

the Sou'wester

Fall 2019

COMMUNITAS DOUBLES YOUR DONATION!

Fundraising season has arrived to Communitas and, again, we have been blessed by the generosity of our community.

For the second year in a row, an anonymous donor has committed to match all donations given in memory of Hugh MacCormack, a dear long-time member and passionate supporter of Communitas.

Continued on page 2



Celebrating Restorative Justice in Canada

Every year, the third week of November is celebrated across Canada as Restorative Justice Week. RJ organizations across the country take the opportunity to share with the public the life-changing work that is underway in the area of restorative justice.



Communitas, which is based on restorative justice principles, is focusing many articles in this issue of the Sou'Wester on restorative justice.

While restorative justice principles have been part of Indigenous practices in Canada predating colonialization, it was not until 1974 that a Canadian court took notice and implemented a restorative action. Two teens were before the court accused of vandalizing the property of 22 homeowners in Elmira, Ontario. Two young probation officers suggested to the court that the accused apologize to the homeowners and make restitution, instead of being imprisoned. Judge Gordon McConnell agreed, and in doing so set a new legal precedent in Canadian law. Since then, the practice has spread across the country in limited use. It is used more often within Indigenous circles but is also used in some communities with great success.

The principles of restorative justice revolve around the concept that when a crime occurs, work must be done to repair the damage and promote healing and growth in a collaborative way that involves the victim, the offender and the affected community. Restorative justice asks who has been hurt, what are their needs, and whose obligation it is to repair the damage.

There are more than 100 restorative justice organizations throughout Canada promoting its use and working with the legal system to implement restorative practices. It is also being introduced into some schools as a method of resolving bullying and conflict.

Bill

We would love to hear from you!



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www.communitasmontreal.org

The Sou'Wester name is a reference to Montreal's Southwest, where Communitas began its work in 1999 and is still based today.

 @communitas_MTL
 /communitasmontreal

COMMUNITAS FEEDS THE HOMELESS



The meal at which we shared table with some of Montreal's homeless, took place as hoped on August 25 in Fulford Hall, that hospitable located known to *Communitas* through *Open Door* so well.

A total of 16 volunteers came in the name of *Communitas* to serve a hot meal to about 120 Montrealers in need.

The appreciation and pleasure of the diners were matched by those of us who, to a person, relished this chance to serve those fellow members of our community. At the same time, we take this opportunity to say thank you to *Christ Church Cathedral* which generously accommodates the Sunday Lunches and has equally generously accommodated our *Open Door* meetings as they have at least done for the past 14 years.

Our gesture on August 25 has encouraged the *Social Service Society* of the Cathedral to add Sunday Lunches in July, August and December so that they can be counted on every month by those for whom they make a significant contribution to their social and nutritional viability. We can be grateful that *Communitas* members have helped to make this possible, and that in answer to the responses of so many of you, we will be able to do this again by providing the volunteer team for the added Sunday Lunch planned for December 29, 2019 at 12 noon, in Fulford Hall.

Peter

Trying to explain restorative justice is a little like trying to explain a haircut...

A simple concept, but if you have never had one, it is esoteric.

Is the hair cut in bunches?

Is it done one by one?

Does it depend on the cutter?

Does it depend on the recipient?

All of the above?

Yes, it is a little like a haircut.

When Abraham – the father of at least three religions (more depending on how you want to count), pleaded with the Lord: “Will you sweep away the righteous with the wicked?”

There are few who do not have some wickedness in them. There are fewer that are wholly righteous. So how about we focus on the 99% that are a little of both? Should we be condemned outright? Should we be forgiven outright? Does either make the pain go away?

What if one soul could be saved, Lord, would that we gave them a chance?

What if it were a woman and a man, would we give them a chance?

What if it were a family, Lord, would we give them a chance?

What if it were a village, Lord, would we give them a chance?

What if we had to do with a little less, for a while?

Would we do that to help our neighbours?

Would we do that to help our enemies?

Would we do that for our eternal souls?

Abraham was, so the story goes, a good negotiator for he bargained with the Lord down to 10 righteous people. It is a little harder – or easier – now as we have to do it in our minds. But with faith and community we can also rely on others.

Jesus spoke not of murderers but of anger and lust and retaliation – to not resist the evil ones.

These are hard lessons. But in accepting we show strength. The strength for restoration, the strength for charity, the strength for community. No one said it was easy. It will require strength. But it is easier with charity, faith and hope.

