

Proceedings on Adjournment Motion

[Translation]

Mr. Speaker, I shall be very brief, but I want to say, first of all, that I am greatly moved to speak before such a large gathering.

My question was the following, to which I will add a preamble.

In a modern society, Mr. Speaker, every effort is made, of course, to assure its members maximum protection against evil-minded citizens who are a menace to law and order. Police action is an inescapable necessity in a civilized country, and, too often, the merits of the police force are not recognized as they should.

It is therefore of the utmost importance that existing laws do not paralyse crime detection, and sufficient latitude should be given to investigators who, sometime heroically, have to unmask the crimes and wickedness of blackguards who only understand the language of force.

Nevertheless in Canada, considering the advanced stage of North American civilization, our country being foremost in the social field, human sciences are being developed rapidly enough to allow us to resort to something else than brute force on inmates, to serve the purposes of justice.

Therefore, I should like to make some suggestions in regard to the deplorable acts of violence, in regard to which the Quebec Bar requested a royal inquiry. I should point out, Mr. Speaker, that in order to prevent such police brutality against accused persons and inmates, first of all, those in charge of questioning them should have had intensive training, should know enough about human sciences, should be proficient enough so far as the interrogation of inmates is concerned to be able to obtain a confession without resorting to violence and brute force.

Second, I believe there should be close co-operation between the officers representing justice on the one part, and defence counsel on the other part, so that the latter may seek something else than proving at all costs the innocence of their clients. If, on the contrary, they are able to throw some light on the case and serve the purposes of justice, if they are convinced of the guilt of their clients for instance, let them cooperate more closely with justice instead of dealing with lost causes.

Third, the accused should not be requested to make a confession in the absence of his lawyer. This does not prevent police officers from being free to question the prisoner, but

[Mr. Choquette.]

any confession which was obtained otherwise than in the presence of the lawyer of the accused would not be valid.

Fourth, the provisions of the Bill of Rights should be enforced more energetically than they are at the present time. Moreover, the Criminal Code should stipulate that any policeman or any officer of the law who refuses to let a prisoner get in touch with his lawyer is guilty of an offence punishable by summary conviction. And so, the stipulations of the Bill of Rights would be enforced, which they are not today. We know what happens too often: policemen or officers of the law refuse to let their prisoners get in touch with their lawyer.

I shall sum up my considerations. We cannot paralyse police action by cynical laws. The policemen must be given some latitude, for they are often brave or heroic, but, on the other hand, we should censure loudly any brutality on their part. If we applied the suggestions I am putting forward, we could, I believe, avoid the excesses that we had to deplore recently.

[English]

Mr. B. S. Mackasey (Parliamentary Secretary to Minister of Labour): Mr. Speaker, I am not surprised that the hon. member for Lotbinière brings his problem before the House of Commons because his reputation in support of his fellow man is well known in the House of Commons. He has demonstrated that support by his interest in safety measures on the highways at level crossings. It is natural that he should take this opportunity to express his concern in view of the fact that in recent days in the city of Montreal there have been at least six fatalities brought to the attention of the public.

Certain safety measures have already been incorporated by the United States. They have adopted the principle that accused persons should be represented by legal counsel regardless of whether or not they are in a financial position to do so. This is a principle which should be adopted by Canada, and it presents a great challenge to the members of the bar, some of whom are present here. Too many Canadians are penalized, because of their financial position, by being inadequately represented in our courts. I highly commend to the Department of Justice the worth-while and sensitive suggestion of the hon. member for Lotbinière.