

To kill or not to kill



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CAPITAL PUNISHMENT: TO KILL OR NOT TO KILL Student: Dave Cameron

Professor: Robert Ashley Class: CAN271FA Law & The Citizen The first record of capital punishment in Canada is that of Peter Cartcel, a sailor who murdered Abraham Goodsides, a sailor from another ship, in 1749. Peter Cartcel was found guilty of murder and sentenced to death by hanging. Capital punishment was first implemented in Canada in 1749 when it was under British rule as a British colony. The death penalty was not abolished in Canada until 1976.

The last instance of Capital punishment was an execution that took place at Toronto's Don Jail on December 11, 1962. Arthur Lucas, a man convicted of killing an FBI informant and Ronald Turpin, a petty thief who shot a policeman while fleeing a restaurant robbery, were the last two individuals to be hung in Canada. Over the course of the two centuries that Capital punishment was in use in Canada, 710 individuals were executed. Canada should not re-instate the death penalty for any offences due to the fact that the legal system is still not an exact science and many innocent individuals continue to be wrongfully accused of crimes.

There are many disadvantages to Capital punishment and reinstating it would be an egregious error on our nation's part and we would be taking a step backwards in terms of our civility and humanity. If Canada reinstates the death penalty, there is a possibility that many individuals will be executed for crimes they did not commit. While there are no known cases of wrongful executions in Canada, between the years of 1879 and 1960, 438 death sentences were commuted as a result of newfound evidence etc. Had

those 438 death sentences not been commuted, it is possible that 438 innocent Canadian citizens would have been put to death.

Despite the fact that there is no evidence of wrongful executions in Canada, there have been many cases of individuals who have been exonerated of their crimes years after they were executed in other nations. One infamous case of wrongful execution occurred in the United States. Claude Jones, a United States citizen, was executed in the year 2000 for murdering liquor storeowner Allen Hilzendager in 1989. In 2007, a DNA test revealed that the strand of hair that was used by the prosecution to convict Claude Jones was actually a strand of hair belonging to the victim, proving Claude Jones' innocence.

Similar to Claude Jones' proven innocence years after his execution, there have been many wrongful executions in other nations throughout the world. In the United Kingdom, Timothy Evans was found guilty of murdering his wife and daughter in 1950. The serial killer John Christie in fact committed the murders. The police coerced Timothy Evans into a false confession. The police also did not do a proper search of John Christie's property and failed to find other human remains. Timothy Evans was granted a royal pardon in 1966, however an innocent life had been needlessly taken.

Capital punishment was abolished in the United Kingdom partly because of Timothy Evans wrongful execution. If Capital punishment did not exist in these nations, the lives of many innocent men and women would have been spared. Therefore, Capital punishment should not be reinstated in Canada because it is not worth the possibility that innocent Canadians will be put to death for crimes they did not commit. If an individual is wrongfully accused

for a crime, incarcerated for life and are exonerated, they can be released and resume their former life. However, a wrongful execution cannot be undone or taken back, it is permanent.

It has been proven throughout the history of modern law, particularly throughout the history of English common law, which is the basis of the Canadian legal system in every province in Canada except for Quebec, a province where they practice Civil law, that 50% of eyewitness testimony is false. Eyewitness testimony is the most influential deciding factor for a Jury during trial and 95-100% of crimes that carry Capital punishment are trials with a Jury. Therefore, there is a very high risk that innocent individuals will be put in jail and sentenced to Capital punishment based on a Jury swayed by false eyewitness testimony.

Capital punishment has been used by nearly all nations throughout the world at one point in history. The use of Capital punishment as part of the justice system began with recorded history and it has made many changes and advances over the millennia that it has been in use. To its credit, there have been many movements towards more humane forms of execution, especially throughout the last century. Prisoners are no longer being boiled to death, crucified or impaled, however execution as a form of punishment is still seen as a gruesome act by many countries, including Canada.