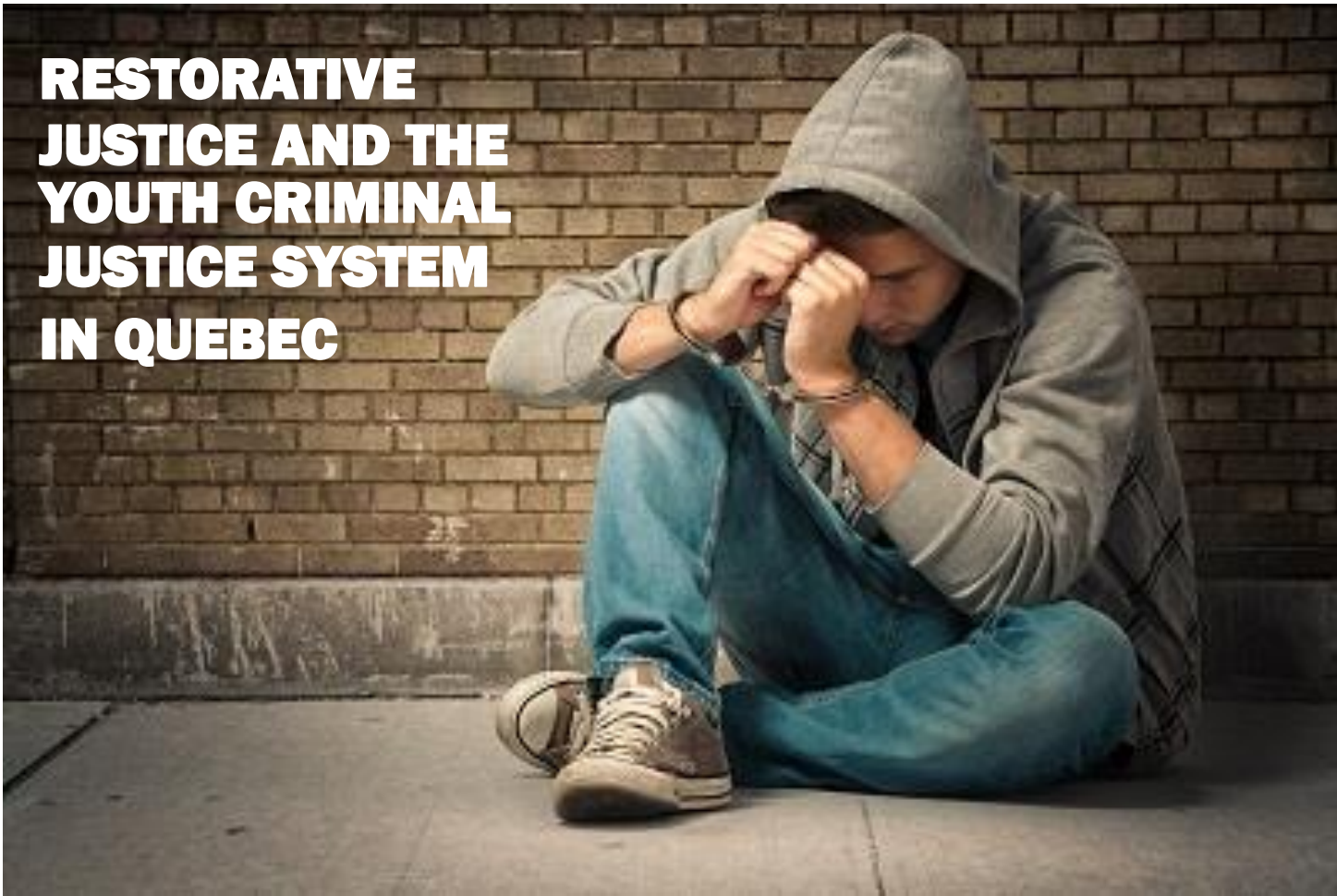
Restoration does not mean putting back what was. That is gone. Restoration means putting back what could have been. We can take our experiences – good, bad and ugly – as lessons to guide us on the restorative path. A little at a time...

Mat

The beginning of love is to let those we love be perfectly themselves, and not to twist them to fit our own image. Otherwise we love only the reflection of ourselves we find in them.

Quote by Thomas Merton, OSB, cited during the Open Door spiritual moment on October 29, 2019

RESTORATIVE JUSTICE AND THE YOUTH CRIMINAL JUSTICE SYSTEM IN QUEBEC



Adolescence is a wonderful period of discovery, of experiences (both good and bad), of seeking pleasure and the many attempts to test limits. It is also a time when the parental controls decrease with the transition from primary to secondary school.

These factors can result in an explosion of crime between the ages of 12 and 17. In most cases, it is something that will quickly disappear with the arrival of adulthood. It is therefore important to take great care about how we categorize these young people who will commit crimes during adolescence, since naming a young person as a criminal is to permanently label them.

From the moment you put a label on a person, you stigmatize them. The young person who is identified as an offender may then build his or her identity around this label and adopt behaviours that confirm this status of delinquent.

In order to avoid this, the Quebec youth justice system offers an opportunity to put into place certain extrajudicial measures, sanctions and penalties that flow from the Youth Criminal Justice Act (YCJA), by encouraging the involvement of the young person, the victim, parents, agencies and the community. Rehabilitation, social reintegration and repair of damage to the victim and society are among the objectives of this law.

This law, which came into force on April 1, 2003, requires police officers to first consider the application of extrajudicial measures, before

deciding to lay criminal charges against the offending teenager. The measures that police officers and prosecutors are specifically authorized to use are:

- No action**
- Informal warning**
- Formal warning by a police officer**
- Formal warning by a prosecutor**
- Referral to a community program or organization**

In more serious cases, it is possible to request that the young person be sentenced as an adult, but these situations remain isolated.

During National Restorative Justice Week, it would be interesting to encourage decision-makers to take the YCJA as inspiration in reforming the adult model, which uses excessive punishment and incarceration as a recourse, by including more principles of restorative justice in the justice system's operation. This would facilitate the social reintegration of many adults who deserve to get a second chance as well as provide a voice for victims.

Marie-Eve

RESTORATIVE JUSTICE WEEK CALENDAR

Sunday, November 17

11 am : Beginning of RJ week at St. Joseph's Oratory

Salle Pichette, St. Joseph's Oratory (Montréal)

11 am : Liturgy in the Crypt

12:30 : Lunch

1:30 – 4 pm :

RJ witnessing (CSJR – in French)

Writing and collage workshop on the theme: Cultivating our Collective Gardens

Hosted by the partners of the Montreal Community chaplaincy.

Registration: acmontreal@hotmail.com / 514 978-8881. Suggested contribution of \$10 for the meal.

