

# Natives want more justice in

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From the Donald Marshall inquiry to the Manitoba native justice inquiry, people across Canada are looking at how this country's justice system treats — and mistreats — native people.

Some local native people think it may be time for the Brantford community to do the same.

"I think in every court there's a bit of prejudice," said a native man from Hamilton in the Brantford jail on charges of break and enter.

"There is a problem in sentencing in Brantford," said a Six Nations man charged with attempted theft.

He said he recently watched a white man and a native man receive sentences for the same offence, a high-speed car chase. The white man received a four-month sentence, the native got two years less a day.

Brantford's chief Crown attorney Keith Swanson says there

are many things which affect a judge's decision on a sentence. "It could be the individual; if he's got a past record; if there's a possibility of rehabilitation or not, and other things.

"I don't think the residents of the reserve are treated any differently" than non-natives, he said.

A 1990 research report for the Donald Marshall inquiry found that more natives than non-natives plead guilty in court.

Ferne King, a counsellor for the Pine Tree Native Centre who works with native inmates, said this may be due to the lack of faith in the system.

"They figure they're never going to beat the system, the system is always going to beat them. So they just plead guilty to start the clock ticking."

This may have an effect on the number of native people in Ontario jails. Ross Virgo, communications officer for Ontario

Correctional Services, says native people make up about two per cent of Ontario's population, and about eight per cent of the admissions to provincial jails.

It is difficult to obtain similar figures for the Brantford jail, since there is no accurate count of the percentage of native people in the counties of Brant, Norfolk and Haldimand, which are served by the jail.

However, Mr. Virgo said more than 13 per cent of admissions to the jail from April, 1989 to March, 1990 were native offenders.

"I think what's coming through in the sentencing is a lack of understanding of different cultures," said Marcella Lickers, a native court worker, suggesting a week-long workshop in native culture, run by native people.

Chief Coun. William Montour says he wants a court and a jus-

tice of the peace on the Six Nations reserve.

He said that without "knowing the rules and traditions of the First Nation community," a judge in Brantford can't make an accurate judgment on Six Nations bylaws.

He also thinks it would help to deal with less serious offences in the community. "We have to get our own court here, not some white court."

The Department of Indian Affairs is currently reviewing a paper submitted by a Six Nations committee studying the issue, and hasn't indicated when it will respond.

Mr. Swanson doesn't think this is the answer.

"As far as I'm concerned the reserve should be the same as everyone else," he said. "The volume of business doesn't justify setting up a different court."