Death Penalty

Beginner 5-6 Supplementary Package

This House would reinstate the death penalty.

Research prepared by Megan Moncrief
Fall 2011
www.saskdebate.com
This resolution may require a brief model.
Death Penalty: Beginner Supplementary Articles

“This House would reinstate the death penalty”

Affirmative

http://www.wesleylowe.com/cp.html#moral

Excerpt from Pro Death Penalty:
THE MORALITY OF CAPITAL PUNISHMENT
Wesley Lowe, 2011

How can murder be taken seriously if the penalty isn't equally as serious? A crime, after all, is only as severe as the punishment that follows it. As Edward Koch once said:

"It is by exacting the highest penalty for the taking of human life that we affirm the highest value of human life."

Award-winning Chicago journalist Mike Royko strongly defended this position by stating:

"When I think of the thousands of inhabitants of Death Rows in the hundreds of prisons in this country...My reaction is: What's taking us so long? Let's get that electrical current flowing. Drop those pellets [of poison gas] now! Whenever I argue this with friends who have opposite views, they say that I don't have enough regard for the most marvelous of miracles - human life. Just the opposite: It's because I have so much regard for human life that I favor capital punishment. Murder is the most terrible crime there is. Anything less than the death penalty is an insult to the victim and society. It says..that we don't value the victim's life enough to punish the killer fully."

Lord Justice Denning, Master of the Rolls of the Court of Appeals in England said to the Royal Commission on Capital Punishment in 1950:

"Punishment is the way in which society expresses its denunciation of wrong doing; and, in order to maintain respect for the law, it is essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishments as being a deterrent or reformatory or preventive and nothing else...The truth is that some crimes are so outrageous that society insists on adequate punishment, because the wrong doer deserves it, irrespective of whether it is a deterrent or not."

In J.J. Rousseau's The Social Contract written in 1762, he says the following:

Again, every rogue who criminally attacks social rights becomes, by his wrong, a rebel and a traitor to his fatherland. By contravening its laws, he ceases to be one of its citizens: he even wages war against it. In such circumstances, the State and he cannot both be saved: one or the other must perish. In killing the criminal, we destroy not so much a citizen as an enemy. The trial and judgements are proofs that he has broken the Social Contract, and so is no longer a member of the State.

Over the decades, public safety has become an insignificant, meaningless thing, not worth defending anymore, and the death penalty has been persecuted for just that reason.
It has become a trend for most western, industrialized nations to treat public safety as though it were a trivial privilege that they can ignore, neglect, and deny their decent, law-abiding citizens, even though it is recognized as a human right under Article 12 of the UN's Universal Declaration of Human Rights:

**Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

And still, too many nations feel entitled to neglect their moral duty to defend the honor and dignity of decent, law abiding citizens from violent criminals. They no longer consider it a priority, let alone a human right. Indeed, no other time in the history of the world has public safety ever been more trivialized than it is today. But there are indications that this will change.

A former prime minister of Hungary and the leader of its center-right opposition, Viktor Orban, has called on Europe to lift its ban. His announcement came after eight people were killed in a bank robbery in Hungary - and after his party lost national elections.

Early in 2006, Kaczynski of Poland called for a debate on the restoration of the death penalty in his country and throughout Europe.

Countries that give up this penalty award an unimaginable advantage to the criminal over his victim, the advantage of life over death," Kaczynski said in July. His coalition partner, the far-right League of Polish Families, wants to change the country's penal code so that pedophiles convicted of murder would face execution.

As the flagship of democracy, it is the United States responsibility to demonstrate that public safety is not some trivial privilege, but an unalienable human right for every decent citizen. Therefore, the USA should set the example that every civilized nation has a moral responsibility to defend the safety of their decent civilians at least as diligently as they defend national security with an army.

As aptly pointed out by Donald Atwell Zoll, Professor of Political Science at Arizona State University:

"Capital punishment ought not to be abolished solely because it is...repulsive, if infinitely less repulsive than the acts which invoke it...If we are to preserve a humane society we will have to retain sufficient strength of character and will to do the unpleasant in order that tranquillity and civility may rule comprehensively. It seems very likely that capital punishment is a...necessary, if limited, factor in that maintenance of social tranquillity and ought to be retained on this ground. To do otherwise is to indulge in the luxury of permitting a sense of false delicacy to reign over the necessity of social survival."