10 am : Art therapy Workshop

Hosted by the Montreal Museum of fine Arts and CSJR

2200 rue Crescent (Montréal)

10 am to 12-30 pm

Registration : csjr@csjr.org / 514 933-3737

Monday, November 18

7 pm : Reflection and discussion evening (in French) on the theme *From Social Transition to Restorative Justice*

Hosted by Centre justice et foi and CSJR

25 rue Jarry Ouest (Montréal)

Looking at examples of rebuilding the social and urban fabric by restorative means. For more information: www.facebook.com/events/792230257897662/

7 pm to 9:30 pm

Tuesday, November 19

6 pm : Presentation on restorative justice as part of the Victimology Certificate Program at the Université de Montréal. For students only

6-30 pm: Communitas RJ focus Group meets with members of the Anglican Christ Church Cathedral (closed meeting)

7 pm: Communitas – Open Door

The discussion this week will be about a restorative approach to a Crime in the Community.

1444 Union (across the street from the Bay building)

Thursday, November 21

7 pm : Soirée Entrée Libre (in French)

Maison ACM (2745, rue Charlemagne, Montréal)

Soirée conviviale d'échanges sur le thème de la justice réparatrice et de la dignité humaine, en présence de personnes actuellement incarcérées ou l'ayant été, de personnes ayant été victimes, et de bénévoles.

Friday, November 22

6 pm: Festive Closing of RJ week

2715 chemin de Côte Sainte-Catherine (Montréal)

Buffet, followed by a informal evening with music performed by Dominique, John-Ross, Mohammed and Isaac.

Hosted by: Montreal Community Chaplaincy, Conseil des Églises pour la Justice et la Criminologie, Corporation Jean-Paul Morin, Communitas, Relais-Famille, Cercles de soutien et de responsabilité du Québec, Présence Compassion, Maison Orléans, CSJR and Entrée Libre

Registration: acmontreal@hotmail.com / 514 978-8881. Suggested contribution of \$10 (for the meal)

RESTORATIVE JUSTICE AS A TENET OF THE PRISON ABOLITION MOVEMENT.

Prison abolition can be defined as a social movement that rejects the idea that imprisonment is an effective tool to solve society's problems. The movement acquired a unified voice in 1983, when community organizers from across the world held the first International Conference on Penal Abolition (ICOPA). The contemporary prison abolition movement has three facets: moratorium, decarceration, and excarceration. The aim of moratorium advocates is straightforward: slowing down the construction of new prisons and detention facilities. They petition local governments with requests to ban prison construction projects and conduct grass-roots campaigns about the harm caused by increasing prison population. The second facet of the abolition movement is decarceration. Its main goal is to end imprisonment for certain categories of people. The decarceration advocates focus on conducting structural reforms that may lead to changing punishment from incarceration to an appropriate alternative: conditional discharge; suspended or deferred sentences; probation and judicial supervision; a community service order, etc. The final facet of the prison abolition movement is excarceration, i.e. a set of preventive measures that help reduce the number of instances of incarceration. It involves decrimi-

nalization, implementing social programs that address poverty, investing in healthcare, educational programs that raise awareness about racial bias, etc.

The readers may wonder, why do we talk about prison abolition in the context of restorative justice? What is the connection between restorative justice and the prison abolition movement? The answer is simple: they both focus on reforming the punitive character of our criminal justice system. Their common goal is to make criminal justice more humane and relevant to the actual needs of our communities. Upon closer inspection, it also becomes clear that the prison abolition movement cannot exist without restorative justice because any abolitionist reforms must rely on a community-based alternative to prisons. As many contributions to this newsletter suggest, restorative justice is meant to offer such an alternative. For this reason, the advocates of the prison abolition movement across Canada actively engage in building bridges between two sister-movements. What is the future of prison abolition movement that relies on restorative justice? Prison abolition activists give us an encouraging answer: it is a prison-free world where healing occurs through community support, where reconciliation and reparation are implemented as a response to crime.

Ana



Ontario Taking Next Steps to Establish Kenora Justice Centre

Government working with Indigenous, community partners to enhance community safety

September 26, 2019 4:00 P.M.

KENORA — Ontario's government is bringing together Indigenous leadership and organizations, justice partners, and others to establish a Kenora Justice Centre to address the overrepresentation of Indigenous people in the local criminal justice system.

Today, the government announced next steps in making the Kenora Justice Centre a reality, including the creation of a Kenora Justice Centre Advisory Council.

To ensure the Kenora Justice Centre will effectively serve the community, the advisory council will consist of Indigenous leadership, judiciary and justice partners, community leaders, health and social services organizations, and housing providers. It will guide the development of the centre.

As an important first step in establishing a Kenora Justice Centre, pilots are expected to launch this winter. They are part of the engagement and participatory design processes and will inform the design and establishment of full-scale justice centres.

"To cut crime and make a community like Kenora safer we must address the repeat offenders who move through the revolving door of the system struggling with poverty, mental health, addiction, lack of secure housing, and unemployment," said Attorney General Doug Downey. "This Justice Centre will bring together partners and services to ensure help is there when and where it is needed to hold individuals accountable, support victims, and break the cycle of offending."

"The Kenora Justice Centre is being designed by and for the community it serves. It's moving justice out of traditional courtrooms and into a community setting," said Minister of Indigenous Affairs Greg Rickford. "Our government is working closely with Indigenous partners, police, and justice partners to improve Indigenous people's experiences in the justice system."

The Kenora Justice Centre will build on successful programs that are designed, developed and delivered by Indigenous communities and

organizations and supported by the government, including the region's Indigenous Restorative Justice Programs and Indigenous Bail Verification and Supervision Programs.

Continuing to work in collaboration with Indigenous leadership, local service providers, and Indigenous organizations, the Kenora Justice Centre will include parallel criminal and Indigenous restorative justice processes operating side by side. The goal is to increase referrals to restorative justice programs and reduce the number of people in jail awaiting trial. The centre will also provide trauma-informed supports and culturally-appropriate services, prioritizing solutions that allow Indigenous people in northern Ontario to remain in their home communities.

