

would give them the chance, which most other citizens of Canada have, of avoiding a jail term.

The separation of the process of delivering verdicts and handing out of sentences so that judges would continue to pass judgment, but sentences would be imposed by panels of social scientists using the possibility of rehabilitation as a criterion;

Is there anything like that in this omnibus bill? Of course there isn't. When you compare the proposals of this government with the proposals of a Commission appointed by a Union Nationale government, you can see that this government's proposals are far from being very radical or very revolutionary.

The Prime Minister's (Mr. Trudeau) proposals to the provincial governments, contained in his Charter of Human Rights, were greeted with great approval by the press and T.V. media. There was a great deal of merit in them. Some of us realize that to implement his Charter of Human Rights would require an amendment to the constitution and that such an amendment cannot be obtained without the unanimous consent of the provinces. Unfortunately, Mr. Speaker, that consent has not yet been forthcoming and I doubt that it will be forthcoming in the near future.

The idea of entrenching the basic human rights and freedoms of Canadian citizens in a Bill of Rights is not a new idea. It was proposed years ago by the former prime minister, the right hon. member for Prince Albert (Mr. Diefenbaker). It was proposed by the former Dean of the Law Faculty at McGill, Professor Frank Scott, and by many other people, but we have not yet been able to achieve that objective.

What were some of the things which the Prime Minister proposed in his Charter of Human Rights and which, because of the objections of some of the provinces, have not yet been implemented? I will quote from some of the press comments at the time. I read from the *Ottawa Citizen* of February 2, 1968:

An accused person's right to a lawyer during police interrogation would be established by the proposed constitutional Bill of Rights.

The judicial ruling now accepted is that even where counsel is denied, evidence obtained during questioning is admissible.

Not only would the new proposal outlaw the admission of such evidence in a criminal trial but would invalidate convictions "if they cannot stand in the absence of inadmissible evidence."

Even now a person taken into custody has the right to remain silent. But many persons do not know it and often make admissions to police which might not be made if a lawyer was present during questioning.

Criminal Code

Many members of parliament have spoken in other debates about the fact that we have one law for the rich and one law for the poor. There is no question that people who have money can afford a lawyer. There is no question that they usually know they are entitled to have a lawyer. There is no question that professional criminals know that they have a right to a lawyer and will refuse to be questioned by police until their lawyer is present. But, Mr. Speaker, there are thousands of ordinary citizens who have never been in trouble with the law previously and they do not know their rights. In many cases when they are questioned by police admissions of guilt are obtained which probably would not be obtained if they had counsel present. That goes on all the time. Let me refer to just two cases that come to mind.

I am thinking of the case of Steven Truscott. It is not my intention today to discuss the guilt or innocence of Steven Truscott but to my knowledge there has not been one challenge of the facts related by Mrs. LeBourdais in her book. She states that when the police came to the conclusion Steven Truscott, a boy of 13 or 14 years of age, might be implicated in the rape and murder which they were investigating, they came to his house. His parents were not present. They took him to the police station and they began to question him.

Some time later his parents came home and found that he had been taken to the police station. They went to the police station and there they were told to wait in an anteroom. The police questioned that boy, who was later charged with murder and rape, for five or six hours without legal counsel being present. I suggest that is a perversion of the most elementary right to justice which any person in Canada has.

I have here a quotation from a column by Ron Haggart in the *Toronto Star* of July 27, 1966, discussing the case of two girls, one of them a resident of Ottawa. I do not know whether her parents are voters in the constituency of the Minister of Justice or in the constituency of the Solicitor General (Mr. McIlraith), but they may well be.

This girl and another girl were before a magistrate on a charge of vagrancy. As usually happens in a magistrate's court they had no counsel. I would like the Solicitor General to listen as I read just about ten lines from the transcript of the case to show how the magistrate conducted the so-called trial. I think in fairness I should mention that the