Every country in the world is ready and willing to kill thousands, even millions of human beings in brutal, merciless ways to defend their nation from the aggression of other countries. I don't see why public safety doesn't deserve as much respect and protection as a nation's national security does. In fact, it can be reasonably argued that supporting armies and waging war is far more barbarous than the death penalty is. So I find it
hypocritical that the same countries who have abolished capital punishment because it is "barbaric" to defend public safety that way are at the same time prepared to enforce political power and defend their territorial claims through infinitely more violence and bloodshed than the death penalty would ever require. It seems to me that those nations are just trying to rationalize their apathy and scorn for any institution that doesn't serve their self-serving and political interests. Even famed Russian author of "War and Peace" and pacifist Leo Tolstoy referred to capital punishment's morality to criticize warfare when he said:

"For the executioner only holds himself in readiness to kill those who have been adjudged to be harmful and criminal, while a soldier promises to kill all who he is told to kill, even though they may be the dearest to him or the best of men."

The whole reason why nations and governments exist is to defend their decent citizens from vicious criminals. When it fails to do that, they become of little use to its citizens. When a society ignores their moral duty to defend the safety and security of their decent citizens and leaves them at the mercy of violent criminals, they are not being "civilized," they are being negligent.

I am certain that there will come a time when all the nations in the world will be forced to agree after decades of experience on this issue, that capital punishment, like the military and the police force and taxes, is an inevitable and unavoidable consequence of every civilized society and it will no longer be a question of whether or not a nation should have the death penalty, but rather how it should be used.

While I believe that prompt and consistent executions would have a deterrent effect, there remains one great virtue, even for infrequent executions. The recidivism rate for capital punishment is zero. No executed murderer has ever killed again. You can't say that about those sentenced to prison, even if you are an abolitionist.
Capital Punishment in Canada

Capital punishment is the execution of criminals by the state for committing crimes that are regarded as heinous that this is the only acceptable punishment. *Capital Punishment deters murder, and is just retribution.*

Capital punishment not only lowers the homicide rate, but its value, as retribution alone is a good reason for handing out death sentences. Support for the death penalty in the U.S. has risen to an average of 80% according to an article written by Richard Worsnop, entitled "Death penalty debate centers on Retribution." This figure is slightly lower in Canada where support for the death penalty is at 72% of the population over 18 years of age, as stated in an article by Kirk Makir, in the March 26, 1987 edition of the Globe and Mail, entitled "B.C. MPs split on Death Penalty." The death penalty deters murder by injecting the fear of execution into potential killers. People are less likely to do something illegal if they think that harm will come to themselves.

Another way in which the death penalty prevents murder is the elimination of vicious murderers from our society. If the vicious killer is dead, he or she will not be able to kill again. Most supporters of the death penalty feel that offenders should be punished for their crimes. Supporters of the death penalty are in favour of making examples out of vicious murderers, and know that the threat of death will indeed be enough to lower the crime rate. According to Isaac Ehrlich's study, published on April 16, 1976, eight murders are deterred for each execution that is carried out in the U.S.A. He goes on to say, "If one execution of a guilty capital murderer deters the murder of one innocent life, the execution is justified." To most supporters of the death penalty, like Ehrlich, if even just one life is saved, for countless executions of the guilty, the executions are justified. The theory that society engages in murder when executing the guilty is considered invalid by most supporters, including Ehrlich. He feels that execution of convicted offenders expresses the great value society places on innocent human life.

In a 1986 study done by Professor Stephen K. Layson of the University of North Carolina, the conclusions made by Ehrlich were updated, and showed to be a little on the low side as far as the deterrence factor of capital punishment. Professor Layson found that 18 murders were deterred by each execution is the U.S. He also found that capital punishment increases the probability of the apprehension and the conviction of these murderers. According to a statement issued by George C. Smith, Director of Litigation, Washington Legal Foundation, entitled "In Support of the Death Penalty," support for the death penalty has grown in the U.S., as the crime rate increased. In 1966, 42% of Americans were in favour of capital punishment while 47% were opposed to it. Since the crime rate United states has increased, support for the capital punishment has followed suit. In 1986, support for capital punishment was 80% for and only 17% against with 3% undecided, but most of the undecided voters said they were leaning toward a pro-capital punishment stance if they had to vote on it immediately.

