

CAPITAL PUNISHMENT

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1. Introduction: An Issue in the Forefront of Society

Martin Luther King Jr. once said,

civilization and violence are antithetical concepts. Through violence you may murder a murderer, but you can't murder, murder. Through violence you may murder a liar, but you can't establish truth. Through violence you may murder a hater, but you can't murder hate. Darkness cannot put out darkness, only light can do that.¹

A controversial practice from its very beginning, capital punishment or the death penalty, is a topic that has never been put to rest. Debates over the justness and effectiveness of the death penalty are as old as the practice itself, and arguments for and against the practice have never really changed.² It is common for these arguments to continue in countries where the death penalty is still a practiced punishment. For Canada, a country where the practice has been abolished for thirty-three years, the topic is as controversial as if the death penalty never left the penal code.

On December 11, 1962, Canada's last executions took place shortly after midnight.³ Facing a death by hanging were Arthur Lucas, 54, who was convicted of murdering an FBI informant working in Canada, and Ronald Turpin, 29, who was convicted of shooting a

¹ Martin Luther King Jr., "Random Quotes on Capital Punishment," Death Penalty News, <http://deathpenaltynews.blogspot.com> (accessed February 22, 2009).

² Isaac Ehrlich, "The Deterrent Effect of Capital Punishment: A Question of Life and Death," *The American Economic Review* 65 (1975): 397.

³ CBC Digital Archives, "Canada's last executions," CBC, http://archives.cbc.ca/on_this_day/12/11/ (accessed February 9, 2009).

Toronto police constable.⁴ On July 14, 1976, capital punishment was officially abolished by Parliament, when the maximum sentence for first-degree murder was reduced to a prison term of 25 years.⁵ The question remains: what occurred during that fourteen-year period, between December 11, 1962 and July 14, 1976, for Parliament to decide that capital punishment was no longer an appropriate form of punishment? What were the deciding factors for the abolishment? Canada has also failed to sign and ratify the American Convention on Human Rights, also known as the Pact of San Jose. By ratifying this treaty, the country would be agreeing to never practice capital punishment again. This contradictory stand against capital punishment is confusing to the citizens of the nation; Canada has officially abolished the death penalty but refuses to promise to never practice it again. What can explain this paradox and do the reasons for the abolishment help to explain this stand? This paper aims to prove that capital punishment was not abolished because of societal pressures, but due to the combination of three factors: a lack of a deterrence factor, the fear of making errors in judgment and an uneven application. Canada's refusal to sign the Pact of San Jose shows that Canada is not completely against the idea of capital punishment, but is possibly waiting for a more mature system.

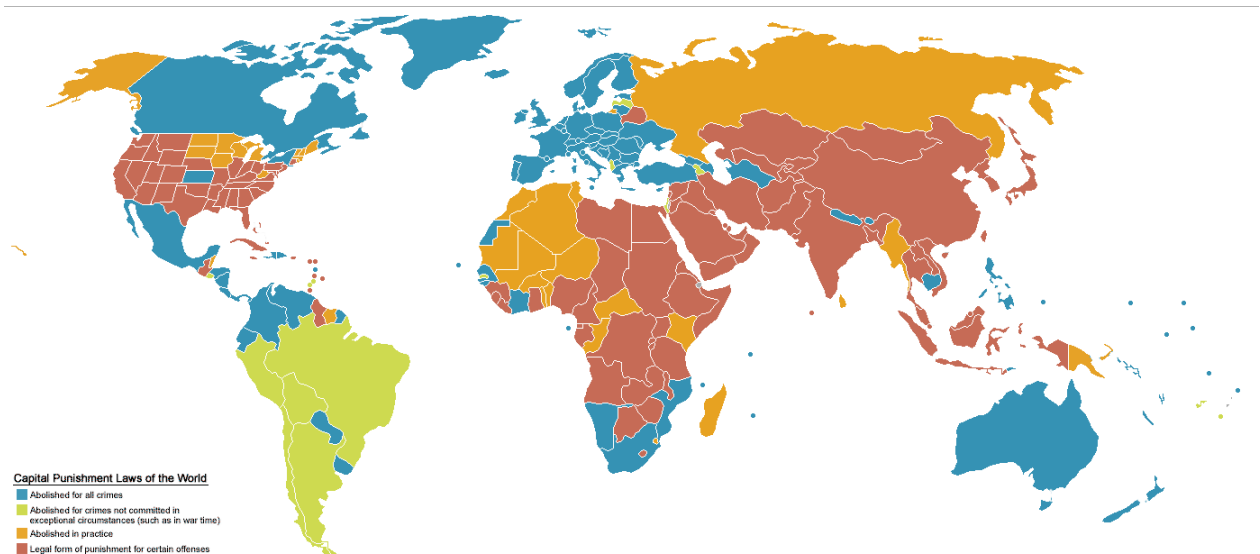
2. Capital Punishment: A Canadian View

Canada's abolishment of capital punishment was gradual and began in the 1960s, finally reaching its apex in 1976. Today, Canada is part of more than half of the world's countries that have abolished the death penalty in law or practice. Figure 2.1 shows the use of capital punishment worldwide.

⁴ Kevin Michael Grace, "The death penalty expires," *The Report*, ²⁴ (2000): 26.

⁵ Ibid.

Figure 2.1:



Source: University of North Carolina, "Carolina Summer Reading Program," Academic Outreach Group, www.unc.edu/srp/srp2007/resources.html (accessed March 10, 2009).

In Figure 2.1, the countries coloured blue represent areas that have abolished capital punishment for all crimes; green countries represent those that have abolished the punishment for crimes not committed in exceptional circumstances, such as in war time; orange countries represent areas that have abolished in practice; and those coloured red still use a legal form of the punishment for certain crimes. In order to understand the reasons for the abolishment of the death penalty in Canada, one must first understand that it was not a quick decision but a gradual acknowledgment that it was not an appropriate

form of punishment for the Criminal Code. As such, from 1961 to 1976, ongoing changes were made to the Criminal Code.

On September 1, 1961, the Criminal Code was changed to include the classifications of murder: capital and non-capital.⁶ Capital murder included murder that was planned and premeditated, murder committed during certain crimes of violence, and murder of a police officer or prison warden.⁷ As the category name suggests, capital murder was the only kind that would result in a sentence of the death penalty if a conviction were entered. In 1962, Canada practiced its last two executions and on November 30, 1967 the government of Canada proposed a five-year experimental period.⁸ During this time, capital punishment was only used for the murder of police officers and prison wardens. The crime of capital murder was then narrowed even more, removing premeditated murder and murder committed during certain crimes of violence (these would later be referred to as first and second degree murder and manslaughter). On January 26, 1973 this five-year experimental period was extended and on July 14, 1976 the abolishment of capital punishment was put to a free vote in the Trudeau government.⁹ The vote was decidedly close at 131 for the abolishment of capital punishment and 124 against the abolishment.¹⁰

Despite the abolishment in 1976 and the thirty-three years where the form of punishment remained absent from the Canadian penal code, the issue never remained at rest. The close vote in 1976 and continued fluctuations of support, which will be discussed

⁶ Department of Justice Canada, "Capital Punishment in Canada: Fact Sheet," Government of Canada, <http://www.justice.gc.ca> (accessed February 20, 2009).

⁷ Department of Justice Canada, "Capital Punishment in Canada: Fact Sheet," Government of Canada, <http://www.justice.gc.ca> (accessed February 20, 2009).

