

Criminal Code

Mr. Baldwin: The measure of diluted, dictated democracy conjured up for us in that episode does not give me too much confidence that the government will permit its docile supporters to introduce any meaningful changes. Nevertheless, in the light of the views I have expressed and bearing in mind with deep respect the contrary views of others, I must support this measure at its second reading stage. May I say that I am proud to be a member of this party which will, as indicated by my leader and by the hon. member for Calgary North (Mr. Woolliams), permit a free vote on those issues which must bother the consciences of many.

I end by saying to the Prime Minister, the Minister of Justice and other members of the government that if they do not listen to what we on this side of the house have said and to what supporters like the hon. member for York East have said, the mild odour of democratic decay which hangs over their party will soon become the stench of decomposition and dissolution.

Mr. John Gilbert (Broadview): Mr. Speaker, I welcome the opportunity to make a few comments on Bill C-150. I am a member of the Standing Committee on Justice and Legal Affairs, and when the bill is referred to the committee we shall study it in greater depth.

I had hoped to see the Minister of Justice (Mr. Turner) here this afternoon. He is referred to as the boy with the silver spoon in his mouth. Since I am sometimes known as the boy with the wooden spoon in my mouth I thought, because of our differences in family, financial standing and social and educational backgrounds, that we could carry on a sort of dialogue this afternoon and recount our different experiences which stem from our different walks of life.

Many Canadians have said there is a law for the rich and a law for the poor, probably because of experiences in encountering the law or from reading or hearing of the experiences of others who have had dealings with the law. Many may hold this opinion of the law because of the narrow base on which it rests. The criminal law, in particular, says that protection of the person and property is paramount. As is well known, in the past most criminals came from low income groups in our population. These days, however, they come from the more highly sophisticated sectors of society, as is evident when one studies cases of stock fraud and fraudulent bankruptcy. Clearly, criminals today may also come from the higher income groups.

[Mr. Woolliams.]

In the past the criminal law was mainly concerned with retribution. The law dealt out revenge. Although in modern times a timid approach has been made toward reforming and rehabilitating offenders, I submit that we have not gone nearly far enough in this direction. We have placed too much emphasis on the guilt of offenders and too little on why offences have been committed and what corrective measures are necessary to solve our problems.

I remember what Judge Stewart and Dr. Blatz said about juvenile delinquency when I attended law lectures at university 25 years ago. They suggested that we ought to place less emphasis on guilt and that we should set up a panel of doctors, psychiatrists, psychologists, sociologists, members of the clergy and members of the business world to plan a strategy that would bring about the reformation and rehabilitation of young offenders. This idea has slowly evolved in the juvenile courts, and we should attempt to apply this approach to the adult courts by experimenting with young offenders between the ages of 18 and 25 years. These are the critical years of youth. Studies have shown that if a young man does not get into trouble in his tender years the likelihood of his committing an offence in his later years is very remote. Therefore this age group is of vital importance.

• (4:10 p.m.)

This does not mean that we should ignore men over 25 years who have committed offences. We have to set up decent prisons. We have to have proper training and retraining programs. We have to have an adequate parole system. We have to have after-care with regard to employment. In this regard I pay respect to Harold King who has a farm outside Toronto and attempts to help young men released from prison find their place in society. It is a shocking disgrace that men like him cannot call on the public treasury to assist them in their rehabilitation work.

This is why we of the New Democratic party, although we support the measures in the bill, would supplement it by introducing immediately measures such as the abolition of corporal punishment, the expunction of criminal records, reform of the bail system, the right to legal counsel at trial and a prohibition against wiretapping. These are not mollycoddling measures. They are necessary steps to develop right attitudes and respect for our laws, for the police and others who enforce