calling, I would suggest the antonym for rednecks would be yellow bellies, and I reject that too. But I throw it in as a reminder of the ridiculousness of labelling people with valid opinions based on knowledge, experience, and involvement in the reality of their own neighbourhood and their own friends and families who have been participants in these horrendous incidents.

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In many cases they are forced to see and live reality rather than the illusion, as those whose greatest influence and knowledge of crime is from *Kojak* or *Harry O*, or imagined ideas of what crime is about, illusions of utopia which they have because of isolation from the harshness of the violence people know in cities such as Vancouver and Montreal.

Perhaps the difference between those influenced by illusion, protected within a peaceful community, and those by reality are contained in two communications which I received from student groups in two different parts of Canada—one from Ottawa which is hardly touched by crime, comparatively speaking, where people walk the streets without being threatened by muggers or assaulted or raped, and Vancouver, a school in my constituency where children live the reality; they are surrounded by violence and crime, Killarney Secondary school.

Three hundred students in nice, safe, comfortable Ottawa, Lisgar Collegiate, signed a petition favouring abolition with a simplistic list of reasons, using almost the clichés of every abolitionist. They said that "innocent people have been executed; cruel and inhuman punishment; violence brutalizes society; it is a morally regressive step; and it has not proven to be a deterrent to murder."

The communication from Vancouver sent by John B. Tyrrell of Killarney Secondary school, a questionnaire given to three of his social studies classes, touched on several areas of concern in British Columbia. But in the segment on capital punishment these were responses to carefully prepared questions. Do you support the govern-

[Mrs. Holt.]

ment proposal to replace capital punishment with a mandatory 25 year term in prison? None were in favour of it; 41 were opposed; 12 undecided.

The next question was: If you support capital punishment, do you believe the present method of hanging should be replaced by another? Thirteen said yes; 15 no; 24 undecided. Are you in favour of capital punishment (a) for all persons convicted of murder? Nine said yes; 28 no; 16 undecided; (b) are you in favour of capital punishment only when mercy is not recommended? Thirty-five said yes; 12 no; 16 undecided; (c) for the murder of police officers and prison guards? Forty-seven said yes; one no; and five undecided; (d) do you favour it under any circumstances? Only one said yes; 48 no; and four undecided. Regarding imprisonment, are you satisfied with the present system of parole for convicted murderers, rapists and child molesters? None of them said yes; none were undecided; all said no. Do you feel that there are some convictions for which there should be no parole? Forty-five said yes; none said no; eight were undecided.

Regarding deterrents: there is a mistaken belief that murder is inevitably an irrational act. That maybe so in some cases, but there are indications that 50 per cent or more are not irrational acts, but are deliberate, calculated, even businesslike. It is used as the law of the underworld which retains capital punishment as one of its main controls; it is used often and in some cases, inappropriately, for slight provocation; it is used by young people who place no value whatsoever on another person's life; it is used for kicks, and I have been involved in cases where a motorcycle gang member did it partly to show off and partly—in his words—to find out "what it would feel like to take a life"—"what powers I would feel in killing a man". He got ten years in 1968. He has been out for about four.

Our system of punishment is based not on deterrence alone, but on what is called justice—a person who has committed a crime must be punished in proportion to the seriousness of the crime. Since the crime that takes a life is irrevocable, so must the punishment. Ernest Van Den Haag, author of "Punishing Criminals", psychoanalyst, and adjunct professor of New York University, adds that, "Since the crime that takes a life is irrevocable, so must be the punishment".

Only those in the grip of passion could not be deterred. Certainly some are deterred. If only a few lives were saved by fear of execution, it is worth while to keep capital punishment on the books. Obviously though, if there is a deterrent, and nobody was killed or there was no attempt to kill, we have nothing on which to compile a statistic. So it is ridiculous to say it is not a deterrent. When nothing happens they cannot have a statistic.

Perhaps the abolitionists are right; there are no statistics to prove it was a deterrent. There could be no statistics if the person was deterred and nothing happened.

Those who are not in the grip of passion, who were out merely for gain or to engage in a planned murder, or murder for kicks or for vengeance of their own, would be deterred.

I can cite numerous cases that prove it is a deterrent. A friend, John Wasynchuk, my "consultant" on crime—an aristocrat among western bank robbers and safecrackers—