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

later in this paper, brought the issue to the forefront of the Canadian government once again on June 30, 1987.¹¹ This time, under the government of Prime Minister Brian Mulroney, the House of Commons reaffirmed the abolition with another close vote of 148 against reinstating the punishment and 127 in favour of reinstating.¹² The votes for Canada to use capital punishment have always been close, showing that support for the form of punishment is not as clearcut for the government either. The stand taken by the government is even less clear. Canada's refusal to sign and ratify the *American Convention on Human Rights* illustrates that capital punishment in Canada is not a final decision, leading to confusion among the citizens.

3. The American Convention on Human Rights, "Pact of San Jose, Costa Rica"

The *American Convention on Human Rights* was adopted at San Jose, Costa Rica on November 22, 1969, but entered into force on July 18, 1978, exactly two years and two days after Canada abolished capital punishment.¹³ As of today, the treaty has been signed by nineteen countries and ratified by twenty-five: absent from both lists is Canada.¹⁴ The United States, which still practices capital punishment in some states, has even signed the treaty but not ratified it.¹⁵ Of interest in this treaty is its second chapter, titled, *Civil and Political Rights*, and its fourth article, titled, *Right to Life*, which states:

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

¹¹ Ibid.

¹² Department of Justice Canada, "Capital Punishment in Canada: Fact Sheet," Government of Canada, <http://www.justice.gc.ca> (accessed February 20, 2009).

¹³ Department of International Law, "Multilateral Treaties: American Convention on Human Rights 'Pact of San Jose, Costa Rica,'" Organization of American States, <http://www.oas.org/juridico/English/treaties/b-32.html> (accessed February 20, 2009).

¹⁴ Ibid.

¹⁵ Ibid.

2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court in accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall not be extended to crimes to which it does not presently apply.
3. The death penalty shall not be reestablished in states that have abolished it.¹⁶

Section 2.4.1 of the treaty mirrors section 7 of the *Canadian Charter of Rights and Freedoms*, which states, “everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.”¹⁷ Section 2.4.2 applies to countries such as the United States, which still practice capital punishment in certain parts of their country. Section 2.4.3 applies to Canada and might shed light on the reasons why it will not ratify the treaty and why it abolished capital punishment in 1976. Section 2.4.3, once the treaty is signed and ratified, stipulates that the country cannot reinstate the death penalty if it has already been abolished. It puts finality to the issue but Canada’s refusal to sign and ratify the treaty means that it does not, necessarily, want section 2.4.3 to apply to their nation. What seems like a paradox and contradictory position on Canada’s part can actually be looked at as a sign of the reasons for capital punishment’s abolishment. The punishment may not have been abolished because of demands from the public and certain groups. If Canada was not against reinstating capital punishment, then the country might simply be waiting for a more mature system.

So far, this paper has outlined the gradual steps that Canada took to eliminate capital punishment from the Criminal Code and Canada’s stand on formally and permanently abolishing capital punishment from the nation. The following sections will outline and discuss the potential reasons for the abolishment of capital punishment, moving from the

¹⁶ Ibid.

¹⁷ Department of Justice Canada, “Canadian Charter of Rights and Freedoms: Legal Rights,” Government of Canada, <http://laws.justice.gc.ca/en/charter/#liberties> (accessed February 22, 2009).

theoretical influences to the more practical of reasons. Some of these will be shown to have no or very little influence, while a few will be shown to be the reason for Trudeau's abolishment of capital punishment.

4. Theoretical Influence: Beccaria, and Bentham – Leading Theorists of Penal Reform

As capital punishment was always a controversial practice, the opposition for it began as early as the eighteenth century. Theorists and Enlightenment thinkers during this period were interested in humanity and the idea that society could be improved.¹⁸ There was a newfound faith in humanity and, as such, Enlightenment thinkers found themselves in a variety of different movements, one of which was a call for penal reform. Harsh punishments and, in particular, the use of the death penalty did not coincide with the views of the Enlightenment thinkers. For penal reform, the theorists called for a system that would help, improve and reform instead of simply punish.¹⁹ Of interest, are the works of Cesare Beccaria, and Jeremy Bentham and their effect on the Canadian penal system.

In his work *Treatise on Crimes and Punishments*, Beccaria focused on “the cruelty of punishments, and the irregularities of criminal procedures.”²⁰ His view of capital punishment was that it was barbarous and illogical, stating:

The execution of a criminal is to the multitude a spectacle, which in some excites compassion mixed with indignation. These sentiments occupy the mind much more than the salutary terror, which the laws endeavour to inspire. ... The punishment of death is pernicious to society, from the example of barbarity it affords. If the passions, or the necessity of war, have taught men to shed the blood of their fellow creatures, the law, which are intended to moderate the ferocity of mankind, should not increase it by examples of barbarity, the more horrible as this punishment is usually attended with formal pageantry. Is it not absurd, that the laws, which detest and punish homicide, should in order to prevent murder, publicly commit murder themselves?²¹

¹⁸ D. Owen Carrigan, *Crime and Punishment in Canada: A History* (Toronto: McClelland & Stewart, 1991), 318.

¹⁹ *Ibid*, 319.

²⁰ *Ibid*.

²¹ Lewis Lyons, *The History of Punishment: Judicial Penalties from Ancient Times to the Present Day* (Italy: Lyons Press, Amber Books Ltd., 2003), 175 – 176.

Beccaria's reasoning has survived to the present day in simpler forms. A similar logical statement, most likely derived from Beccaria's above noted passage, reads, "why do we kill people, who kill people, to show that killing people is wrong?" The idea is the same. To Beccaria, killing people to show that murder was wrong did not make sense and so he called for a more just and ordered legal system – one where the punishment fit the crime – and education as a form of crime prevention.²² Beccaria's work in Italy, at the time, influenced many heads of states and other theorists, in particular, Jeremy Bentham.

Jeremy Bentham has become known as the creator of *Utilitarianism*, a principle that states that an action is right insofar as it promotes happiness. The aim of all actions should then be to promote the greatest happiness for the greatest number of people. Bentham believed that "punishment was evil and therefore only that amount of punishment should be used sufficient to offset the degree of pleasure realized from the crime."²³ In favour of reforming criminals, Bentham became known for his Panopticon. Appendix A provides a general view of the design of Bentham's creation. The Panopticon was a prison building designed in the 18th century. The purpose of the design was to allow an observer, observe the prisoners, in a central watchtower, without their knowledge of exactly where that individual was. It created obedience because the prisoners could never see in which area of the watchtower, if any, the guard was in.

It would be a false statement to say that these individuals, and other theorists, did not have any influence on the legal system. As Canada was a part of the British Empire, the influence that these theorists had on the British legal system, filtered over into the Canadian

²² D. Owen Carrigan, *Crime and Punishment in Canada: A History* (Toronto: McClelland & Stewart, 1991), 319.

²³ *Ibid*, 320.

legal system. Prison reforms took place and lesser, more lenient punishments were being practiced. By the 1820s and 1830s, old-style punishments were falling into disuse.²⁴ Fines, incarceration and hard labour were replacing punishments such as flogging, mutilations and brandings.²⁵ During this period, Montreal substituted the use of capital punishment for other punishments in sixteen cases and limited the death penalty to only the more serious of crimes.²⁶ So while the Enlightenment theorists were successful in limiting the death penalty to only the more serious of crimes, they were not directly responsible for the abolishment of capital punishment in Canada.

