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Abolition of death penalty – second reading approval

The House of Commons approved in principle – by an eight-vote majority – a bill to abolish capital punishment on June 22. With only three Members of Parliament absent, who are known as retentionists, the count was 133 to 125.

Bill C-84, which now goes to the Justice and Legal Affairs Committee for detailed study and possible amendment, is expected to be back in the House for third reading and final vote before Parliament recesses for the summer.

In a statement during the debate on second reading on June 15, Prime Minister Pierre Trudeau said that if a majority of Members voted against abolition, the 11 men now in prison under sentence of death would be hanged and that “their death would be a direct consequence of the negative decision made by this House on this bill”.

“While Members are free to vote as they wish,” he said, “those who vote against the bill...cannot escape their personal share of responsibility for the hangings which will take place if the bill is defeated.”

Passages from the Prime Minister’s statement to the House follow:

* * * *

Longer mandatory sentences, and the tightening of parole regulations in relation to convicted murderers will give society the assurance it needs that those who have unlawfully taken the life of another will be removed from our midst for a very long time.

Other provisions are designed to restrict the availability of guns, the most common murder weapons, and to strengthen the ability of our police forces to prevent and solve crimes.

There is every reason to believe that such measures will effectively inhibit criminal activity, whereas capital punishment offers no such assurance. That is why the time has come for Parliament to decide whether we should remove capital punishment from the Criminal Code.

* * * *

Practical, not moral judgment

The deterrent effect of capital punishment is at the very core of the issue, and since one’s moral view of the justification of capital punishment is entirely determined by one’s judgment of its deterrent effect, the proper focus of this debate is factual data and logical induction, not moral philosophy. In that sense, the issue before us must be resolved by a practical rather than a moral judgment.

I know there are those who say that execution is justified because it prevents a murderer from ever again committing the same crime. It certainly does. But if you rely on that reasoning, you are killing a man not because his death may deter others from following in his footsteps, but because of what he might possibly do at some future time. To justify such a preventive execution, there would have to be some reasonable grounds for believing that a convicted murderer, if released into society, would murder again. In fact, the probability lies strongly in the other direction.

We know of only four people who have been found guilty of murder by a Canadian court, and convicted of murder a second time. In order to be absolutely sure that no murderer would murder again, we would have to take the lives of all persons convicted of either first- or second-degree murder, even though the probability is that an infinitesimal percentage of them would ever commit murder again if allowed to live. That’s an unacceptably high price to pay in human lives for a sense of security insignificantly greater than we have now. I might ask those who would execute a person to prevent a future murder how they could logically avoid advocating the execution of mentally ill people who are found to have homicidal tendencies?

Stop press

Late afternoon, June 28, Canadian air services resumed flights after the Government, pilots and air-traffic controllers agreed on a full study of the use of French for traffic control over Quebec.

A third member had been added to the commission of inquiry and a free vote will take place in the House of Commons on the recommendations of the commission.

Ken Maley, president of the Canadian Air Lines Pilots’ Association, expressed confidence that the inquiry would prove two-language air control was less safe than unilingual English air control. (See “Airlines on strike”, P. 5.)