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Title:

Broadcast script (handwritten) re capital punishment

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Good evening. ~~I want to talk to you tonight about a matter of which all attitudes ~~concern~~~~

Have you ever thought what was your responsibility towards the administration of justice in this State. The decisions made as to guilt or innocence of people accused of crimes, & the sentences carried out to punish them on their conviction are our business. If people are convicted wrongly or unfairly ~~and~~ because of the state of the laws, if people are hanged in this State for no good reason, that is not responsibility - yours & mine. Their lives lie on our souls.

South Australia retains the death penalty for murder. Why? The only - the only ^{or just} justification for the taking of life is where there is some overwhelming moral justification. Those of us who are not pacifists would say that an ~~aggression~~ unjust attack on our country by an aggressor was such a justification, that in order to preserve life we are justified in taking life in self defence.

Is there any such moral justification for a sentence of death for murder. We no longer believe in ~~the~~ ~~retributive~~ punishment as ~~was~~ ^{were primitive} retribution, & though society may feel that stern punishment is needed to mark its disapproval of serious crimes, there is no necessity to take a life for a life - that is as barbarous as saying that if a man ~~beats~~ ^{maims} another - he works the other's eye out for

instance in an assault, the punishment he should receive would be to have his eye knocked out. We would think it absurd to go to the lengths of the Mithrads in making the punishment fit the crime.

Those people who say that the death penalty must be retained give as their reason that it is the only adequate deterrent to murder. Their argument is in effect that if life imprisonment were substituted for ~~the~~ hanging, then murders would increase.

This proposition is quite easy to examine - British countries have in the past had the death penalty for a number of ^{other than murder} crimes & then abolished it - the death penalty for those crimes - let's see what happened.

In Great Britain ~~the~~ not so long ago the death penalty was in force not only for a wide range of crimes of violence but for many insalubrious dishonesty. Yet that did not deter people from committing those crimes - the incidence of them in proportion to population was far higher than it is now. ~~The~~ The death penalty was abolished, & for years of those crimes are now committed. I do not argue that the number of ~~the~~ crimes has fallen because the death penalty for them was ~~removed~~ - but the death penalty was ^{clearly} not such a deterrent as it ~~was~~ is made out to be.

Let's examine the experience of countries which have abolished the death penalty for murder. Did murders increase

with the abolition of the death penalty? —
 The answer is clearly no. Let us read to
 you the words of the former British Home
 Secretary Lord Templewood.

If then, as appears from the experience
 the death penalty is not a greater deterrent
 to murder than ~~any~~ other punishment
 we ought not to retain it — we ought not
 to take life without moral justification.

But there is a further, & to me quite
 overwhelming reason for revoking the death
 penalty, & it is this. Our courts are
 not such effective instruments of justice
 that a man's life should depend upon their
 decision. We have to have law courts,
 they must make decisions, but they can
 & they demonstrably do make mistakes.

Let me point out just two. A very
 few years ago a Royal Commission in
 N.S.W. investigated the case of a man
 called Mr. Dermott. He had been some
 years before, convicted of murder, & was
 serving a life sentence. N.S.W. does
 not have the death penalty, & at the time
 of the Royal Commission Mr. Dermott
 was still alive. Had he been in S.A., however,
 he would have been hanged, & the
 Royal Commission would have afforded
 his ghost but cold comfort. The
 Royal Commission found that the
 verdict against Mr. Dermott was
 unwarranted, he ought not to have
 been convicted. He was pardoned,
 released, & compensated. But had such
 a wrong conviction occurred here,

we could not have righted the wrong society had done the wrong - we would, by judicial process, have murdered him - and death after all is so permanent.

Let us turn to another and celebrated case. In 1949 a man called Evans was convicted of the murder of his baby daughter and evidence was also tendered that he had murdered his wife. Evans was an illiterate man of low intelligence. In a series of statements to the police and at his trial he placed the blame on a man called Christie who lived in the same house as he. Christie denied these allegations and gave evidence for the prosecution which hanged Evans. Evans was caught in a ~~mass~~ web of evidence and apparently valid deductions from it, & evidence later to be proved false or mistaken. He had at one stage made two statements to the police apparently confessing the crime with which he was charged. He was convicted and hanged. There seemed, on the face of the case, no possible doubt that Evans had committed this monstrous crime - the evidence to convict him was overwhelming.