5. Social Movements: An Influx of Crime

A social movement is defined as a “set of opinions and beliefs in a population representing preferences for changing some elements of the social structure or reward distribution, or both, of a society.”²⁷ The creation of social movements in Canada was always a difficult operation. The first generation of social movements, which gave birth in the 1930s, was largely obsolete by the 1950s, but the 1960s gave birth to a new trend of movements.²⁸ While a select few movements did focus on the legal system,²⁹ all organizations during the 1960s focused on advocating non-discrimination and tolerance.³⁰ Throughout the 1960s and 1970s, a new liberalizing trend was taking place, which would later culminate into the Cultural Revolution. During this period, with the level of

²⁴ D. Owen Carrigan, *Crime and Punishment in Canada: A History* (Toronto: McClelland & Stewart, 1991), 322.

²⁵ *Ibid.*

²⁶ *Ibid.*, 323.

²⁷ Dominique Clement, “An Exercise in Futility? Regionalism, State Funding, and Ideology as Obstacles to the Formation of a National Social Movement Organization in Canada,” *British Columbia Studies* 146 (2005): 64.

²⁸ *Ibid.*, 65.

²⁹ The Ligue des droits et libertes, in Montreal, believed that the nature of prisons treated inmates unjustly and only led to the destruction of the individual. As such, this particular group sought to improve the prisons in the short-term and to abolish all prisons in the long-term. *Ibid.*, 71.

³⁰ *Ibid.*

liberalization taking place in society, the rate of lawbreaking dramatically increased.³¹ This timeframe has been described as a “watershed for crime.”³² Although there are a number of different crimes that took place throughout this period, violent crime was the most disturbing. From 1962 to 1972, the rate increased by 97.1 percent.³³ From 1961 to 1977, the number of yearly homicides more than tripled, going from 233 to 711.³⁴

It would seem difficult to assume that a government during this timeframe would be influenced by the changing social values and movements to abolish capital punishment. First of all, social movements and human rights movements, which are discussed below, were more focused on discrimination and equality than on the punishment of capital murderers. The Cultural Revolution resulted in a liberating of society causing an increase in crime rather than a decrease; this increase occurred across the criminal spectrum from robberies to murders and it would seem more logical that a government would increase the use of more severe punishments if crime were dramatically out of control. The Canadian government did the opposite, and so it would be logical to assume that changing social values and movements did not have an influence on the abolishment of capital punishment.

6. The Universal Declaration of Human Rights

One should be able to logically assume that with the advent of human rights and the *Universal Declaration of Human Rights*, the use of capital punishment and the execution rate, as a result, would greatly decrease. Unfortunately, this is not the case and the advent of human rights movements and declarations had very little affect on the use and abolishment of capital punishment. In 1948, when the United Nations had adopted the *Universal*

³¹ D. Owen Carrigan, *Crime and Punishment in Canada: A History* (Toronto: McClelland & Stewart, 1991), 91.

³² *Ibid.*

³³ *Ibid.*, 98.

³⁴ *Ibid.*

Declaration of Human Rights, the document declared that an individual's right to life was absolute.³⁵ Had it gone further, the declaration might have had some influence on the use of capital punishment but it stopped short of openly attempting to ban the practice.³⁶ In fact, the most immediate effect of the *Universal Declaration of Human Rights* in Canada came with the creation of the *Fair Employment Practices Act* and the *Female Employees Fair Remuneration Act*. These acts were introduced in Ontario on April 5, 1951.³⁷ The first federal act after the *Universal Declaration of Human Rights* was to pass the *Canada Fair Employment Practices Act* in 1953.³⁸

In 1962, Ontario took a step forward with human rights by creating the *Ontario Human Rights Code*, but once again, this step forward did not influence the use of capital punishment.³⁹ The *Ontario Human Rights Code* takes a stand against discrimination, making it a public matter, and between 1962 and 1976, the code seems to deal with discrimination in the workplace, in marriage, in property, in education, with disabilities, with race and with religion.⁴⁰ While capital punishment would seem like a sensitive topic for human rights activists, it took a back seat to the more outstanding social issues of that timeframe. In fact, human rights movements, within Canada, were difficult to start and maintain. The first setback since the *Universal Declaration of Human Rights* took place on February 10, 1956,

³⁵ Lewis Lyons, *The History of Punishment: Judicial Penalties from Ancient Times to the Present Day* (Italy: Lyons Press, Amber Books Ltd., 2003), 176.

³⁶ Ibid.

³⁷ Canadian Human Rights Commission, "Human Rights in Canada, A Historical Perspective: Time Portal 1950 - 1974," Canadian Human Rights Commission, <http://www.chrc-ccdp.ca/en/index.asp> (accessed February 20, 2009).

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

with the hanging of Wilbert Coffin.⁴¹ In his article, “Fifty years of human rights: An emergent global regime,” John D. Montgomery notes, “little international implementation of human rights took place before the late 1960s.”⁴² Montgomery continues in this vein stating that in the year of his article being written, 1999, “the human rights regime is still very much a work in progress,” and “domestic legislation is also reflecting *Universal Declaration* principles, ... as model statutes are adopted and such elements as the death penalty ... begin to find resolution.”⁴³ If one is to look at Canada’s execution rate, see Figure 6.1, it is possible to see that the *Universal Declaration of Human Rights* in 1948 had no major effect on the execution rate and the creation of the *Ontario Human Rights Code* came shortly after a period of increased executions.

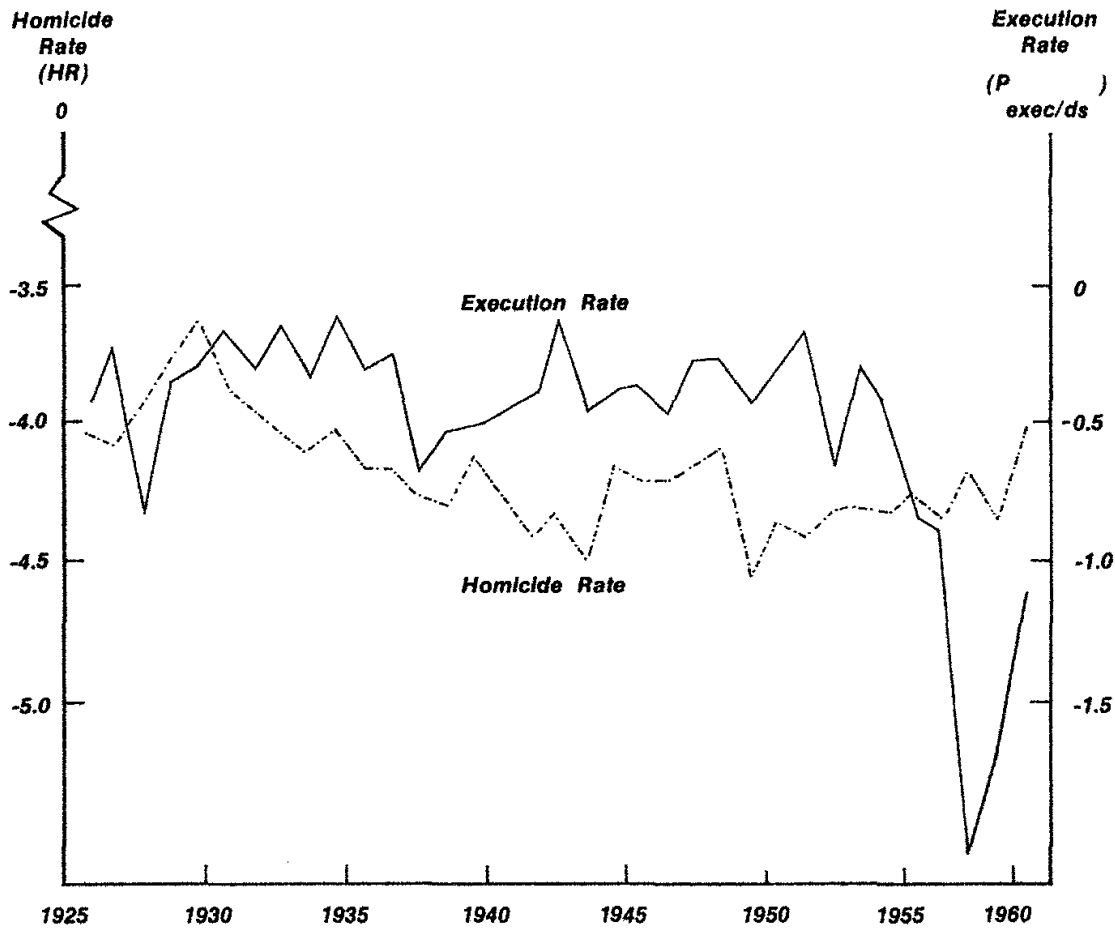
⁴¹ Wilbert Coffin was found guilty for the murder of one out of three American outdoorsmen. With very little direct evidence, including eyewitnesses, prosecution had to rely on circumstantial evidence. Despite appeals all the way to the Supreme Court of Canada, Coffin’s conviction was continuously reaffirmed. The public was upset about the conviction and sentence, believing that Coffin was innocent and fearing that the courts had made a mistake. Despite the public outcry and claims of his innocence, Coffin was executed on February 10, 1956. Canadian Human Rights Commission, “Human Rights in Canada, A Historical Perspective: Time Portal 1950 - 1974,” Canadian Human Rights Commission, <http://www.chrc-ccdp.ca/en/index.asp> (accessed February 20, 2009).