Let us now focus on Canada. The last two people to be executed in Canada were Arthur Lucas and Ron Turpin. They were executed on December 11, 1962. These executions in Canada were carried out by hanging.¹ The death penalty was abolished in Canada in 1976 after a debate that lasted 98 hours. Capital punishment was only defeated by 6 votes. If we look back to 1976, the year the death penalty was abolished in Canada, threats of death were being made to Members of Parliament and their immediate families from pro death penalty advocates. Most members of parliament voted according to their own personal feelings, rather than the views of Canadians.² The same was the case in British Columbia, where accepting the death penalty, if it
was reinstated in 1987 by the federal government, was discussed. The MPs were split: 17 out of 29 were for the death penalty. This showed that even the majority of the MPs were in favour of the death penalty in B.C. Support for the death penalty in British Columbia at the time was almost 70%, but the MPs felt that it was up to them to vote according to what they felt was right, not to what a majority of Canadians wanted.3

In 1987, the Progressive Conservative government wanted to hold a free vote on the reinstatement of capital punishment, but Justice minister Ray Hnatyshyn, who was opposed to it, pressured the MPs into voting against the bill. Ray Hnatyshyn was the deciding factor. If not for him, it was widely believed that the reinstatement of capital punishment would have gone through, and the death penalty would be a reality today.4

Capital punishment is such a volatile issue, and both sides are so deeply rooted in their views that they are willing to do almost anything to sway all of the people they can to their side. But the truth is that capital punishment is a valid deterrent to crime, and obviously the public, and society as a whole are in favour of it. His views are backed up by proof, in the form of studies by the likes of Isaac Ehrlich's in 1975 and Prof. Stephen K. Layson's in 1986, and polls that have been taken both in Canada and the United States over the past few years.

The death penalty makes potential capital offenders think about whether committing a crime is really worth their lives. Even if capital punishment does not deter crime, it will allow society to get even with vicious murders. Capital punishment also provides peace of mind because it insures that these vicious murderers will never kill again.

Let Canadians Decide For Themselves

A wealth of empirical evidence has revealed that capital punishment deters crime. The American states that have adopted this means of deterrence have experienced a substantial drop in their average homicide rates. Empirical evidence has also shown that a vast majority of Canadians support the death penalty.

In respect of Canada's fine democratic tradition, why not offer Canadians themselves the choice, in a referendum. Ask "Do you support the use of capital punishment (the death penalty) in response to heinous capital crimes?" And a majority of Canadians will place their "x" beside the word "Yes." 72 per cent, and perhaps higher, will make the decision they know to be the right one for all Canadians.
On the morning of Jan. 8, 1908, the murderer John Boyd managed six hours of broken sleep in his Don Jail cell and, at around 7, newspaper readers learned, he finished a breakfast of toast, two poached eggs, and tea. In the company of two clergymen, he prayed until just before eight, when the door opened and he looked up to see John Radcliffe, the hangman, who had also spent the night at the jail.

"It is about time for them to come for me," Boyd muttered.

Radcliffe handcuffed Boyd, and the four men left the cell. There were more than a dozen people waiting outside in the corridor, but nothing could be heard in the pin-drop silence except the murmur of the ministers reading psalms together.

Forty paces took the group to a small room where two windows high in the wall let in a pale morning light. Outside, factory whistles sounded for the morning shift, and streetcars squeaked and rumbled.

Soon Boyd – who had killed a man the previous June at a York St. restaurant over a sexual rivalry – was standing on the two trap doors in the centre of the floor, and Radcliffe began the familiar routine he had repeated again and again throughout his professional life: drop the hood over the man's head, strap his legs together, and tighten a noose of stretched Manila rope three-quarters of an inch thick and of a length carefully calculated to take into account Boyd's height and weight, under his left ear. All was prepared.

"The Lord's Prayer," Radcliffe said loudly, and one of the clergymen began: "Our Father... "

At one point he broke down and had to make an obvious effort to control his voice.

Boyd stood waiting on the drop until the words "deliver us from evil," when Radcliffe pulled the lever. "With a loud rattling noise the doors fell under, and the doomed man disappeared from view," reported The Toronto Daily Star.

"All that could be seen from outside the room was a slight movement of the rope."

Radcliffe left immediately.

"It was evident he wanted to get away as speedily as possible." After leaving the room, Radcliffe wandered around the jail corridors, clearly distraught.

