

*Measures Against Crime*

There are some elements in this particular bill which, to me, very gravely jeopardize traditional civil rights in this country. For one thing there are one or two instances at least, and there may be more after some study, where this bill seems to anticipate guilt. I point to the request by the government for increased invasion of privacy through electronic eavesdropping, but more particularly through this whole business of being able—and I am dealing only with one aspect of the gun control aspect because this matter has been covered fully by a number of other speakers—of being able to seize without warrant. I refer to this particular proposed section 103(1) which mentions that a peace officer may seize, without warrant or without reasonable grounds, a firearm.

Even in the case of the removal of the serial number from a gun the individual would be placed in the position of having to prove he did not alter, deface or remove the serial number on a restricted weapon. This seems to turn around completely the traditional rule of an individual being innocent before proven guilty. I ask the Minister of Justice or the Solicitor General to be more specific about the concerns that motivated the introduction of Bill C-83. I ask this because unless we have a clear picture of exactly what we are attempting to deal with by this legislation I think parliament and the general public are placed in an impossible position of trying to devise appropriate legislation. I ask this because it seems to me there are at least five major questions that have not been dealt with by this bill. I wish to mention them quickly.

First of all a primary preoccupation of this bill seems to be with the question of violence. I have already indicated, by one quotation at least, that the government itself is not sure whether violence is on the increase or is remaining about the same. Regardless of whether or not it is increasing we are not told in any substantial terms what are the causes of this violence. Where is it occurring with greater frequency? What are we really dealing with when we attempt in this very limited bill to grapple with the subject of violence in our society? Quite frankly, I think it is not only superficial but a non-productive facing of the issue with regard to this particular legislation.

I think we must—and this should be the job of the Solicitor General or of the Minister of Justice—come to terms with the greater and greater acceptability of violence often in our society. There is no doubt that in our time in many instances violence has become an acceptable tool of conflict resolution. This message certainly is repeated *ad nauseam*. It is exposed dramatically in the mass media. It is very much the message we have in the dealings nations have with each other, or very often in the confrontation which exists between large corporations and institutions in our society.

I wonder if we are not being a little ludicrous when we make out that violence is not acceptable in one fairly limited sphere and yet give it very great prominence and acceptability in a number of others. I do not think we really understand yet what we mean by dealing with violence in our society.

Second, because of the direction to establish a crime commission and because of the request for the greater freedom with regard to wiretapping, there is the attempt on the part of the government to deal with what it calls

serious and organized crime. Again to me that, at the outset, seems to be a kind of a limited view of the automatic acceptance that everybody knows what we and the government are talking about in respect of organized crime.

What is organized or large-scale crime in our society today? It is not some kind of a general activity that is carried on by people who are not part and parcel of various elements of our society. Organized crime today, which is a large multibillion dollar enterprise, a trans-nation activity, has links with many aspects of our economy and society.

The very fact of the growth of the bureaucracies and institutions ensures that crime becomes much more institutionalized and organized. I wonder whether we have thought of the implications for our own situation in respect of the recent revelations which have occurred in the United States in which it has been discovered that a major agency of the United States government, the Central Intelligence Agency, was in fact employing members of the Mafia to execute and carry on some of its espionage practices and undercover work because they were much better equipped for this sort of thing. What does this mean to us today—the fact that there can be an actual link-up between an agency or a public body such as the CIA and the Mafia?

When we talk about organized crime I think the minister will have to tell us a good deal more about the oppressive or sweeping powers that are being requested without any clear understanding of how they will affect the individual in society and society as a whole.

Third, I really do not think we have properly defined or attempted to define what is crime, or what today is the actual definition of crime. I think it is appropriate and kind of ironic that at the very time we are discussing this bill the Law Reform Commission should have introduced one of its recent reports called "Our Criminal Law", in which it sets out the need for a new definition of what in fact are criminal acts. It calls for a criminal code which clearly defines its aim of protecting, maintaining, and reinforcing the few basic rights which are recognized by all. It recommends in fact that the code be uncluttered with many offences which could be classified as regulatory offences, with appropriate lesser penalties. The commission sees this as an effective way to make better and more socially educational use of the courts and to lessen the loads in our over used prisons.

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In the conclusions of the Report of the Law Reform Commission on our criminal law are listed four criteria for the offences which should be considered under criminal law and regulatory sanctions. I will not quote these because they are available to members. I believe that we must come to grips with the true nature of criminal offences in the kind of pluralistic society in which we live today.

Fourth, there has not been recognition of the problems that exist within our judicial process, the true nature of the relationship of the police-court system to the average citizen. Surely we have to grapple with this effectively and try to produce solutions to protect the rights of individuals