"With the overrepresentation of Indigenous people within the criminal justice system, a new approach is needed in our community," said Francis Kavanaugh, Ojichidaa, Grand Council Treaty #3. "We are committed to working together to establish a made-in-Kenora Justice Centre that recognizes and respects the unique circumstances and history of Indigenous communities in the North."

"There are many barriers limiting access to justice for First Nations in the North. We need new, innovative approaches for our disadvantaged citizens that find themselves in the correctional system," said Nishnawbe Aski Nation Deputy Grand Chief Derek Fox. "The co-development of this community justice centre with Grand Council Treaty #3 will create an environment where Indigenous people can access justice services in a culturally inclusive manner. We look forward to building on this experience and working toward additional centres within the NAN territory."

"The Ontario Court of Justice is committed to the common goal we share with justice system participants to improve the delivery of justice services to the people of this province," said Ontario Court of Justice Chief Justice Lise Maisonneuve. "The Court is pleased that Kenora is a pilot site for the justice centre initiative."

Support for Kenora's Justice Centre is part of the government's strategy to fight guns, gangs, drugs and human trafficking in communities across Ontario. These initiatives combine enforcement and prosecution with community interventions that promote alternatives to gangs and prevent violence before it starts.

QUICK FACTS

Justice centres exist in more than 70 communities around the world, creating healthier and safer communities with reduced crime rates, fewer offenders committing crimes, and greater supports for frontline service providers and officers.

Ontario is working to establish four justice centres across the province: Kenora, London, and Toronto's downtown East and Northwest neighbourhoods.

In 2016, almost 90 per cent of individuals in the Kenora Jail self-identified as Indigenous.

While crime rates across the province are declining, the Kenora courthouse experienced an 18 per cent increase in caseload between 2014 and 2017.

Courtesy of the Ontario Ministry of the Attorney-General

Volunteer Appreciation Evening at B-16

On October 16th the annual Volunteer Appreciation evening took place at B-16 in Laval.

On October 16th the annual Volunteer Appreciation evening took place at B-16 in Laval. About 180 people, evenly divided between volunteers and inmates, enjoyed an evening of food, fellowship and entertainment which began at 6:30 and lasted until 9 pm.

Once again this year Colin was the emcee and with his natural gift of gab, in both official languages, he struck the right balance between humour and seriousness, and kept things moving smoothly. He also graced us with a song this year at the beginning of the evening, mercifully limited to only one (kidding Colin, well, half kidding) but he added to his musical repertoire a kazoo, an instrument whose sound resembles a duck with laryngitis. He insisted on blowing this every time he made an introduction, and the effect was quite humorous and enjoyed by all.

As tables were called out by number, we enjoyed a sumptuous feast of *chicken a la king*, three delicious salads, coffee and soft drinks followed by an amazing carrot and vanilla layered cake. Joseph a keyboardist entertained throughout the meal. The Communitas group was well represented and it was necessary to put together three long tables to accommodate the group of volunteers and inmates,

many of whom have known each other for years so it was a time of wonderful fellowship and conversation. Certificates of service were given out to group leaders and among the recipients were Communitas' own Peter, Michele and Margaret. Nadia, who leads the Alpha course, and shared the Communitas extended table, was also recognized.

The entertainment was a mixture of music, poetry and testimonials. Jon, whom we know as a talented artist, performed with a group for the first time and did a great job singing and playing guitar. Joseph sang an incredible version of Bob Marley's "No Woman No Cry" which brought the house down. Michele, in particular, seemed to enjoy this anthem of her homeland. But for me the most impactful moment of the night came when Freeman gave his testimonial of gratitude to the volunteers and their positive effect on the lives of those inside. He has graciously agreed to allow us to reprint his words elsewhere in this issue of the Sou'wester.

It was generally agreed that this was the best volunteer appreciation night although it was missing the usual display of inmate arts and crafts this year. This event really blurs the lines between inmate and volunteer and becomes a time of love and fellowship between people who genuinely care about each other, regardless of the circumstances that brought them together. It was an unforgettable evening.
Bob M.



Address by the President of the Inmate Committee on the occasion of the Volunteer Appreciation Event

16 October 2019, Federal Training Centre,
600 Montee Ste-Francois (B-16)

Hello everyone, my name is Freeman. I'm the president of the Inmate Committee. I'd like to welcome everyone here this evening; volunteers, inmates and staff.

This evening is our way of offering a very special thank you to the volunteers, all of you who take time out of your own lives to make a difference in ours.

Our volunteers are truly amazing people. We thank you for taking us into your businesses, your places of worship, your support groups, and your lives.

It takes a special type of person to voluntarily come into prison week after week, year after year. We inmates are forced to be here, staff are

paid to be here. They do it only because they want to; and they do it for free!

Our gratitude and appreciation can never be truly expressed, nor can we ever thank you enough for all that you do for us. You give not just your time but also your spirit and your hearts. The good you are doing is immeasurable.

There are many inmates here tonight, myself included, who have been incarcerated for decades. For us prison has become our reality and our world. The world outside of prison walls became strange and different.

It is through the tireless efforts and good works of our volunteers that we are being reintroduced to the real world. Many of us were unsure if there was still a place for us in that world. Thank you for not only letting us know that there is still a place for us in your world, but for helping us find our way back into that world.

By spending time with us, you are showing us a new world. That new world is a world filled with people such as yourselves. That world is a world I very much want to be a part of.

In short thank you for making our lives better.

Freeman.

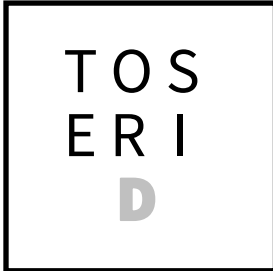
President Inmate Committee

TEST YOUR VOCABULARY SKILLS!