⁴² John D. Montgomery, “Fifty years of human rights: An emergent global regime,” *Policy Sciences* 32 (1999): 82.

⁴³ *Ibid*, 91.

Figure

6.1:



Source: Kenneth L. Avio, "Capital Punishment in Canada: a time-series analysis of the deterrent hypothesis," *Canadian Journal of Economics* 4 (1979): 663.

Because many of the human rights movements dealt with the issues regarding discrimination, one can logically assume that the human rights movement, both internationally and domestically, did not influence the decision to abolish the death penalty. The priority during that period was focused on the individuals that were not part of the legal system, but those that faced discrimination and mistreatment throughout their everyday lives. Once these issues were dealt with, the focus would then shift to the treatment and punishments of prisoners, but that would come later on.

7. *Fluctuations in Support*

George Orwell once wrote: “Most people approve of capital punishment, but most people wouldn’t do the hangman’s job.”⁴⁴ Public opinion regarding capital punishment was never one hundred percent one way or another. Public opinion would also fluctuate continuously, never remaining constant for or against the practice. Government support for the abolishment, although always in the majority, was never a landslide vote: the vote in 1976 to abolish the punishment was a close call at 131 to 124 and the vote to reaffirm the abolishment in 1987 was again very close, although not as close, at 148 to 127. Support for capital punishment, at least in the public realm, is based on emotions. Former Alberta Canadian Alliance MP Myron Thompson has stated:

When support for capital punishment is high, Canadians are thinking of men like Clifford Olsen, who in 1982 confessed to the torture-murder of 11 B.C. children and has since boasted, from the comfort of well-appointed prison cells, of his wickedness.

When support for capital punishment is low, Canadians are thinking of the might-have-beens: men such as Donald Marshall, Guy Paul Morin and David Milgaard, who spent years in prison for murders they did not commit – and whose exoneration might have been posthumous if the death penalty had been in the Code.⁴⁵

For the public opinion to have any level of direct influence on the decision to abolish the death penalty, support for the abolishment would have had to be fairly high. During the 1950s, when opposition from churches, intellectuals, humanitarians, and penal reformers began to grow, the government appointed a Joint Committee of the House and Senate to study the issue.⁴⁶ In 1956, the committee came back, recommending abolishment.⁴⁷ Twenty years later, the government heeded the recommendations. Amnesty International Canada

⁴⁴ George Orwell, “Quotes on Capital Punishment,” Notable Quotes, http://www.notable-quotes.com/c/capital_punishment_quotes.html (accessed February 22, 2009).

⁴⁵ Kevin Michael Grace, “The death penalty expires,” *The Report*, 24 (2000): 26.

⁴⁶ D. Owen Carrigan, *Crime and Punishment in Canada: A History* (Toronto: McClelland & Stewart, 1991), 379.

⁴⁷ *Ibid.*

notes that in 1987, when a vote to return to the practice was introduced in parliament, public support for capital punishment stood at seventy-three percent.⁴⁸ With support at an all time high, the government still did not approve the use of the death penalty. Because of this, it is logical to assume that public support did not have an effect on the decision to abolish. Although it seems as if the public opinion is influential, the Canadian government has a history of appearing to take note of outside opinions. Another reason must have been in the works and the fear of mistakes, as briefly mentioned in this section, is a more plausible influence.

8. Moments of Error: On Death Row or Serving Life Imprisonment and Innocent

Human beings run the justice system. As such, convictions and sentencing decisions are influenced by emotion, biases and general beliefs. Rulings are to be made using the guidance of the applicable laws and the reasoning head, but we cannot deny that there is always a possibility that the heart intervenes. Wrong convictions can occur and when a punishment is used with such finality as the death penalty, making mistakes is dangerous. For the prosecution, it is better to let one hundred guilty go free than to have one innocent found guilty. According to Amnesty International, there have been at least six Canadian prisoners convicted of first-degree murder that have later been released on grounds of innocence.⁴⁹ Had Canada been a country that continued to practice capital punishment, these individuals would have been executed for crimes they did not commit. From the time before the abolishment of capital punishment to 1992, there have been eight high profile

⁴⁸ Amnesty International Canada, "The Death Penalty in Canada: Twenty Years of Abolition," Amnesty International, <http://www.amnesty.ca/deathpenalty.canada.php> (accessed February 20, 2009).

⁴⁹ Ibid.

wrongful convictions. In the following discussion, each occurrence will be briefly outlined, with an emphasis placed on the Steven Truscott case.

The most recent wrongful convictions are those of Robert Baltovich and Guy Paul Morin, both of which occurred in 1992. Robert Baltovich was convicted of murdering Elizabeth Bain and was released in 2000 to prepare for an appeal based on new evidence.⁵⁰ When the trial began in 2008, the Crown elected to not call any evidence and the judge ordered the jury to bring back a verdict of not guilty. It is believed that the true killer of Elizabeth Bain is Paul Bernardo, who was an acquaintance.⁵¹ During that same year, Guy Paul Morin was convicted of the murder of Christine Jessop but was later found innocent because of DNA evidence in 1995.⁵²

In 1991, James Driskell became another wrongfully convicted individual, this time for the murder of Perry Harder. In 2005 his conviction was quashed and his charges were stayed but he was never fully exonerated.⁵³ In 1988, a man by the name of Ronald Dalton was convicted for the murder of his wife. It was later found out that she died from choking on cereal, as Dalton stated throughout his trial and imprisonment.⁵⁴ Thomas Sophonow was convicted in 1981 for the murder of Barbara Stoppel: the charge was acquitted on appeal in

⁵⁰ Shannon Kari, "The prosecution case against Robert Baltovich," *The National Post*, <http://www.nationalpost.com/news/story/html?id=464127> (accessed February 20, 2009).

⁵¹ Ibid.

⁵² Jack King, "The Ordeal of Guy Paul Morin: Canada Copes with Systemic Injustice," The National Association of Criminal Defense Lawyers, <http://www.nacdl.org/public.nsf/championarticles/19980808?opendocument> (accessed February 20, 2009).

