

father of a child who has been molested, attacked, and perhaps brutally murdered: this desire for revenge exists, and one aspect of the criminal law is to remove it and place it in the hands of the state.

I sometimes think that if we were adequately to compensate victims of crimes, as I believe is done to some extent in New Zealand, this concept of revenge, which is foreign to the Judaeo-Christian ethic, could be removed from the criminal law and we might be able to concentrate entirely on the rehabilitation of the offender, except that some measure of deterrence would have to be retained in order to discourage others from committing offences. The rehabilitation program would include education, counselling and, what is most badly needed, proper psychiatric care.

Mr. Winch: Psychological, not psychiatric.

Mr. Hogarth: Psychology, I understand, is statistical, and psychiatry is therapeutic. So I will go with "psychiatric" for today. We have not reached this stage at present, though we hope it is coming. There is no doubt that many of those who are subjected to our present prison system become fully rehabilitated. The problem arises when they are released from prison to start out afresh. Some learn a trade. The first thing a man wants when he gets out of jail is a job. If he is a first offender, no real difficulty arises about placing him in employment. People understand. In all probability the man has a job lined up before he is placed on parole. But perhaps he is getting out after serving a second term of imprisonment for a second offence, and perhaps it is one of the more serious offences. When he applies for a job, the big question arises as to whether he should admit where he has been and what he has done, or should he take the risk of saying nothing, hoping for the best? Or he could answer the questionnaire falsely. Alternatively, he could apply only for those jobs for which there is no questionnaire.

• (4:40 p.m.)

Many of these men admit what they have done and put it on the questionnaire. Having been released from the British Columbia penitentiary, St. Vincent de Paul, or whichever one it is, they find that they cannot get the job in question, and they do not know why. If they apply for a job at a big concern, perhaps they just receive a rejection slip. The next time they apply for a job they lie about

Prohibition of Inquiring into Arrests

their past. What happens to them? They stay on the job for a week while inquiries are made, the boss finds out the truth and once again they are out of work. After one or more of these demoralizing experiences they give up; they surrender and drift back to their friends who got them into trouble in the first place.

The Acting Speaker (Mr. Béchard): Order. I regret to interrupt the hon. member, but his time has expired.

Some hon. Members: Carry on.

The Acting Speaker (Mr. Béchard): Does the House agree?

Some hon. Members: Agreed.

Mr. Lambert (Edmonton West): Come back to the motion.

Mr. Hogarth: In any event, the man in question drifts back and finally ends up once again in the penitentiary for another offence that he has committed, having done his best to find employment. Although, of course, some prisoners released are weak in this respect, the sort of man I have described will eventually say to himself, "This is where I belong. This is all I have in life." Time and time again when he has served his sentence and been released, back he goes to the penitentiary. Sometimes these men become habitual criminals.

The question whether the employer should or should not be allowed to ask the question in the first place is a good one. Should an employer of a man be allowed to ask his prospective employee: Have you ever been convicted of a criminal offence? Or should he ask the more frivolous question: Have you ever been charged with an offence?

Mr. Lambert (Edmonton West): But they do ask it.

Mr. Hogarth: I appreciate that, but it is a good question and is one that is so current in our work on the Justice Committee that I thought I would bring it to the attention of the House today. The question, as I say, is a good one. The question whether or not we can legislate against such an inquiry is a better one. There are many employers in Canada; the government is not the only one. Most employers do not come within the jurisdiction of the federal government. But in any event, an employer is surely entitled to inquire into the character of a person charged with a criminal offence; I do not think there