The more humane forms of execution that have been invented and implemented in modern jails include the electric chair, the gas chamber and lethal injection. These forms of “humane” execution are used in the United States where Capital punishment is legal. Many societies with Capital punishment ascribe to the Biblical Old Testament form of law, the idea of an

eye for an eye and a tooth for a tooth, where a person who has harmed another should be similarly harmed in retribution. However, if you take an eye for an eye every time someone is wronged, the whole world will go blind.

Another disadvantage to Capital punishment is that one of the purposes of jails in modern society is to rehabilitate inmates. Jails do not only exist to protect society from criminals that can harm the innocent, they also have the intention of rehabilitating inmates so that they can rejoin society as healthy, functioning members who can contribute in a meaningful way. There are many different types of rehabilitation programs established in Canadian prisons. One important rehabilitation program gives inmates access to educational services that they did not receive prior to their incarceration for various socio-economic reasons.

These educational services allow inmates, who are often lacking basic education, to become literate, receive their General Education Development diploma, participate in vocational education programs, earn College diplomas and earn University degrees. One of the leading causes of crime is poverty, which is often caused by a cycle of illiteracy and a lack of education. Inmates should be given a chance to be educated while serving their sentence so that they can be rehabilitated into society, rather than being executed. When Capital punishment is in place in a nation, no societal progress can be made.

Thousands of lives are taken and no change is made, the cycle of crime continues. Another leading cause of crime is drug and alcohol abuse. Many individuals resort to crime to support their expensive drug and alcohol habits and the majority have not received drug treatment prior to their

incarceration. Another important rehabilitation program in Canadian prisons is the drug treatment program. Studies have shown that inmates who are required to participate in drug rehabilitation programs combined with therapy show positive results. The purpose of jails is to not only punish criminals, but to rehabilitate them into society.

Inmates need to be given a chance to receive the rehabilitation they need, such as drug and alcohol treatment and an education before their lives are taken away. The solution to crime in our society is not Capital punishment. It is finding the source and the root of the crime, such as poverty, lack of education and drug and alcohol abuse and solving these problems and rehabilitating these individuals. Once inmates are successfully rehabilitated the level of crime will greatly diminish and no lives need to be taken in the form of Capital punishment.

There are numerous disadvantages to reinstating Capital punishment in Canada, however one of the advantages to Capital punishment is it costs less money to execute a prisoner than to house them for life. In Canada, rather than receiving the death penalty for crimes such as murder, individuals receive 25 years in prison without the possibility of parole for the duration of those 25 years. It is possible that these individuals will remain in prison for the rest of their lives. If the crime is particularly heinous, the prisoner is designated a dangerous offender.

This makes the possibility of parole much more difficult to obtain. Prisoners can also be designated long-term offenders. This is less serious than being designated a dangerous offender, however it is still difficult to receive parole. The designation of dangerous offender and long-term offender are made

after individuals are convicted. The prisoners only given these designations once they have received a fair trial. Prisoners such as long-term offenders and dangerous offenders who remain in jail for 25 or more years cost Canadian tax payers and the Government an enormous amount of money.

One advantage to Capital punishment is it's financial benefit to the nations that implement it. The annual cost of housing an inmate in Canada can range between \$52, 000 to \$250, 000 a year depending on level of security of the facility in which the inmate is being held. Multiply that figure by the 25 years an inmate serves when sentenced to life in prison instead of receiving Capital punishment and the housing of an inmate for life in Canada ranges from \$1, 300, 000 to \$6, 250, 000. It is Canadian taxpayers who pay for the housing of inmates through the Government.

However, the financial benefit of killing individuals instead of housing them for life is not worth potentially killing the innocent. There are many advantages and disadvantages to Capital punishment, however it should not be reinstated in Canada. The disadvantages far outweigh the advantages and it is simply not worth the possibility of potentially killing innocent individuals just to save the taxpayers and the Government money. Works Cited List Jobb, Dean. *Bluenose Justice: True Tales of Mischief, Mayhem and Murder. " First Blood. "* (Hantsport, N. S. : Lancelot Press, 1996), pages: 135-40.

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