Some time later, however, after Christie had vacated the house, the bodies of a number of women including Christie's wife were found concealed in the walls & buried in the garden. Christie when apprehended, admitted to having killed them. - ~~was~~ He had made a practice of killing women & criminals

assaulting them. He continued to being killed
Mrs. Evans too. A host of details then
came to light corroborating Evans story
of Christie's being killed his wife & being
made away with the baby. Mrs. Evans
~~had been~~ & the baby had been strangled
in the identical manner which Christie
had used to kill the other woman.

It was shown that at the time that
the bodies of Mrs. Evans & the baby were
found placed where they ~~were~~ were
ultimately discovered by the police
Evans had already left the house.

It is clear to any unbiased observer
that ~~Christie~~ Evans was wrongly
convicted, unjustly hanged. But it
was too late. He was already dead.
And the tears with which Mr. Chamber
Ede, the Home Secretary who had
ordered that his execution must proceed
told the House of Commons that he was
pained he had been wrong, & that his
death proved could & had meant
that an innocent man had died at the
hands of society, was eloquent testi-
mony of the evil which we continue
to harbour.

This is something which concerns
us all. Will you examine your
conscience in this matter, & stand
with the Labor Party when it demands
that this barbarous relic of a good age
be removed from our statute, and
that logic, & not prejudice & passion,
should rule our penal ~~and~~ provisions.

* Denmark, for instance abolished capital punishment in 1923. ^{Scandinavia} ~~Europe~~ for murders per 100,000 of population were 3.6 ~~per~~ in the year 1903-1907 but declined steadily to a figure of 1.1 in the 1944-49.

It may seem to us as rational people that the death penalty would deter us from murder. But in fact the reason why we don't commit murders is that we think it's wrong. ~~We must not look to what would.~~ The explanation is of the experience of countries which have abolished the death penalty without an increase in the number of murders is that the death penalty is no effective deterrent to the small, submerged, half-crazy, perverted class of people who are potential murderers. Either they commit murder convinced they will not be found out, or they do it in a fit of passion or in season when no deterrent is effective because they do not think of what will happen to them afterwards. ~~It has~~ ~~been suggested~~ Sir John Anderson, an experienced former Home Secretary of Great Britain has admitted that for most murders the death penalty has no deterrent effect. The only people he would argue that it might affect were armed robbers who might then be tempted to use their weapons on someone discovering them in the act of crime. But experience again in European countries of

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Ireland, Holland, & Switz
which have abolished the death penalty,
is that the incidence of armed robbers
turning their weapons on the police is
not higher and lower than in England.

(Start of Page)

Good evening. ~~I want to talk to you tonight about a matter on which the attitude commonly~~

Have you ever thought what was your responsibility towards the administration of justice in this State. The decisions made as to guilt or innocence of people accused of crimes, & the sentences carried and to punish them on their conviction are our business. If people are convicted wrongfully or unfairly ~~or are~~ because of the state of the law, if people are charged in this state for no good reason, that is our responsibility – yours & mine. Their lives lie on our souls.

South Australia retains the death penalty for murder. Why? The only – the only ~~justification~~ excuse for the taking of life is where there is some overwhelming moral justification. Those of us who are not pacifists would say that an ~~aggression~~ unjust attack on our country by an aggressor was such a justification, that in order to preserve life we are justified in taking life in self defence.

Is there any such moral justification for a sentence of death for murder. We no longer believe in ~~the retribution~~ punishment as mere primitive retribution, & though society may feel that stern punishment is needed to mark its disapproval of serious crime, there is no necessity to take a life for a life – this is as barbarous as saying that if a man ~~harms~~ maims another – knocks the others eye out for

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instance in an assault, the punishment he should receive would be to have his eye knocked out. We would think it absurd to go to the lengths of the Mikado in making the punishment fit the crime.

Those people who say that the death penalty must be retained give as their reason that it is the only adequate deterrent to murder. Their argument is in effect that if life imprisonment were substituted for hanging, then murders would increase.

This proposition is quite easy to examine – British countries have in the past had the death penalty for a number of crime other than murder & then abolished it – the death penalty for those crimes – let's see what happened.