⁵³ The Canadian Press, "Wrongly convicted James Driskell offered \$4M deal," CTV, http://www.ctv.ca/servlet.ArticleNews/story/CTVNews/20080920/driskell_compensation_080920/20080920?hub=Canada (accessed February 20, 2009).

⁵⁴ CBC News, "Ronald Dalton reunited with his children," CBC, <http://www.cbc.ca/news/story/2000/06/26/peiDaltonReunited26jun00.html> (accessed February 20, 2009).

1985 and Mr. Sophonow was formally exonerated in 2000 due to DNA evidence.⁵⁵ In 1971, Donald Marshall was found guilty for the murder of Sandy Seale; the charge was acquitted on appeal, like Thomas Sophonow, in 1983.⁵⁶ It was at this time that an additional witness to the murder came forward.⁵⁷

The two youngest men on the list of wrongfully convicted were David Milgaard in 1969 and Steven Truscott in 1959. At the age of sixteen, David Milgaard was found guilty for the murder of Gail Miller.⁵⁸ He was given a life sentence for a crime he did not commit. After serving 23 years of his sentence, the Supreme Court of Canada released him from prison and five years later, with the help of DNA evidence, he was found innocent.⁵⁹ Probably the most infamous of wrongful convictions was the case of Steven Truscott in 1959. At the time of his case, Steven Truscott would have been the youngest male sentenced to death by a Canadian court of law. For this reason, a more in-depth look at the trial will follow this section. As a short summary, Steven Truscott, who was fourteen, was found guilty for the murder Lynne Harper, a friend of his. Sentenced to death, which was later delayed to allow for an appeal, Truscott served forty-eight years in prison. He was finally released and his conviction was overturned on August 28, 2007.⁶⁰ Truscott, a name that every Canadian knows, went into prison at fourteen years of age and was granted freedom at sixty-two years of age.

⁵⁵ CBC News, "Key evidence withheld from Sophonow defence," CBC, http://www.cbc.ca/news/story/2001/05/08/mb_sophonow080501.html (accessed February 20, 2009).

⁵⁶ CBC Life and Times, "Reluctant Hero: The Donald Marshall Story," CBC, <http://www.cbc.ca/lifeandtimes/marshall.html> (accessed February 20, 2009).

⁵⁷ Ibid.

⁵⁸ Anne Bayin, "A Canadian Tragedy," CBC News Online, http://truthinjustice.org/canadian_tragedy/html (accessed February 20, 2009).

⁵⁹ Ibid.

⁶⁰ CTV, "Murder acquittal a 'dream come true': Truscott," CTV, http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20070827/truscott_case_070828?20070828?hub=TopStories (accessed February 20, 2009).

For a system that follows the decree 'better for one hundred to walk free than one innocent go to jail,' eight miscarriages of justice seems like a grave problem within the system. Had Canada not made a practice of commuting death sentences between 1962 and 1976, three of the eight individuals would have been wrongfully executed, two of which would have been young boys. Had Canada not abolished capital punishment in 1976, the state would have executed at least eight innocent men. How many more would have been executed, while innocent, if Canada were to still use the death penalty is a number that no one, most of all the state, wants to guess. The damages being paid out for these false imprisonments are overwhelming: James Driskell was given four million for his wrongful conviction and Steven Truscott was given 6.5 million.⁶¹ Had these been wrongful executions, the government of Canada would be dealing with an entirely different and more serious problem. Eight wrongful convictions is eight too many. Eight potentially wrongful executions is eight too many, with even greater consequences. The nature of the legal system, being run by humans, is too open to human error for a punishment with such finality to be used. Chief Justice James McRurer, who sentenced Arthur Lucas to hang, commented on the general feeling of sentencing a man to death: "there was one good thing about Lucas' hanging. It was the last. Parliament ended the death penalty, and sentencing a man to hang is one part of the administration of justice that judges need have no fear of now."⁶² It was a fear of sentencing a man to death and having that on one's conscience for the remainder of one's lifetime. It was a fear that maybe the case might come back on a later

⁶¹ Ministry of the Attorney General, "Ontario Compensates Steven Truscott: New Release," Government of Canada, <http://www.attorneygeneral.jus.gov.on.ca/english/news/2008/20080707-truscott-nr-asp> (accessed February 23, 2009).

⁶² UER, "Old Don Jail," Urban Exploration Resource, <http://www.uer.ca/locations/show.asp?locid=24330> (accessed February 22, 2009).

date with a different accused. There was a fear that maybe the administration was making a mistake. Now of course an act of murder must be proven beyond a reasonable doubt, but remember, the cases of Robert Baltovich, Ronald Dalton, James Driskell, Donald Marshall, David Milgaard, Guy Paul Morin, Thomas Sophonow, and Steven Truscott were proven beyond a reasonable doubt, and they were wrong. Myron Thompson believes that “there have been too many convictions of innocent persons based on circumstantial evidence, too many careless procedures.”⁶³The following discussion will take a closer look at one of the more infamous miscarriages of justice: the case of Steven Truscott.

9. Steven Truscott: Fourteen and on Death Row

Listed as one influence on the abolishment of capital punishment, the case of Steven Truscott is a well-known miscarriage of justice within the Canadian justice system. With the crime taking place in 1959, and Truscott’s subsequent conviction taking place shortly after, he would have been the youngest individual to face the death penalty at fourteen years of age. What would have been even more shocking would have been his execution, because what was later found out, was that Steven Truscott was innocent. At such a young age, being charged of such a serious crime, and facing a punishment as serious as the death penalty, the government would have had some reservations. The case also took place during the years where changes to the Criminal Code were taking place. The impact of sentencing a fourteen-year-old boy to death, based on circumstantial evidence, would had to have had substantial influence on the abolishment of capital punishment. In order to understand the effect this case had on the decision to abolish one first has to understand the particulars of the case.

⁶³ Kevin Michael Grace, “The death penalty expires,” *The Report*, 24 (2000): 26.

In 1959, Steven Murray Truscott, who was fourteen at the time, was found guilty by jury for the murder and rape of Lynne Harper, who was twelve at the time. Much of the evidence was circumstantial and Truscott did not give a testimony at the trial. Upon appeal to the Court of Appeal, the conviction was reaffirmed and an application for leave to appeal to the Supreme Court of Canada was denied.⁶⁴ The case against, Steven Truscott, presented by the prosecution is as follows: On June 9, 1959, at around 7:10 in the evening, Truscott proceeded to give the victim, Lynne Harper, a ride on his bicycle. Travelling towards Highway Number 8, northwards, he turned into Lawson's bush, where he raped and murdered her.⁶⁵ His defence was that Harper had asked for a ride to the highway, as she was meeting someone there. Taking her to the intersection of Highway Number 8 and the county road, he left her to wait for her ride. As he was riding away, he saw a car pull up and stop in front of Harper, where she got into the vehicle and it drove away.⁶⁶

The evidence used by the prosecution during the trial included bike tracks, which were later found to be made days before the murder, when the soil was wet; the disproof of an eyewitness testimony who saw Steven and Lynne cross the bridge together, which would disprove Steven and Lynne going into the bush: this was also proved otherwise later on; and oral evidence provided by Lynne Harper's parents who testified that their daughter did not hitchhike: three separate police reports proved otherwise.⁶⁷ Appendix B provides a view of the area surrounding the crime scene. Despite the circumstantial evidence, which had been disproved, Steven Truscott was informed that he was to "be kept in close

⁶⁴ [Reference Re: Steven Murray Truscott](#), 1967 CanLII 66 (S.C.C.) — 1967-05-04, 309.

⁶⁵ *Ibid*, 312.

⁶⁶ *Ibid*, 312.

