

Veto No. 1978-11

SB 1233

July 1, 1978

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 1233, Printer's No. 2034, entitled, "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the imposition of sentences for murder."

The citizens of this Commonwealth are expressing growing frustration with the criminal justice system and its failure to deal adequately and swiftly with those who have taken a human life. We emphatically demand an end to violent crimes and the debilitating fear that permeates an environment of violence.

The General Assembly has addressed itself to this legitimate frustration and demand. It has approved constitutional amendments aimed at easing the overburdened criminal justice system through more efficient prosecutorial procedures and through the appointment of additional appellate judicial manpower. Allowing prosecutors to dispense with the cumbersome grand jury system of indictment in favor of the more expedient manner of filing criminal information will do much to conform that system to today's realities. The addition of Judges to the Superior Court, the court charged with oversight on the criminal justice system, will help restore to the system the ability to dispense swift and certain punishment to criminal offenders.

I commend the General Assembly for these and related reforms of our criminal justice system.

I have before me now Senate Bill No. 1233, an amendment to the Crimes Code.

This bill would reinstate imposition of the death penalty in Pennsylvania. An individual found guilty of first-degree murder could be subject to death or life imprisonment depending on relevant aggravating and mitigating circumstances.

I cannot approve this bill.

I understand the demand that society has an obligation to permanently protect its members from those who have criminally taken the life of another. No one can minimize the legitimacy of this demand. But I do not believe that our society is better protected by allowing the State to violate the very values it is delegated to preserve.

I have seen no convincing evidence supporting the proposition that the death penalty deters the commission of serious crime. And Senate Bill No. 1233 goes well beyond those limited areas of crime deterrence I described in my veto message of March 22, 1974 in respect to H.B. 1060.

The reintroduction of capital punishment could lull us into the false belief that we have effectively responded to the need for an end to violence when in fact we have not.

The urgent task of making the criminal justice system operate to our benefit and for our protection must be addressed. The General Assembly has begun the task of strengthening every facet of the law enforcement and criminal justice systems. To the extent that the reinstatement of the death penalty turns us away from this more difficult but more important task, I must oppose it.

Ultimately, I do not believe that the State should take the life of one who has taken the life of another. I do not believe that the barbarous behavior of an individual necessitates the barbarous response of the Commonwealth in the name of protecting its citizens. I do not believe that the death penalty will make our lives and our environment any safer.

For these reasons the bill is not approved.

MILTON J. SHAPP