In Great Britain ~~the~~ not so long ago the death penalty was in force not only for a wide range of crimes of violence but for many involving dishonesty. Yet that did not deter people from committing those crimes – the incidence of them in proportion to population was far higher than than now. The death penalty was abolished, & far fewer of those crimes are now committed. I do not argue that the number of the crimes has fallen because the death

penalty for them was revoked – but the death penalty was clearly not such a deterrent as it is made out to be.

Let's examine the experience of countries which have abolished the death penalty for murder. Did murders increase

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with the abolition of the death penalty? – The answer is clearly no. Let me read to you the words of the former British Home Secretary Lord Templewood.

If then, as appears from experience the death penalty is not a greater deterrent to murder than other punishments we ought not to retain it – we ought not to take life without moral justification.

But there is a further, & to me quite overwhelming reason for revoking the death penalty, it is this. Our courts are not such effective instruments that a man's life should depend upon their decisions. We have to have law courts, they must make decisions, but they can & they demonstrably do make mistakes.

Let me point out just two. A very few years ago a Royal Commission in N.S.W investigated the case of a man called McDermott. He had been some years before, convicted of murder, & was serving a life sentence. N.S.W under Labor Govts. does not impose the death penalty, so at the time of the Royal Commission McDermott was still alive. Had he been in S.A., however, he would have been hanged, the Royal Commission would have afforded his ghost but cold comfort. The Royal Commission found that the verdict against McDermott was unwarranted, he ought never to have been convicted. He was pardoned, released, & compensated. But had such a wrong conviction occurred here,

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we could not have righted the wrong society had done the man – we would, by judicial process, have murdered him – and death after all is so permanent.

Let me turn to another and celebrated case. In 1949 a man called Evans was convicted of the murder of his baby daughter and evidence was also tendered that he had murdered his wife. Evans was an illiterate man of low intelligence. In an early statement to the police and at his trial he placed the blame on a man called Christie who lived in the same house as he. Christie denied the allegations and gave evidence for the prosecution which hanged Evans. Evans was caught in a web of evidence and apparently valid deductions from it, & evidence later to be proved false or mistaken. He had at one stage made two statements to the police apparently confessing the crime with which he was charged. He was convicted and hanged. There seemed, on the face of the case, no possible doubt that Evans had committed this monstrous crime – the evidence to convict him was over-whelming.

Some time later, however, after Christie has vacated the house, the bodies of a number of women including Christies wife were found concealed in the walls & buried in the garden. Christie when apprehended, admitted to having killed them. He had made a practice of killing women & criminally

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assaulting them. He confessed to having killed Mrs. Evans too. A host of details then came to light corroborating Evans story of Christie having killed his wife & having made away with the baby. Mrs. Evans & the baby had been strangled in the identical manner which Christie had used to kill the other women. It was shown that at the time that the bodies of Mrs. Evans & the baby must have been placed where they were ultimately discovered by the police. Evans had already left the house.

It is clear to any unbiased observer that Evans was wrongly convicted, unjustly hanged. But it was too late. He was already dead. And the tears with which Mr Chuter Ede, the Home Secretary who had ordered that his execution must proceed told the House of Commons that he now realised he had been wrong, & that the death penalty could & had meant that an innocent man had died at the hands of society, were eloquent testimony of the evil which we continued to condone.

This is something which concerns us all. Will you examine your conscience in this matter, & stand with the Labor Party where it demands that this barbarous relic of a prior age be removed from our statutes, and that logic, & not prejudice & passions, should rule our penal provisions.

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*Queensland for instance abolished capital punishment in 1923. Statistics for murder per 100,000 of population were 3.6 in the years 1903-1907 but declined steadily to a figure of 1.1 in the 1944-49.

It may seem to us as rational people that the death penalty would deter us from murder. But in fact the reason why we don't commit murders is that we think it's wrong. ~~We must not look to what would~~ The explanation is of the experiences of countries which have abolished the death penalty without an increase in the number of murders is that the death penalty is no effective deterrent to the small, submerged, half-crazy perverted class of people who are potential murderers. Either they commit murder convinced they will not be found out, or they do it in a fit of passion or unreason where no deterrent is effective because they do not think of what will happen to them afterwards. ~~It has been suggested~~ Sir John Anderson, an experienced former house secretary of Great Britain has admitted that for most murderers the death penalty has no deterrent effect. The only people he would

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