⁶⁷ Julian Sher, "Until You are Dead: Steven Truscott's Ride Into History," Random House, <http://www.randomhouse.ca/features/steventruscott/home.html> (accessed February 24, 2009).

confinement until Tuesday the 8th day of December, 1959 and upon that day and date, [to] be taken to the place of [his] execution and that [he] there be hanged by the neck until [he is] dead.”⁶⁸ It is a shocking sentence for any individual to hear, but even more so for a fourteen-year-old who would spend four months on death row, ten years in a federal penitentiary and the next thirty-eight years proclaiming his innocence. While he did gain an acquittal in August 2007, the courts still refuse to proclaim Steven Truscott innocent.⁶⁹

Throughout Truscott’s trial and applications for an appeal, the public became increasingly concerned that justice was not present in this case. There were concerns of “serious deficiencies, questionable expert testimony and unfairness to the accused.”⁷⁰ In March 1966, Isabel LeBourdais published a book titled *The Trial of Steven Truscott*.⁷¹ The book focused on the doubts raised within the trial and accurately criticized the Canadian justice system for its apparent miscarriage.⁷² Because of the book, the Minister of Justice submitted a reference to the Supreme Court regarding the correctness of the conviction.⁷³ This was the first time, in the history of Canada, that the Minister of Justice conducted this.⁷⁴ On May 4, 1967, the Supreme Court of Canada reaffirmed the conviction on a decision of eight to one; the lone dissenter was Justice Emmett Hall.⁷⁵ Regarding the trial in general, Justice Emmett Hall stated:

Having considered the case fully, I believe that the conviction should be quashed and a new

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Edward L. Greenspan, “Time to right the wrong done to Truscott,” *The Toronto Star*, <http://www.thestar.com/News/article/250492> (accessed February 24, 2009).

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Edward L. Greenspan, “Time to right the wrong done to Truscott,” *The Toronto Star*, <http://www.thestar.com/News/article/250492> (accessed February 24, 2009).

trial directed. I take the view that the trial was not conducted according to law. Even the guiltiest criminal must be tried according to law. That does not mean that I consider Truscott guilty or innocent. The determination of guilt or innocence was a matter for the jury and for the jury alone ...following a trial conducted according to law.

...I find that there were grave errors in the trial brought about principally by the Crown counsel's method in trying to establish guilt and by the learned trial Judge's failure to appreciate that the course being followed by the Crown would necessarily involve the jury being led away from an objective appraisal of the evidence for and against the prisoner.⁷⁶

Justice Hall's dissent goes as far as saying that the Steven Truscott case was not proceeded as proscribed by law; that the prosecution and the judge did not only error in their responsibilities, but by practicing unscrupulous methods throughout the trial, which would lead the jury away from a sound and informed judgment. Did the Steven Truscott case influence the decision to abolish the death penalty? The answer is that the scenario is probable. Combining the discussion on the Steven Truscott case and the previous section of this paper, titled *Moments of Error: On Death Row or Serving Life Imprisonment and Innocent*, it is impossible to deny the fact that the justice system has made and continues to make grave errors of judgment. It is bad enough that Steven Truscott lost forty-eight years of his life or that David Milgaard lost twenty-three years and many others have faced a similar fate. If the last executions did not occur in 1962 and capital punishment formally abolished in 1976, these innocent men would have been dead.

For a government to allow the practice of such a final punishment, it would had to have made absolutely sure that there was no chance of error in conviction; because of the nature of the justice system and the fact that it is run by humans, that level of perfection is not possible. Former President of the United States, Bill Clinton believes that, "supporters of capital punishment bear a special responsibility to ensure the fairness of this irreversible

⁷⁶ The Fifth Estate, "The Steven Truscott Story: Moment of Truth," CBC News, <http://www.cbc.ca/fifth/truscott/court.html> (accessed February 24, 2009).

punishment.”⁷⁷ Paul Simon once said, “as long as you have capital punishment there is no guarantee that innocent people won’t be put to death.”⁷⁸ The Government of Canada was aware of this. With the uproar and discontent produced during the Truscott case, it is logical to assume that this case, and the fear of making an irreversible mistake, influenced the abolishment of capital punishment.

10. The Deterrence Factor

The issue of deterrence has always been part of the argument to bring back the death penalty, but did it influence the decision to abolish? Amnesty International Canada notes that research on the deterrent effect of capital punishment has reached the conclusion that “the death penalty has no special value as a deterrent when compared to other punishments.”⁷⁹ The Canadian Association of Chiefs of Police has declared: “it is futile to base an argument ... on grounds of deterrence.”⁸⁰ A study of homicide statistics in Canada, “does not lend support to the assumption of the uniquely deterrent effect of the death penalty.”⁸¹ The general research states that capital punishment has no greater deterrence value than other forms of punishment, but how did researchers come to this conclusion?

A man by the name of Isaac Ehrlich, in his article “The Deterrent Effect of Capital Punishment: A Question of Life and Death,” created a formula to determine the deterrent

⁷⁷ Bill Clinton, “Capital Punishment Quotes,” Thinkexist, http://thinkexist.com/quotes/with/keyword/capital_punishment/2.html (accessed February 22, 2009).

⁷⁸ Paul Simon, “Capital Punishment Quotes,” Quotesea, <http://www.quotesea.com/Quotes.aspx?with=capital+punishment> (accessed February 27, 2009).

⁷⁹ Amnesty International Canada, “The Death Penalty in Canada: Twenty Years of Abolition,” Amnesty International, <http://www.amnesty.ca/deathpenalty.canada.php> (accessed February 20, 2009).

⁸⁰ Ibid.

⁸¹ Kenneth L. Avio, “Capital punishment in Canada: a time-series analysis of the deterrent hypothesis,” *Canadian Journal of Economics* 4 (1979): 648.

factor of the death penalty. Through the use of heuristic evidence and considerations found within economic theories, support has been found showing that offenders “respond to incentives and, in particular, that punishment and law enforcement deter the commission of specific crimes.”⁸² Ehrlich’s approach is an economic approach and it provides a framework for analyzing transfers of resources, whether they are positive or negative, by one person that affects the levels of consumption of others while also determining the original individual’s level of consumption as well.⁸³ Using this framework on a case of murder, one can view an individual’s intention to inflict harm on another as an act of reducing that victim’s consumption level to zero. Throughout the act, the accused is bearing costs, planning and executing, and faces the consequence of incurring detrimental losses through apprehension, conviction and punishment.⁸⁴ If we are to assume that an individual’s incentive to commit a crime is determined by an expected utility, than for murder to occur, the expected utility from the crime outweighs the expected utility from another action.⁸⁵ Simply put, the prospective murderer is going to respond to variations in his or her personal feelings regarding the usefulness of the crime, the benefits that could be gained and the consequences one could possibly face. These feelings will be formed by society’s past reactions to the particular crime. Applying Ehrlich’s formula, Kenneth L. Avio found that a “statistically significant (as conventionally defined) independent deterrent effect of capital punishment is not found for Canada over the period 1926 to 1960.”⁸⁶ Due to the amount of

⁸² Isaac Ehrlich, “The Deterrent Effect of Capital Punishment: A Question of Life and Death,” *The American Economic Review* 65 (1975): 397.

⁸³ *Ibid.*, 399.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*, 400.

⁸⁶ Kenneth L. Avio, “Capital punishment in Canada: a time-series analysis of the deterrent hypothesis,” *Canadian Journal of Economics* 4 (1979): 650.

variables available for apprehension, conviction and punishment in Canada, the death penalty, which the accused had a high percentage of avoiding, did not provide any deterrence when making a decision to commit a crime. In order to cement this formula even further, one must also look at statistics.

