

Criminal Records

I should now like to deal with another situation, that of the construction of prisons, federal and provincial. As you know those buildings are filled to capacity. It is not that the citizens have turned evil suddenly, but that with a few exceptions, our citizens are willing to abide by the law provided they are given a chance. Unfortunately, under our present political system, too many Canadians have been refused that chance.

We have proof of this in the number of State boarders in our prisons, which number always bears a relation with the number of unemployed. Every time citizens are drafted, statistics prove that our prisons become empty. On battlefields, in plants, everywhere, citizens find a way of selling their services.

Nowadays, in this quiet era where there is nobody to wage war against us, we must wait and what is more, we must make others wait.

Young people are fed up with waiting, waiting for a scholarship, for a job, for a meagre welfare assistance, for a chance to get married, for a buoyant economy, for their district to become a designated area, for inflation to be checked.

Mr. Speaker, one must not be surprised if all those people who are forced to wait decide at one time or other to help themselves. Thieves who are arrested may be less guilty than some others more clever, more able to monopolize what belongs to others on account of their profession or of the position they hold.

I certainly welcome Bill C-5 which will help to rehabilitate the alleged outlaw, but in my opinion, we need more than that. To pull an inmate out of prison and help him to make a new start in life is not bad, but we should do everything in our power to prevent the judges from passing unacceptable sentences. I feel that nowadays, too many irresponsible actions are done in the name of the law. When the government has reached the point of creating unemployment in order to balance the economy, we have a right to ask questions and the duty to state our views on the problems resulting from bad administration.

I have nothing against a bill suggesting to expunge judicial records after five years. However, we should take steps to prevent people from committing further offences.

Bill C-5 will be automatically ineffective if the Minister of Justice (Mr. Turner) for instance remains shut up in his office. I think that the economic field should also be considered.

Too many Canadians lack basic necessities and are induced to break the rules and to ignore the laws of the land. If the country has the right to make laws which must be obeyed, the citizens also have rights, the first one being the right to live.

The policy and legislation of the Canadian government will be just when they are obeyed by the administrators and all levels of government.

However, I rely on the understanding of this government and mainly of the Minister of Justice. I hope that he will convince the Prime Minister (Mr. Trudeau) and the Minister of Finance (Mr. Benson) to set up a just and honest system, not in the name of the law but in the name of life and the right to live.

[English]

Mr. D. R. Tolmie (Welland): Mr. Speaker, I congratulate the Solicitor General (Mr. McIlraith) for bringing before the House this bill incorporating the practice of sealing records. From my subsequent remarks it will be noted that I feel if this bill is to be of any real benefit to a convicted person, it must have substantial amendments.

• (9:20 p.m.)

I first became interested in this subject in 1966 and brought in a private member's bill which was later studied by the justice committee. I had no intention that the private bill would become law and used it only as a vehicle to introduce the principle of sealing criminal records. The justice committee held four formal meetings with witnesses, all of whom agreed with the principle of sealing criminal records. A report was made to the House, and later the then Solicitor General, Mr. Pennell, made recommendations to the cabinet which were accepted.

In order to produce an effective bill, one must consider what we are really trying to do by sealing criminal records. This is not an attempt to be soft with criminals; it is not another bleeding-heart crusade. This bill should have one goal only, to restore to the offender as far as possible all the civil and economic rights he enjoyed before the offence was committed.

This type of legislation should relieve people who have paid their debt to society, and taken their place as law-abiding citizens, of the continuing stigma and harassment of past criminal records. The principle of this bill should be based on the concept that a sentence served is expiation for his crime,