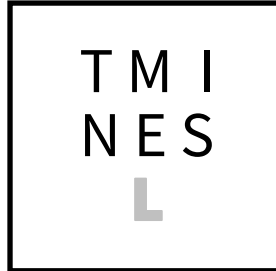
How many common words of 5 or more letters can you spell using the letters in the boxes? **Every answer must use the bold centre letter in GRAY at least once.** Letters may be reused in a word. At least one word will use all 7 letters. Proper names and hyphenated words are not allowed.

Score 1 point for each answer, and 3 points for a word that uses all 7 letters.

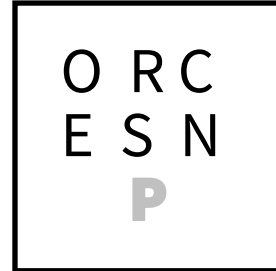
Rating: 10 = good; 19 = excellent; 28 = genius (answers at bottom)



1



2



3



Bravo to Serena! This Communitas volunteer recently was awarded the Peace Medal from the Quebec YMCA's for promoting peace in her community. She had the opportunity to make a short speech about the importance of restorative justice in her community and how it is crucial for a good and successful reintegration into our society.

Remembering

I remember

The sounds of the early morning hours.

I remember

*The shuffling sound that breaks the stillness,
The quiet time just before the city wakes up.*

I remember

*The sounds of milk trucks making their early morning deliveries,
And the clanging of garbage cans,
A groaning bus,
And a man making his way home from the night shift -
The city yawning and stretching its limbs like a waking dog.*

But times have changed

*And now the city never sleeps.
Busy people scramble around with busy things
And even the children are wakened and rushed off to noisy places.*

*The quiet is gone - the sounds blended,
There is nothing left to signal the start of a new day.*

*We've arrived in a hurry - all going to the same place
The rush to nowhere,
And now we're here.
And there's nothing to remember.*

- Bob

1. dedded, desire, doors, dosed, dosed, dosed, dressed, dresser, dressier, driest, dross, order, ordered, orders, redder, reddest, redress, rested, re-
stored, rider, rostered, sorted, stirred, stored, stored, stride, strode, teetered, tested, tired, torrid, torrid
Tittered, tried
2. lessen, limits, linen, limes, listen, listens, lists, little, melts, milles, nestle, nettle, sentinel, settle, sleet, slimest, slimsiest, slits, smell,
smelliest, smelt, still, tiles, tills
3. copes, copper, corpse, cropper, crops, person, popes, possess, press, process, prone, proper, props, ropes, scope, spore

THE RIGHT TO VOTE

THE RIGHT TO VOTE

Imagine a Canada where, adding insult to injury, incarcerated citizens were forbidden to have a say in the election of their own government. Today, that arrangement strikes most Canadians as aberrant (Americans still think otherwise), but there was a time, and not so long ago...

This country has not been shy in dealing with anti-social behaviour. Conviction once entailed civil death—the extinction of all civil and property rights—so that a sentence-serving person could not, for instance, write a cheque, or purchase property. Legislatures outside Quebec swept away the most drastic features of civil death in 1892, and Quebec followed suit fourteen years later.

In 1971 the surviving features of restricted civil status were abolished in Quebec, yet toward the end of the 20th century, some federal wardens retained the odd notion their captives needed their permission to marry. Nor should one forget the diminished status of women, who did not wring suffrage from the provinces until 1916 in Manitoba, Saskatchewan, Alberta, and British Columbia, and 1922 in the other provinces, save Quebec, which stubbornly swam against the current until 1940. At the federal level, women's suffrage was granted to some in 1917, and to all, the next year.

Against this backdrop, can anyone be surprised that prisoners' right to vote provincially and federally was achieved only by dint of a protracted crusade, a story which Canadian prisoners should know and hold close when they exercise their now-acknowledged right.

The interdiction was first found in the federal Acte du cens électoral of 1898, which provided that anyone who is kept in a prison, a mental asylum, a poorhouse, a municipal hospice, or a provincially-supported charitable institu-

tion is prohibited from voting in any election.

In the laws of Quebec, the prohibition first showed up in the Electoral Act of 1938, which disenfranchised persons convicted of a crime punishable by a sentence of two years or more, until warrant expiry. The same statute confirmed the right of persons whose crime was punishable by less than two years, but failed to create the mechanism necessary for the exercise of that right.

By 1973, when the Office des Droits des Détenue-e-s (ODD) initiated its campaign on behalf of the right to vote, the situation had evolved as follows: the Elections Act of Canada now withheld the federal and provincial vote from penitentiary prisoners, while the distinction between two years and two years less a day continued for provincial prisoners. In the case of remand prisoners, untried and fully innocent in the eyes of the law, no legislation imposed a bar, but neither did any law create mechanisms which would enable persons in remand centres to cast their ballot.

For ODD, the vote was basic to a society's right to call itself a democracy, and a key element of a prisoner's rehabilitation and social reintegration. It vigorously prosecuted its campaign through correspondence, reports and appearances before parliamentary commissions, press conferences, and support for litigators pursuing judicial recourses. From 1973 on it forcefully urged Quebec's General Director of Elections to see that measures were adopted to facilitate the vote of remand and all other prisoners, a position which was actively taken up by Quebec's Commission des droits de la personne.

In December, 1975, 160 prisoners held on remand or very short sentences in the Lower Mainland Regional Correctional Centre at Burnaby (Oakalla), B.C. were somehow invited to participate in the provincial election. But the true breakthrough took place in Quebec.

The Dussault Committee was created by the Parti Québécois government of the day to review the question, and the resulting report favoured voting rights for all persons in provincial detention.