From 1962 to 1976, the violent crime rate steadily increased, from 220.8 per 100,000 to 592.5 per 100, 000 in 1976.⁸⁷ Appendix C outlines the trends in criminal code offences from 1962 to 1988. In 1977, the murder rate declined slightly, fluctuating for the next twenty years. The murder rate reached a thirty-year low in 1995 and in 1998 the rate dipped to its lowest rate since the 1960s.⁸⁸ So after all these statistics and formulas, is the lack of deterrence in capital punishment a logical reason to abolish the practice: the answer is yes, but it is more of a secondary influence. Is it logical to assume that a government chose to continue a practice that had no deterrence factor? No, it is more practical to say that the Canadian government was worried about the lack of deterrence that the death penalty created and as such, along with other reasons, chose to eliminate the practice.

11. Uneven Application: Discrimination, Bias and Uncertainty

So far, this paper has identified two possible reasons for the abolishment of capital punishment: the fear of mistakes and a lack of a deterrent factor. Connecting these two reasons is the last cause for the abolishment of capital punishment: an uneven application.

From Confederation to 1960, almost one half of convicted murderers escaped the gallows through executive clemency and, after 1961, thanks to a policy of *de facto* abolition. There was an enormous gap between mandatory pronouncement of the death penalty for capital

⁸⁷ D. Owen Carrigan, *Crime and Punishment in Canada: A History* (Toronto: McClelland & Stewart, 1991), 99 – 100.

⁸⁸ Amnesty International Canada, “The Death Penalty in Canada: Twenty Years of Abolition,” Amnesty International, <http://www.amnesty.ca/deathpenalty.canada.php> (accessed February 20, 2009).

crimes, on the one hand, and actual application of the death penalty, on the other. ... Although neither Liberals nor Conservatives adopted an abolitionist policy until the Liberals' temporary abolition bill of 1967, both parties when in power commuted close to half the sentences they reviewed.⁸⁹

When the Special Joint Committee of the House and Senate came back with their recommendations regarding the use of the death penalty, in its final reports, it noted that the decisions to execute were reached in "seemingly lottery-like fashion."⁹⁰ Although the death penalty was mandatory for particular capital crimes, the application of the practice was never consistent. The application of the death penalty was ruled by inequalities on the basis of class, race, sex and other factors including age, religion and region.⁹¹ As an example to illustrate the inequality within the application of the punishment, one can look at a particular race. For this example, Aboriginality provides a perfect comparison. From a study looking at the timeframe of 1920 to 1957, Aboriginality contributed greatly to the likelihood of execution: "Native condemned persons' risk of execution was 62% (if their victims were also Natives), but it jumped to 96% when victims were white."⁹² Another factor that influenced the application of the death penalty was gender.

If an individual was convicted of a capital crime between Confederation and 1976 and was female, one could count oneself very lucky: up to eighty percent of the women condemned were spared the noose.⁹³ Out of the fifty-seven women sentenced to death, after

⁸⁹ Carolyn Strange, "The Lottery of Death: Capital Punishment, 1867 - 1976," *Manitoba Law Journal* 23 (1995): 600.

⁹⁰ *Ibid*, 594.

⁹¹ *Ibid*, 599.

⁹² *Ibid*, 605.

⁹³ Carolyn Strange, "The Lottery of Death: Capital Punishment, 1867 - 1976," *Manitoba Law Journal* 23 (1995): 607.

Confederation, only twelve were actually hanged.⁹⁴ That rate is nearly one-half of the rate for condemned males: of the 1,455 condemned males, nearly half were executed.⁹⁵

From this section of the paper, it can be understood that the government was not fond of applying the death penalty in the first place. It also shows that for those that could not avoid the noose, certain individuals were condemned not for their crime but for their specific characteristics. Women were less likely to be executed than males; Aboriginals were more likely to die than Caucasians. Other statistics show that French Canadians were more likely to be executed, by a rate of forty-seven percent, than English Canadians, with a rate of only twenty-seven percent.⁹⁶

This 'lottery-like' process of application was the matter of contention for both abolitionists and retentionists. Both demanded to know the reasons why some condemned individuals were executed and why others were given clemency.⁹⁷ While the executions that did occur had placed the justice system in the public realm, the actual process for deciding who would hang and who would simply be placed in jail remained a well-guarded mystery.⁹⁸ Because of this secrecy, uncertainty blanketed the process and the application of capital punishment lost the all-important legal characteristic of predictability. This lack of predictability and discriminatory decision-making can also be seen as responsible for the lack of deterrence. The government's habit of applying the death penalty in a lottery-like fashion can be explained through the fear of making a mistake. To execute all those condemned to be executed would have certainly lead to many posthumous acquittals. All

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid, 614.

⁹⁷ Ibid, 618.

⁹⁸ Ibid.

three potential reasons for the abolishment of capital punishment: fear of errors, an uneven application and a lack of a deterrent factor, stem from each other. Out of all potential influences mentioned throughout this paper, it is the three intertwined that led to the abolishment of capital punishment in 1976.

12. Conclusion

Capital punishment will always remain a controversial topic. Whether a country practices the form of punishment or not, it will never be laid to rest. For a country like Canada, which has abolished the punishment for thirty-three years, the argument is even more important, especially since the country has refused to sign the "Pact of San Jose," an accord that would prohibit bringing back the form of punishment. Canadian citizens become angry upon seeing countless reminders of man's inhumanity to man. Murders are a part of life and there will always be the Ted Bundy's of the world for each generation to face. With this paper, an attempt has been made to answer the question: why did Canada abolish the death penalty in 1976? Looking at many different aspects of society and also the "Pact of San Jose," a conclusion has been reached. In 1976, after fourteen years of not practicing the death penalty, Canada abolished the punishment because of a fear of mistakes, as illustrated by many cases including Steven Truscott; an uneven application, shrouding the procedure in bias, discrimination and uncertainty; and a lack of deterrence, although this particular factor is more secondary than the others. A clue as to the truth of these influences lies within Canada's refusal to sign and ratify the "Pact of San Jose": a fear of making mistakes, an uneven application and a lack of deterrence do not mean that Canada finds that capital punishment is an inappropriate for the penal system. It illustrates simply that Canada has not yet found a system to accurately and properly administer the

punishment. Until a case has been established as to whether or not that is possible, the “Pact of San Jose” will remain unsigned and criminals and innocents can take comfort in the fact that if a mistake is made within the realm of the justice system, at least now, it can be amended.