"Another poor soul gone," he was heard to say.
Radclive was appointed Canada's first professional hangman in 1892 after carrying out several successful hangings for various Ontario sheriffs. Less well-known than his successor, Arthur English, Radclive – his surname also appears in accounts of the day as Radcliffe, but Radclive is the spelling in city directories and on his death certificate – embodied the contradictory ideas that define the concept of the executioner.

He was often the centre of attention but was, by necessity, an outsider. He had power but also a sense that he had debased himself. He stirred feelings of curiosity and revulsion and, perhaps in some, a kind of envy.

"These are individuals who really considered themselves to be professionals," explains Jeffrey Pfeifer, a psychology professor at the University of Regina who is working on a book on the death penalty in Canada.

"They were engaged in something that was sanctioned by the people of Canada but were treated as pariahs, and never came to gain the respect of the public. I think that wears on you after awhile. When you look at the hangmen, they are absolutely out there by themselves."

It would have taken a remarkably self-possessed person to have managed, or at least ignored, all these contradictory forces for several decades.

By all appearances, the British hangman Albert Pierrepoint led a calm and balanced life, dying quietly in an old age home at 87, having coldly executed more than 400 people over the course of two decades. But he was an exception. Radclive wasn't.

"If he were a man of delicate sensibilities," the Star wrote of Radclive in 1900, "he would not be the hangman. He is a necessity in our system, but he should be treated as if he is the hole in the floor of the gallows."

Part of Radclive's job, then, was to be a ritual outcast, doing something that was seen as necessary but inherently repellent. Put another way, his role was to go to a place and, as he boarded a railway car bound for Toronto, carry away with him a certain shame.

Radclive spent his early life in the Royal Navy, where he helped hang pirates in the South China Sea. He later apprenticed under the English executioner William Marwood, who invented the table of height and weight that was used to determine the length of rope for an execution.

Marwood was (in)famous enough to be immortalized in a schoolyard riddle:

Q: If pa killed ma, who'd kill pa?

A: Marwood!

In 1892, after several successful hangings in Canada, a period during which he also held down a job as a steward at the Sunnyside Boating Club, Radclive was put on the federal payroll as an executioner after lobbying by then-Ontario premier Oliver Mowat.

Another system, which the British Home Office used, was to pay executioners on a piecework basis, but Canadian officials found it impossible to retain skilled hangmen that way.
"There is not a living in it," Radcliffe's eventual successor, Arthur English – who announced in 1912 that he was on strike after his retainer was taken away – told the *Star*.

On top of the uncertainty, sheriffs didn't always pay their bills after an execution – though most of us would think twice about literally cheating the hangman.

Radcliffe can be proven to have executed at least 69 people in Canada, but his total was probably far higher. (Record-keeping at the time was often spotty, and the identity of the hangman isn't always clear.)

From Confederation until the death penalty fell into disuse after the 1963 election, 701 people were executed in Canada. Hangings in Toronto were carried out in several places, such as the present site of the King Edward Hotel, around Court St. near Church St., where a large crowd watched rebels Samuel Lount and Peter Matthews hanged in 1838, and a now-demolished jail at King St. W. and Strachan Ave.

In the latter part of the 19th century, executions began to take place at the Don Jail. After 1905, the outdoor scaffold at the Don was abandoned, and hangings were moved inside the jail, which saw Canada's last executions in December 1962.

Meanwhile, with the financial stability that Radcliffe's regular salary gave him, he was able to settle down. In 1893, he moved into a new house in Parkdale, on Sorauren Ave. north of Queen St. W., and later lived around the corner on Fern Ave.

Both are substantial brick houses: the Sorauren Ave. house was appraised at $1,835 in 1895, about two and a half times Radcliffe's $700 annual salary as hangman. (It sold last year for $667,000.) The Fern Ave. house, which is smaller, was valued at around $1,000. He had a mortgage on both houses.

After his death, it turned out that Fern Avenue had made its peace with its odd resident over the years. "The little children who weren't frightened of him just loved him," one neighbour told the *Telegram*.

His name appeared in city directories but, unlike the usual practice at the time, without noting his profession. Property tax records list him as a "civil servant." His death certificate describes him as "high sheriff."

Most career hangmen were destroyed by their profession. On top of the natural stress and isolation of the job, an executioner was ensnared in society's hidden ambivalence about the death penalty among people who would have said they supported it – but transferred their guilt and disgust to him.

"Among all, the hangman is selected for opprobrium, especially by those who favour and support his function in society," *The Globe* wrote in an editorial in 1910, when Radcliffe's successor was being hired.