In 1979 Quebec's new Election Act confirmed the right of provincial and federal prisoners to vote in Quebec general elections, and conferred a mandate on the Director General of Elections to enter into arrangements with correctional authorities for its implementation. Quebec now stood alone among the provinces and territories.

As a result, both federal and provincial prisoners were included in the Quebec independence referendum of 1980. Yet in the 1981 Quebec election, only provincial prisoners cast ballots, for federal Solicitor General Bob Kaplan blocked federal prisoners, and refused to meet with Quebec's Director General of Elections.

In the face of an obdurate Solicitor General, federal prisoners sought an interlocutory injunction mere days before the election. This was denied on various grounds, prompting the applicants to submit their case to the United Nations Human Rights Committee in December, 1981. The written pleadings of the opposing parties flew back and forth in the ensuing years, and in April, 1985, the complaint was rejected on the procedural ground that there existed a possible judicial recourse within Canada which had not been exhausted.

In 1982 the constitutional backdrop of the legal debate was transformed by repatriation of our Canadian Constitution, whose Charter of Rights and Freedoms guarantees at article 3 that "Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly".

At first glance, this constitutional bequest would appear to settle the question, but the saving provision, article 1, remained to be dealt with: "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." That is to say, if the courts agree that a law limiting the vote constitutes a reasonable limit which is demonstrably justified in a free and democratic society, that law will be constitutionally valid and continue to have effect.

Enter a new crop of litigants: Richard Sauvé, a former prisoner serving a life sentence, represented by Fergus (Chip) J. O'Connor; and several prisoners both on their own behalf, and on behalf of the Stony Mountain Institution

Inmate Welfare Committee and the Native Brotherhood Organization, represented by Arne Peltz.

These determined plaintiffs brought their case to the Federal Court in 1995, and received their final answer from the Supreme Court in 2002; and with that truncated description the reader has been spared a decade of arguments and counter arguments.

The courts, however, were spared nothing. They were compelled to wrestle with lofty questions basic to the character of our political system, and were assisted in that endeavour by experts who "were almost exclusively academics who advanced opinions in the areas of political theory, moral philosophy, political philosophy, philosophy of law, criminology, correctional policy and penal theory."

Yet, as the trial judge noted - "None of the defendants' witnesses, despite their impressive academic backgrounds and contributions to scholarship, has ever considered the issue of prisoner disenfranchisement, before being retained by the Attorney General of Canada in this proceeding. Indeed, other than John Stuart Mill in a brief footnote reference, no well-known political theorist or moral philosopher, including de Tocqueville, Kant, Locke, Rous-

seau, or Hobbes, has ever considered this question.

More recent political and moral philosophers, such as Rawls, Hart, Murphy, and Morris, have also not specifically considered this issue."

At this point, you get the picture—this was not a case of who drove through the red light, and how to apportion the damages. Abstract questions of high principle were debated, and when the music stopped, the Supreme Court of Canada had determined that laws limiting the right to vote are not justified in a free and democratic society.

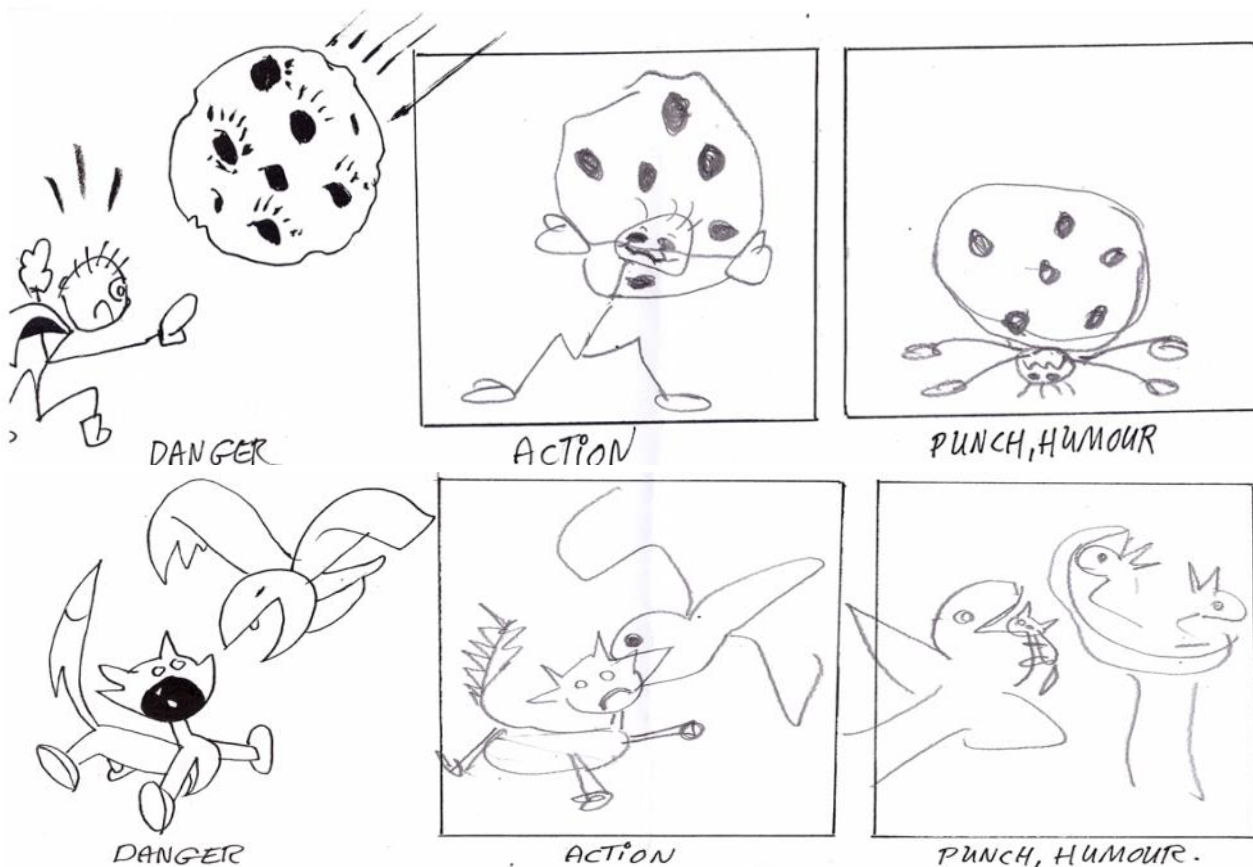
As a result, since that day, all incarcerated Canadians at the provincial/ territorial or federal level have undeniably had the right to vote in elections and referendums, provided they are 18 years or older on election day (with the minor, justifiable derogation that some jurisdictions — Alberta and the North West Territories, for example — prohibit voting for several years following conviction for corrupt election activity).

