

Capital Punishment

recommendation on (a) and (b) above; such a bill shall be the object of a separate and distinct report of the special committee, and such a report shall be its final report;

That such bill, when reported from such special committee to the House, be deemed pursuant to Standing Order 107(1) to have been introduced and stand on the Order Paper, in the name of the special committee chairman, for first reading at the next sitting of the House; and that subsequent House stages of the bill be considered under "Government Orders", with the bill standing under the heading "Government Business", and that, when the said bill has been read a second time, it shall stand referred to a Legislative Committee;

That the Striking Committee be empowered to name the Members of the special committee, provide that once the Striking Committee report is laid upon the Table, it shall be deemed concurred in;

That the special committee have the power to sit while the House is sitting and during periods when the House stands adjourned;

That the special committee be empowered to report from time to time and send for persons and papers, and to print such papers and evidence from time to time as may be ordered by the committee and to retain the services of expert, technical, professional and clerical staff;

That the special committee be empowered to adjourn from place to place inside Canada and that, when deemed necessary, the appropriate staff accompany the committee;

That a quorum of the special committee be eight (8) members from any vote, resolution or other decision; and that the chairman be authorized to hold meetings to receive evidence and authorize the printing thereof whenever six (6) members are present;

That any substitution of membership on the special committee be made pursuant to Standing Order 94(4); and

That, notwithstanding the usual practices of this House, if the House is not sitting when the special committee is ready to issue its final report and the said bill, the special committee shall present its report and the bill to the House by filing them with the Clerk of the House provided that the report shall then be deemed to have been laid upon the Table, and the bill shall then be deemed, pursuant to Standing Order 107(1), to have been introduced at the first sitting of the House thereafter and to stand on the Order Paper in the name of the special committee chairman, for first reading at the next sitting of the House; and that subsequent House stages of the bill be considered under "Government Orders", with the bill standing under the heading "Government Business".

And on the amendment of Mr. Nystrom (p. 7307).

Mr. Dan Heap (Spadina): Mr. Speaker, after my speech last Friday, I was given an article published Tuesday, May 26, in the newspaper *Le Soleil*, of Quebec City. According to the Director of the Quebec City Police Force, we have to stop talking about the death penalty. Mr. Bergeron, who took part in the debate on the death penalty held yesterday by the Council of Churches for Justice and Criminology, said that the respect of human life is the main reason for opposing reinstatement of the death penalty. According to him, why should society itself commit the very same barbarian act it is condemning? He also said that an increasing number of senior police officers object to reinstatement of the death penalty.

[English]

Further to that, I wish to point out recent research which throws some light on the matter on which I have previously expressed great curiosity, that is, why there is so much insistence on the return of the death penalty. I have suggested that I think it is because of anger.

In this connection perhaps most people have noticed the study done recently by Professor Kenneth Avio of the University of Victoria which found that, all other things being equal, native Indians, Ukrainians and French Canadians, in that descending order, were more likely to be executed than English Canadians while the death penalty was in effect in Canada.

Beginning shortly after Confederation and until Parliament abolished capital punishment in 1976 all capital cases were referred to the federal Cabinet where a decision was made either to let the death sentence stand or to commute the sentence.

The results of Professor Avio's study indicate that cabinet decisions were not arbitrary but were influenced by the membership of the accused in particular ethnic groups. Non-white offenders who killed whites were more likely to be executed than other offenders. Native persons, Ukrainian-speaking Canadians of east European origin, French Canadians and Anglo-Canadians faced different risks of execution for similar crimes, in descending order. Native Canadians would be the highest risk and Anglo-Canadians would be the lowest risk. Of course, consideration of ethnicity when making a decision on execution is illegal. It was then; it is now. Yet, Cabinet appears to have been influenced, however unconsciously, by these ethnic factors.

● (1120)

Professor Avio also notes that the evidence of discrimination found here is at the cabinet level only. That is to say, it is in addition to any similar discrimination exercised at earlier stages of the criminal justice proceedings, including treatment by police and the courts.

A thoughtful article in today's *The Globe and Mail* describes the process of unconscious bias that may creep into the system to the disadvantage of the accused.

Professor Avio has also provided us with evidence of discrimination against ethnic minorities in Canada when the choice is being made at the Cabinet level whether or not to execute. Similar studies illustrate a similar discrimination in the United States against blacks.

I am concerned that if capital punishment were reintroduced in Canada the danger exists that we might continue to discriminate against ethnic minorities or some other identifiable group of Canadians, such as the non-wealthy or uneducated, in the same fashion. I ask whether there is any evidence that such discrimination is still at work in the Canadian justice system? While it is difficult to get a complete answer, there is reason to be concerned.

There is evidence here in our prisons. Currently, 12,122 people are serving time in federal prisons. Of these prisoners, 9.1 per cent—nearly one in ten—are members of the group we refer to as native Canadian, including Inuit, Métis, status or non-status Indian. Only one Canadian in 50 is a native