"Whether secrecy or publicity is more demoralizing to the public is a debated question, but the impulse to hide everything connected with the act from sight seems to spring from the same instinct that despises the hangman. The public are responsible for executions, as with all official acts. They are responsible for the methods adopted. Perhaps in seeking an explanation of the
contempt manifested toward the hangman we will discover the need for changes in this last resort of criminal law. It is an unpleasant subject, but it is a public question, and it is a public function for which all are responsible."

Quite apart from his profession, Radclive was a hard man to warm to. In 1892 he started a brawl in Hull after he announced in a bar that he had "come to hang a Frenchman, and hoped it would not be the last." He was badly beaten and had to be rescued by a wagonload of police.

A few years later in Vancouver, the *Star* reported, he proposed to cut off the queue (pigtail) of a condemned Chinese man "and divide it up as souvenirs of the occasion, and altogether expressed himself in ways that show him to be a person of coarse temperament."

He was also notorious for selling rope to the curious after hangings – that might or might not have actually been used.

Interviewed in the 1930s, English said a British Columbia sheriff once actually caught Radclive in a hardware store buying lengths of rope to sell.

At some point, Radclive started a ritual of draining a full bottle of brandy after each execution. Following an 1899 hanging at a Manitoba jail, writer Howard Engel said, he borrowed an empty cell in which to drink and wait for his train.

Even old-school reporters and jail officials were startled by how much Radclive drank.

In 1910, a reporter from the *Telegram* sat with him in a Stratford hotel room on a Sunday afternoon before a Monday hanging and watched him drink steadily, "drinking his beer from the bottle, never using a glass."

"I'm getting shaky," he said, "and I'll soon be all in."

Radclive seems to have been either very drunk or painfully hung over nearly all the time, at least in the period around a hanging, though if he showed up the executions themselves were carried out competently.

"You don't get the sense that English and Radclive are solitary drinkers," Pfeifer reflects. "They're heavy drinkers, but they're heavy public drinkers, which goes against the theory that it's just a simplistic mechanism to forget. In that case, what do you need people around for? But you see them going to very public places and getting drunk, and they brag about what they do."

Later that year, Radclive didn't show up for a hanging in North Bay, not replying to anxious telegrams from the sheriff, who would have to carry out the execution himself unless a hangman appeared. Radclive's salary was based on him agreeing to "hold himself available for all capital cases that might occur in any part of Canada."

"A man can't be up for this kind of strain all the time," he said in a *Star* article before a 1909 hanging in Brampton, after demonstrating his skill with knots to patrons of a hotel bar.

A reporter writing for the *Star* tracked him down on a train in Thunder Bay a few days before Christmas 1906, on his way home from a hanging in Vancouver, and found him "a mental and physical wreck to all appearances."
"I am a sick man, too sick to talk," he said. "I have been sick a long time, very sick."

He died in February 1911, at 55, of cirrhosis of the liver in the Fern Ave. house, where he lived with his mother. His wife, who had left him, was in England with two of his children.

His other two children lived in Toronto but, the Telegram explained, they "did not take any particular pride in the profession of their father."

Shortly before his death, in an interview cited by American psychologist Rachel MacNair, he had hinted at his inner demons:

"Now at night when I lie down," he said, "I start up with a roar as victim after victim comes up before me. I can see them on the trap, waiting a second before they meet their Maker. They haunt me and taunt me until I am nearly crazy with an unearthly fear."
The Death Penalty in Canada: Twenty Years of Abolition

Historical Background

Between 1892 and 1961, the penalty for all murders in Canada was death by hanging. In 1961, an act of Parliament divided murder into capital and non-capital categories. The first private bill calling for abolition of the death penalty was introduced in 1914. In 1954, rape was removed from capital offenses. In 1956, a parliamentary committee recommended exempting juvenile offenders from the death penalty, providing expert counsel at all stages of the proceedings and the institution of mandatory appeals in capital cases. Between 1954 and 1963, a private member's bill was introduced in each parliamentary session calling for abolition of the death penalty. The first major debate on the issue took place in the House of Commons in 1966. Following a lengthy and emotional debate, the government introduced and passed Bill C-168, which limited capital murder to the killing of on-duty police officers and prison guards. On July 14, 1976 the House of Commons passed Bill C-84 on a free vote, abolishing capital punishment from the Canadian Criminal Code and replacing it with a mandatory life sentence without possibility of parole for 25 years for all first-degree murders. Canada retained the death penalty for a number of military offenses, including treason and mutiny. No Canadian soldier has been charged with or executed for a capital crime in over 50 years. On 10 December, 1998, the last vestiges of the death penalty in Canada were abolished with the passage of legislation removing all references to capital punishment from the National Defence Act.