Prisoners do not vote as a block for representatives in the riding of their prison; instead their votes are distributed dependent on their residence before being incarcerated, or the

residence of a spouse, common law partner, relative or dependant. Other options are the residence of any relative of their common law partner or spouse, or a person the prisoner would live with if not incarcerated; the place of his or her arrest; or the last court where the prisoner was convicted and sentenced.

Steve Fineberg

Patrick, a published cartoonist, introduced Open Door to the wild world of cartooning and had us create some cartoons of our own. It was fun! We look forward to at least two more cartooning evenings





Interview with David Shantz

SW: How did you first know about Restorative Justice?

David: I grew up in a Mennonite home and these concepts were taught to me as a child. When I did things that I shouldn't have done, my mom took me to talk with the victim's parents. I saw it between adults, too, seeking an opportunity to resolve conflict in the simplest way possible. We need to resolve conflict in the most effective and meaningful way.

One of my first experiences was when I was 4 years old. I was run over by a 16 year old who didn't have a licence. She couldn't even see over the steering wheel properly and she drove onto our property and hit me. I was under the car but not hurt. Taken to the doctor and he only found a little scratch on me but my tricycle and my wagon were smashed up. No police were called—imagine that—the community talked it out.

Three years later, my dad was driving on a narrow country road and it was raining slightly. There were three boys standing with their bicycles on the side of the road. My dad clipped one of the bicycles. The boy wasn't injured. Some people were accusing my dad of being a careless driver. He suggested that he fix the bicycle. I remember him meticulously painting the stripe on the fender of the bicycle. No charges were ever

laid, and everyone went on their way. In the community, some people were angry but cooler heads prevailed. I remember thinking...when understanding and truth goes around, understanding and truth comes around.

SW: What do you see as the beginnings of modern RJ in Quebec?

David: RJ came to Quebec in the late 1970s but at first the Francophone community was not sure how to work with it. RJ became known in Canada as people read about the 1974 Elmira case. One weekend in the town of Elmira, some juveniles went on a smashing spree. They were arrested and two young parole officers thought, what if we took these boys back to victims to talk and make restitution? The Judge agreed with the risk of making this decision rather than an arbitrary sentencing. Correctional Service Canada also became aware of the many RJ projects that began to involve offenders and victims.

From 1975 into the 80s, Restorative Justice concepts were coming to Canada from the Maori tradition in Australia, from reconciliation in South Africa etc etc.. The RJ terminology was different around the world, but it is all basically the same. It means resolving conflict in a non-violent way.

Anglophone Canada was on board and it was getting traction between various groups. In Quebec, they heard of the RJ concepts but they didn't know what to do with them. The Quebec regional CSC chaplain, Gabriel Savignac, was bilingual but these were English concepts. The RJ words were similar to Catholic concepts but in French they were used in a theological context.

At a CSC chaplains conference in 1989, Wilma Derksen from Winnipeg gave her story. In 1984 her daughter was abducted on the way home from school and her body was found two weeks later. Wilma became spokesperson for victims. She wrote about her experience, about looking for her daughter for two weeks, about forgiveness, justice and victims support.

Michel Beauchamp, Regional Chaplain in Quebec, who had been chaplain at Donnacona, understood RJ concepts and strongly promoted RJ projects.

SW: You were the first chaplain to do Face-to-Face in Quebec.

David: Yes. I was chaplain at FTC in 1989 and read a report of the John Howard Society doing RJ between indirect victims and indirect offenders in a provincial prison in Newfoundland. I said to the guys, "What do you think of people are victims but not your direct victims coming and sharing their stories with you?" They were willing to try it. Together with Debbie, the Director of the Mennonite Central Committee in Quebec, we presented a project called Face to Face to my boss at FTC and he was very receptive to the idea. We did two Face to Faces a year, but when Debbie left Quebec, it went dormant for a few years.

In 1998 Thérèse de Villette came to Quebec from Côte d'Ivoire, Africa. She was a Catholic sister, a school teacher originally from France. She was a member of Xavier Order for Sisters. One of her activities was to visit the prisons. Eventually she brought one of the offenders to do work in the compound. He began stealing from them. She confronted him. In his anger against Thérèse he wanted to hurt her so he killed her friend, one of the Catholic sisters, a medical doctor, who worked with the AIDS patients. This shocked their religious order, and the Head sister told Thérèse that it was her fault and she had to leave. She eventually came to Quebec where she heard about RJ.

Thérèse called me in about 1998, when I was chaplain at the Federal Training Center. She wanted to know more about Restorative Justice. When I told her that we did not have a victim coordinator to locate and prepare victims she asked, "If I find four other victims, will you do the activity?" I agreed, but I doubted that she would find people who would participate. On June 1, somebody called me, Thérèse is putting pamphlets on car windshields in shopping centre parking lots looking for victims! By the end of August, she says, "David, I have four more people, when do we start?"