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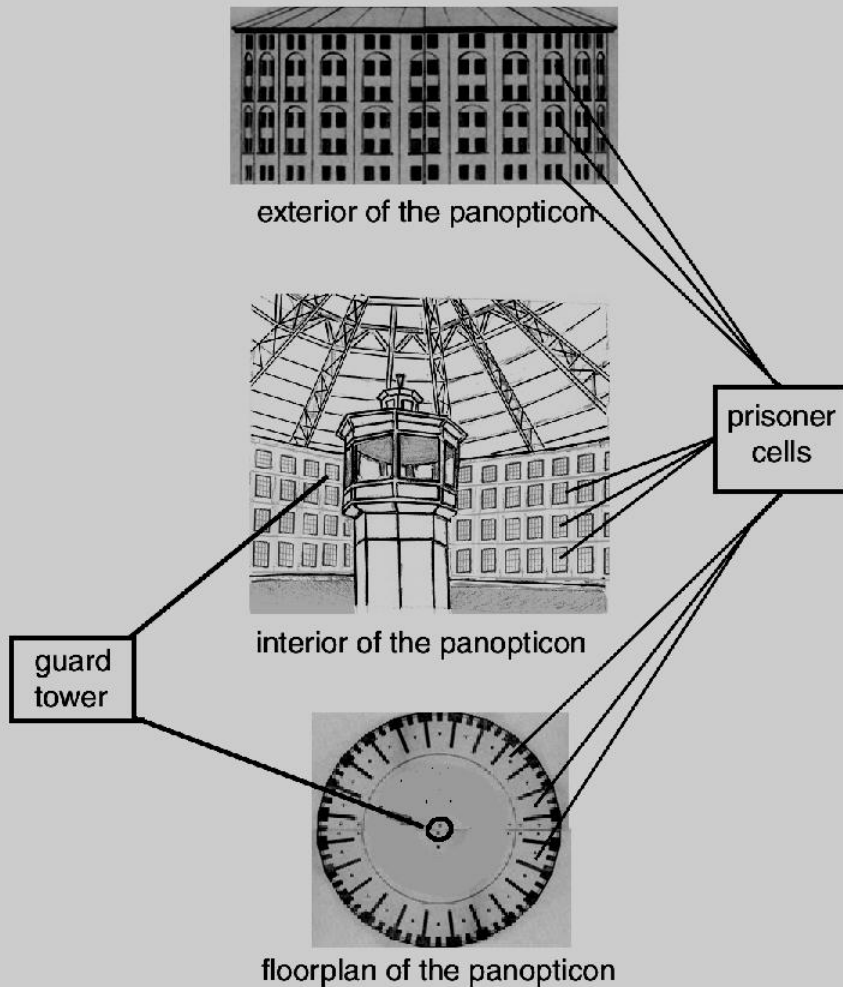
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Appendix A:

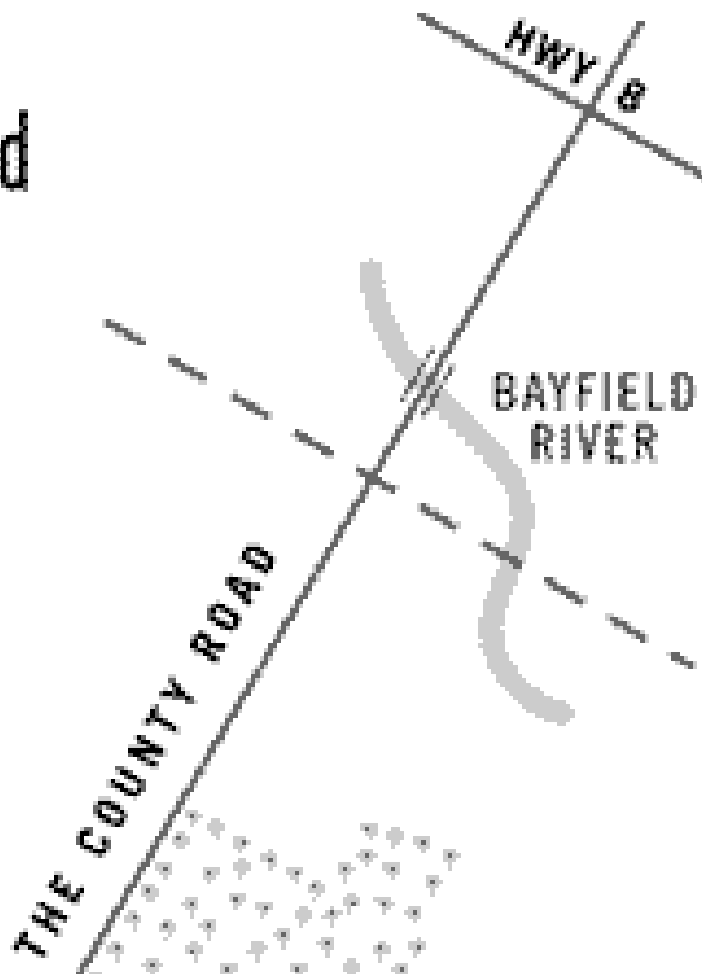
DESIGN OF THE PANOPTICON



Source: "It's not about being superhuman, it's about being superbly human," Homo Ludens, <http://ledeberg.files.wordpress.com> (accessed March 1, 2009).

Appendix B: Area surrounding crime scene of Lynne Harper

The county road
from the base
to Highway 8



Source: Julian Sher, "Until You are Dead: Steven Truscott's Ride Into History," Random House, <http://www.randomhouse.ca/features/steventruscott/home.html> (accessed February 24, 2009).

Trends in Criminal Code Offences, 1962-88

	Total Criminal Code		Crimes of Violence		Property Crimes		Other Crimes	
	Actual Number	Rate per 100,000	Actual Number	Rate per 100,000	Actual Number	Rate per 100,000	Actual Number	Rate per 100,000
1962	514,986	2,771.2	41,026	220.8	351,483	1,891.4	122,477	659
1963	572,105	3,022.0	47,229	249.5	387,517	2,046.0	137,359	725.6
1964	626,038	3,245.2	54,769	283.9	414,048	2,146.3	157,221	815
1965	628,418	3,199.0	58,780	299.2	410,688	2,090.6	158,950	809.1
1966	702,809	3,919.9	69,386	346.6	451,980	2,258.2	181,443	906.5
1967	784,568	3,850.0	77,614	380.8	506,151	2,483.8	200,803	985.4
1968	895,983	4,328.2	87,544	422.9	584,996	2,825.9	223,443	1,079.3
1969	992,661	4,726.7	95,084	452.7	655,304	3,120.3	242,273	1,153.6
1970	1,074,452	5,200.0	102,358	480.6	748,522	3,514.7	256,572	1,204.7
1971	1,163,705	5,395.4	108,095	501.1	801,379	3,715.5	254,231	1,178.7
1972	1,192,891	5,464.3	110,468	506.0	807,468	3,698.8	274,955	1,283.8
1973	1,302,938	5,897.1	117,764	533.0	833,329	3,771.6	351,845	1,592.4
1974	1,456,885	6,490.5	126,053	561.6	946,793	4,218.0	384,039	1,710.9
1975	1,585,805	6,955.3	135,424	594.0	1,041,036	4,565.9	409,345	1,795.4
1976	1,585,805	6,955.3	136,935	592.5	1,062,952	4,599.5	437,817	1,894.5
1977	1,654,020	7,101.5	135,745	582.8	1,059,688	4,549.7	458,587	1,968.9
1978	1,714,297	7,300.7	138,972	591.8	1,097,242	4,672.8	478,083	2,036.0
1979	1,855,271	7,837.5	147,528	623.2	1,186,697	5,013.1	521,046	2,201.1
1980	2,045,399	8,553.0	155,864	651.7	1,334,619	5,580.8	554,916	2,320.4
1981	2,168,201	8,963.4	162,228	670.6	1,429,520	5,909.6	576,453	2,382.9
1982	2,203,668	8,945.6	168,646	684.6	1,466,923	5,954.8	568,099	2,306.1
1983	2,148,633	8,668	172,315	695	1,422,703	5,740	553,615	2,233
1984	2,147,697	8,598	172,395	718	1,408,663	5,640	559,637	2,240
1985	2,174,175	8,640	189,822	754	1,408,717	5,598	575,636	2,287
1986	2,277,749	8,984	204,917	808	1,448,550	5,714	624,282	2,462
1987	2,363,558	9,224	219,381	856	1,468,591	5,731	675,586	2,636
1988	2,392,419	9,233	232,699	898	1,458,821	5,630	700,899	2,705

Source: D. Owen Carrigan, *Crime and Punishment in Canada: A History*, (Toronto: McClelland & Stewart, 1991), 99 - 100.