

### Capital Punishment

Canadian. What are we to assume from such over-representation in our prisons? Are we expected to believe that native Canadians are more prone to criminality than non-natives? Would one be justified in fearing that we have not yet rid our justice system of discrimination that has been so carefully documented by Professor Avio?

When native women are considered in isolation the discrepancy is much larger. Nearly 15 per cent of the women in the Kingston Prison for Women are native women, but only 2 per cent of Canadian women are native women. These women are over-represented in our prisons by a factor of over seven.

It is not only with native Canadians that such over-representation occurs in our prisons. Black Canadians are also over-represented by a factor of over two for male and over three for females. In general, non-Caucasians are over-represented in Canadian federal prisons by a factor of at least two.

Again, what are we to assume from such facts? Are we to assume that Canadians who are non-Caucasian are more prone to criminal activity, or must we fear that somewhere in our system of justice an injustice is continuing to occur?

I am afraid that our Charter of Rights and Freedoms embodying as a fundamental principle that all people are of morally equal value is placed in some doubt by this *de facto* racial inequality in our prisons.

This seems to be the message that we have received recently from the Native Indian Brotherhood, the Assembly of First Nations, in a letter dated June 19, which states in part:

There is further evidence that First Nations citizens have been and are being punished by the Canadian State in disproportionate numbers and could be the most victims of a restored death penalty.

In our First Nations philosophies human life is held to be sacred, flowing as it does in common with all life from the Great Spirit, Creator of all life. Our forefathers traditionally practised a system of banishment rather than execution as the punishment for the grievous offence of wrongful killing. In our traditional philosophies the ultimate decision about the fate of human beings lies with the Great Spirit, Creator of all life.

Our debate today is specifically whether or not Canada should consider reinstating the death penalty. As I have stated, while there are no sufficient reasons to reintroduce this penalty, and many good reasons not to, the reason that concerns me in particular is this unconscious bias of the anger of our society directed against some of the weakest people in our society in the form of imprisonment now, and in the form of the death penalty in the past and in the future if it is restored.

In a sense, particularly at a distance, I believe it is easy to use capital punishment and to decide to kill. The job is quickly done. We can feel that we are doing something to preserve justice in our society, but we must ask ourselves whether that is true. In fact, would we be venting our anger, and even bringing in other angers that have nothing to do with the particular crime by executing people selectively, by executing someone unpopular and defenceless?

I want to share with the House the words of an American woman whose mother-in-law was murdered in 1972. She said:

From the night Penny was murdered until today, people have asked us why we did not feel the same anger and need to vengeance so many murder victims' families seem to feel. They imply that we are either saints or emotional freaks. We are neither. We did feel anger and horror and pain and an almost overwhelming sense of loss.

But perhaps our most intense feeling was a desperate need to understand "why?"—we wanted to know why there is so much violence among us, why we are so good at passing on violence and so poor at passing on love.

This woman's search to understand the why of violent crimes took her to death row where she worked with 200 death-sentenced prisoners. She said:

The details of their stories are different, but it is in the similarities that reasons are found. They are all poor. They are disproportionately made up of minorities. All but a few were abused, molested, neglected or institutionalized as children or youths. They turned to drugs and alcohol to numb the pain of their own brutal lives. More than half appear to be mentally ill to some degree.

In many cases their families sought help again and again.

They gave out clear signals that they were in trouble. They were society's throw-aways long before they murdered. We did not help them. They ended up committing murder, and now we will murder them back. It is an American way of death.

Those are the words of a loyal, sensitive American. I urge that we not let this become a Canadian way of death.

I also want to quote from a professor at Queen's University, Professor H. R. S. Ryan, who has studied criminal law and justice throughout his life. He considers the death penalty as a ritual sacrifice. He means that we as a society focus our anger and our fear on a few individuals, in the hope that their execution will provide us with an illusion of justice.

As he says:

The ritual execution of even a few of our most notorious killers gives the pacifying impression that something is being done, that we have struck back at those who threaten us, that the scales of justice have been balanced.

Professor Ryan's conclusion, with which I agree, is that it is not justice if we vent our anger selectively. If we execute because we are angry, and we choose to execute those who already have suffered and continue to suffer much discrimination in our society, can we really say that justice is being served? It is a strange kind of justice.

It is easy to execute people but it is not easy to teach ourselves why people kill, and how we are to address that fact.

Let me describe recent research that shows that throughout the world in ancient times, and even in modern times in some parts of the world, people had a system of sanctuary. It is reflected in the Mosaic Law in our Bible where there were the cities of refuge. A person could go there to negotiate with his pursuers or persecutors. This continued into the Middle Ages in Europe, with the church as a place of refuge. If there was a blood feud and someone killed another because that person had killed his brother, another relative would have to be killed and so on, to the point where it could escalate to a civil war. The city of refuge, or the church of refuge, was a way to let