In fall of 1998, together with 4 other victims and 5 offenders, in a room above the chapel at FTC, Therese was able for the first time to talk about the sorrow and horror of her story to people who listened and understood her grief. They listened without judging or blaming her. For the first time she felt a sense of empathy and compassion. There

she found answers to some of her questions. She also realized that there are questions to which she may never have answers.

Face-to-Face sessions are 2 ½ hours long once a week over a period of 5 weeks.

SW: They say it's more difficult to find victims than offenders to participate in Face-to-Face.

David: Victims acknowledged the pain of their aggression, but they would say, "The inmate is not my offender," or there were pressures from family members to not participate. Or, the hurt was so deep that they couldn't talk about it in a meaningful way.

It's also hard to get male victims. Men say, "Who am I to set another guy straight? I've also done stuff."

Victims can be very angry until they sit down with the offenders. Then they begin to feel sorry for them, give them counsel, or congratulate them on their changes. As coordinator I had to say, "Come back to your story. Talk about the details, the emotions, of what you experienced.

"There's also a community person involved. Their role was to represent the neighbour down the street from where this crime has happened. Or a friend or family member of the victim. What is your reaction to their victimization?"

In 1999, I was appointed to the newly formed National Restorative Justice Committee. We were told there was \$500K for Restorative Justice programs across Canada. People working in RJ activities submitted many projects which surpassed the 500K budget. These projects were ready to go. At the next meetings in Ottawa, they say, "What can you do with \$250K?" then, "With \$100K?" By December, Archambault hospital received two

or three thousand dollars which was spent on pills. There are times when you lose confidence when government bureaucracy takes over things. I learned it was best to fly as low as possible under the radar. If you fly too high, you are at risk of someone messing with your activity.

SW: How do victims and offenders benefit from Restorative Justice?

David: RJ brings victims and offenders together in a safe place where in confidentiality they can tell their story. They will be listened to empathetically. They in turn, learn to listen empathetically to someone else. With RJ principles they learn how to humanize the story and the violence. The victims are not faceless people that the offender has injured. The offenders are no longer monsters for the victims.

One of the core values of CSC is that all individuals are to be treated with respect and dignity. So often their dignity has become buried under so much shit. We gently help them to rediscover it. Nobody can help them to understand that better than someone who has also felt that they have lost theirs. I've seen that happen so many times. Victims can carry the fear of their event for years. When they hear an offender talk sincerely about their crimes and acknowledging the hurt that have caused others it helps to release them of their fear.

They see the offender as an individual, not a monster. Someone who can understand, who shows that he too has a dignity that desires to be respected. These are all part of the healing process.

The spirit and purpose of RJ in coming together is not to find answers to all of the *why* questions. RJ is more about telling the story than giving advice and answers.

One victim of a house burglary who participated for three weeks said, "After our house was broken into I was always afraid to be in my house alone without the doors locked. The other night I realized that I hadn't locked the doors and I still felt safe." The monster was gone from her thinking.

The offender, in the first meetings had seen the hurt and fear that was still in her eyes after many years. He began to think about all other homes that he had burglarized. For the first time he saw how his behaviour negatively affected his victim. He said to the group, I will make no more victims.

Those words were music to my ears as the coordinator. A beautiful melody of empowerment and deliverance of fear. This is what we desired to achieve by this activity.

RJ is only one of the programs that can assist victims and offenders toward healing and reconciliation. The best results are accomplished when it is done in a small group setting.

All offenders who participate must acknowledge and take full responsibility for their offence and not embellish their experiences.

All victims who participate must desire to share their experience with integrity and be willing to accept that there are questions for which they may never be able to get an answer to their satisfaction.

Reflection Day 2019

Our annual outing at Marie Beemans' house is still being "branded", if you will. Although it is an English chaplaincy activity, it only has a French name: a Journée de Ressourcement. Do we translate this as a Day of Reflection, a Day of Renewal, or something else? Marie's waterfront property in Two Mountains is a perfect setting for reflection and renewal. Thirty-one volunteers, inmates and ex-inmates turned out for a day of food, sharing and reflection. One big drawing card for the guys from the pens was the river, and many guys spent much of the afternoon simply staring out at the water and the occasional passing boat. Of course the weather was warm and lovely, as it is every year, and when it came time to gather in the living room for the reflection exercise, a spattering of rain helped herd everyone inside. We shared our thoughts of community, and how, in this society of increasing isolation, the *Communitas* community benefits all of us socially, emotionally, as well as practically for those who are on the rocky road of reintegration after a period of incarceration. This was perhaps one of the best Journées de Ressourcement yet, meaning that we are in an upward trend and that the years to come will be memorable. Thank you to Marie for hosting us, to those who helped her prepare the house and to everyone who contributed to the potluck. Look for it again next year. Everyone is welcome!

Jeri

Please support Communitas!

Communitas is a non-profit, volunteer-driven organization which welcomes (ex-)offenders back to the community by supporting them in their social, spiritual, emotional and practical needs.

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Circles of Support and Accountability (COSA) at Communitas: Is it for you?

Communitas is proud to have introduced Circles of Support and Accountability (COSA) to Quebec in 2000 and have provided more than 50 circles since. COSA matches individuals with a history of sexual offending with a group of everyday community members who are committed to helping you navigate the challenges of life in the community and achieve a successful, crime-free life.

If you are interested in hearing more about the possibility of having your own circle, contact:

Monika Barbe 514-244-6147

coordinator@communitasmontreal.org

We would love to hear from you!



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*The Sou'Wester name is a reference
to Montreal's Southwest, where
Communitas began its work in 1999
and is still based today.*

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