There were 710 executions in Canada between 1867 and 1962. The last execution was carried out on December 11, 1962 when 2 men were hanged in Toronto, Ontario. Between 1879 and 1960, there were 438 commutations of death sentences.

Twenty Years of Abolition: the Canadian Experience

Contrary to predictions by death penalty supporters, the homicide rate in Canada did not increase after abolition in 1976. In fact, the Canadian murder rate declined slightly the following year (from 2.8 per 100,000 to 2.7). Over the next 20 years the homicide rate fluctuated (between 2.2 and 2.8 per 100,000), but the general trend was clearly downwards. It reached a 30-year low in 1995 (1.98) -- the fourth consecutive year-to-year decrease and a full one-third lower than in the year before abolition. In 1998, the homicide rate dipped below 1.9 per 100,000, the lowest rate since the 1960s.

The overall conviction rate for first-degree murder doubled in the decade following abolition (from under 10% to approximately 20%), suggesting that Canadian juries are more willing to convict for murder now that they are not compelled to make life-and-death decisions. All of Canada's national political parties formally oppose the reintroduction of the death penalty, with the exception of the Reform Party which supports a binding national referendum on the issue. A motion to reintroduce capital punishment was debated in the House of Commons in 1987. On June 30, the motion was soundly defeated on a free vote (148-127), despite public opinion polls indicating majority support for the death penalty. A national poll conducted in June, 1995 found that 69% of Canadians moderately or strongly favoured the return of the death penalty, exactly the same level of support as 20 years ago. However, other surveys suggest that this abstract support is 'a mile wide and an inch deep'. In 1996, a cross-section of 1500 Canadians were asked to name the major concerns and issues facing
the country; not one named reinstatement of the death penalty as a priority. (For comparison, a similar sample in the USA would be 15,000 individuals; polls of this size are considered to be accurate within 2.5 percentage points 95% of the time).

When the motion to reintroduce capital punishment was announced in February of 1987, popular support for reintroduction stood at 73%. By June (when the parliamentary vote was taken), popular support had slipped to an all-time low of 61%, following widespread discussion of death penalty issues in the media.

An opinion poll taken in December of 1998 showed a dramatic and unprecedented increase in the number of Canadians who oppose the death penalty. The survey, conducted less than two weeks after Canadian Stanley Faulder was granted a last-minute stay of execution in Texas, found that 48 per cent of Canadians support the death penalty, 47 per cent are opposed and 6 per cent are unsure. Pollsters attributed the sudden swing against the death penalty to the new wording of the question asked (which used the term "death penalty" rather than "capital punishment") and to publicity surrounding the controversial Faulder case.

Among Canadian religious organizations opposed to the death penalty are: the Anglican Church of Canada, the United Church of Canada, the Canadian Catholic Conference, the Presbyterian Church in Canada, the Baptist Convention of Ontario and Quebec, the Central Conference of American Rabbis, the Canadian Unitarian Council, the Lutheran Church, the Quaker Society of Friends and the Mennonite Central Committee. Many denominations and religious leaders were actively involved in opposing the 1987 reinstatement attempt.

Since abolition, at least 6 Canadian prisoners convicted of first-degree murder have been released on grounds of innocence. Two were incarcerated for more than 10 years before their innocence was established, after wrongful conviction for crimes that would likely have resulted in their execution if Canada had retained the death penalty.

Canadian research on the deterrent effect of punishment has reached the same conclusion as the overwhelming majority of US studies: the death penalty has no special value as a deterrent when compared to other punishments. In fact, the Canadian Association of Chiefs of Police has stated: "It is futile to base an argument for reinstatement on grounds of deterrence".

Under the terms of the Canada/USA extradition treaty, Canada may choose to refuse an extradition request without assurances that US prosecutors will not seek or impose the death penalty. In a number of recent cases, US prosecutors have voluntarily agreed not to seek the death penalty in order to obtain the prompt return of murder suspects.

There are no current measures calling for death penalty reinstatement. The present Canadian government is opposed to the return of capital punishment and has rejected calls for a national referendum on the issue.