

Kids shouldn't have to fear mauling

Attorney general talks of violence in hockey

By DEBBIE PEKILIS

Violence in hockey, the use of force by police in dealing with citizens who break the law, and the youth drinking problems were among the issues discussed by Ontario Attorney-General Roy McMurtry during a question-and-answer session last Tuesday in the Bearpit.

In answer to a question on violence in hockey, McMurtry said that his attack on it was "not intended as a crusade." He became aware of the extent that violence exists in amateur hockey after his brother, a Toronto lawyer, wrote a

report about it three years ago.

"Many people feel that I have a holier-than-thou attitude towards violence. But I did not intend to eliminate fighting in hockey. I saw that intimidation and bullying were becoming enshrined as acceptable."

He said he feels that hockey is a part of our culture and that his campaign against the violence was intended to encourage the widest possible participation in amateur hockey.

"The owners of hockey teams believe that a little blood on the ice is good for gatekeepers' receipts," he said. But he said the excessive

bullying and intimidation that took place in amateur hockey were discouraging young children from participating.

He added that people who questioned his interference in amateur hockey were suggesting that "there should be a diplomatic-like immunity from prosecution for professional hockey players. He mentioned the Committee on Violence on the Air, headed by Judy LaMarsh, which is now questioning acceptance of violence in entertainment.

"Criminal offenses occurring inside a hockey arena should not be treated differently than if they

occurred in the street. An important part of amateur hockey is that it teaches children to have respect for the law. In this light, it would have been totally irresponsible to adopt any other course of action. We are encouraging a broader section of young children to play hockey without fear of being mauled by someone stronger than they are."

Another question asked of McMurtry concerned the use of force by police in arresting a citizen. McMurtry answered that it is important for the citizen involved to obtain legal advice, and to see what remedies are possible. "I believe the Metro police have tightened their complaint bureau."

He added, "I realize police brutality can't be tolerated. The province is introducing legislation in the spring to remedy it. There will be a complaint procedure for wronged citizens to follow, and a Commissioner of Complaints, with a civilian authority responsible for reviewing police. I feel that this legislation is very important to protect citizens from excessive use of police power."

Another person asked about the two reports on teenage drinking and driving which were published recently. McMurtry said that "I personally favour probation for all drivers, no matter what age they

are." He is also in favour raising the drinking age from 18 to 19. "I have spoken to juvenile court and provincial court judges, and I have found that it is not uncommon to have children of 13 or 14 years who are confirmed alcoholics. Raising the drinking will be unpopular but if it will help the drinking problem in the high schools, it is well worth considering."

Asked about the latest decision to introduce legislation to ban "fuzz-busters" (radar detector devices), Murtry said, "It is a Cabinet decision which I support. Fuzz-busters defeat the whole purpose of law-enforcement on the highways. Any device intended solely to arm the people to break the law should be outlawed."

Another question concerned the procedure in criminal courts in Ontario. McMurtry said he plans to introduce legislation in the spring which will make two major changes in criminal procedure. "We are in the process of restructuring the Crown attorney system. We have seen the extent to which crown-attorneys only become familiar with the cases at the last minute. Many cases are unnecessary and they are prolonged in the courts, causing overcrowding."

He said the change is intended to break up the crown attorney's office into four units, taking in Toronto and the boroughs.

Deviancy is too often criminal says head of law commission

By AGNES KRUCHIO

We are resorting to the criminal law too often by making some deviant behaviors a crime, an audience of judges, lawyers and law students at Osgoode Hall were told last week by Judge Antonio Lamer, chairman of the Law Reform Commission of Canada.

"A 'crime' should be only that which being morally wrong, transgresses a value that is important to our kind of society. Not everything to which we attach a value is significant enough for protection through the criminal law," judge Lamer said to the audience gathered from across the country for a conference on the Canadian court system sponsored by Osgoode Hall Law School and the Canadian Institute for the Administration of Justice.

"I do not think that most people in this country feel that it is morally wrong for a few friends to occasionally play poker for money when the amounts at stake are within reason," judge Lamer said.

"I fail to see how being on a cruise in Canadian waters or flying over Canadian territory in a plane adds much to the wrongfulness of the act of playing a friendly game of gin and rummy for a reasonable wager," he added.

"Yet," judge Lamer said, "citizens doing so are branded by the Parliament of Canada as criminals, having committed an indictable offence and liable to be

sent to a penitentiary for two years."

This, said Lamer, is a "staggering indictment of our official concept of the aims and purposes of the criminal law".

The result of this procedure is that thousands of laws are being systematically ignored, because, said Lamer, in such instances "prosecution would be so obviously counterproductive with respect to what the criminal law ought to be doing."

"A 'hang litterbugs' philosophy of criminal law does little more than ensure that our statute books, as well as our roadways, will be filled with trash," he said.

The judge cited simple possession of "soft drugs" as an example of when there is no clear consensus of just what society's values are. "If is not clear," said Lamer, "whether or not soft drugs are harmful to one's health. Most people feel that consenting adults should be free subject to regulatory control, to consume substances that are harmful to them."

But thousands of Canadians are labelled as "criminals" in a criminal court, when, said the judge, "it is hard to find anyone involved in these charades — this often includes the arresting officers and the judge — who feel that they are dealing with 'criminals' in any rational sense of that very significant world".

The judge recommended other

ways to deal with offences where prosecution would mean more harm than good in terms of costs to society". In situations where people have conflicts arising out of group living, and when they will have to keep living together, what is needed is a means of "helping the parties find their way to a better, more positive, more fruitful relationship." Such situations arise between neighbors and in families, for example, Lamer said.

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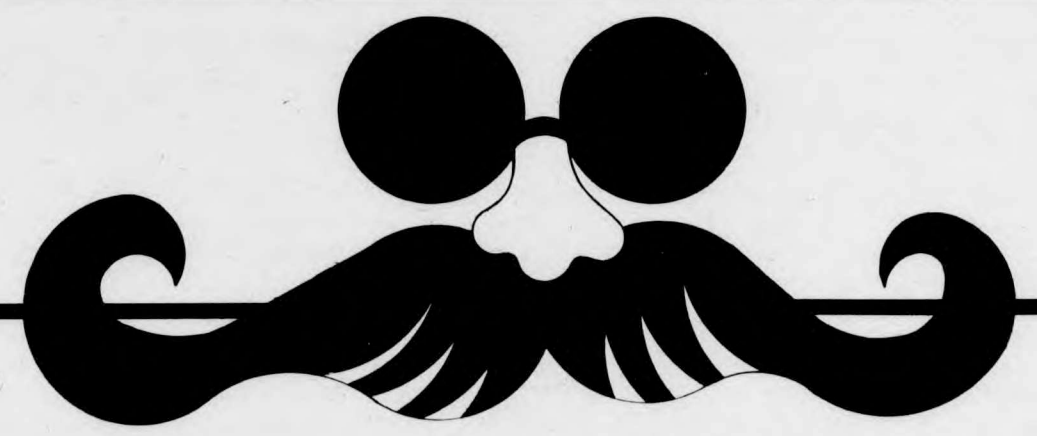
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