I go back to the example that comes out of the United States where a school teacher went into her classroom Monday morning and said to her students that all the brown eyed children in her class are special, they have a higher IQ and they are smarter. She saw the result. She saw the friendships drop off between the blue eyed children, the brown eyed children and the others. A week later she came in and said she made a mistake. It is not the brown eyed children who are the smart ones, it is the blue eyed children. She sat back and watched what happened.

She saw the prejudice. She saw feelings that produce bias, prejudice, anger and frustration develop within that classroom. I am saying this bill is not eliminating those feelings. It is aiding and abetting those feelings.

If it is creating the impression in the minds of people across the country that people are being granted a special category or a special right, we must all feel we stand equal before the law regardless of our race, our colour, our language and regardless of our chosen style. We must all feel we have the protection of the law and we stand equal before that law, that those who administer the law, and the political forces will recognize that and never deviate from that principle.

When we look at the alternative measures, what do we have? What do they mean? Alternative measures in the bill suggest we will segregate violent offenders and non–violent offenders from the court system and from the penal system. That gives me great concern. There are many cases which ought to be handled outside the criminal justice industry, as I refer to it, and the penal system. I was a peace officer for 14 years and most of the minor incidents which I came in contact with never reached the courtroom because I considered the court to be the last resort.

• (1620)

I am not unmindful of the principle contained here and the power and the strength of it which is expressed in what we call alternative measures. However, it should be directed. There should be a division between non–violent and violent offenders.

The bill does not create that division. One of our hon. colleagues from across the way discussed during report stage that this will allow violent offenders to receive the treatment provided for under the alternative measures. We will see the state, those who administer the law, given the right to allow violent offenders, those who have attacked others, not to be subjected to the court system or to the penal system.

When it comes to non–violent offences such as theft of property or wilful damage of private property or public property where there is no threat to the life or safety of individuals, I can understand looking at the possibility of dealing with that individual, particularly a youth, in a manner as outlined under alternative measures.

When we entered an amendment at committee stage to segregate violent offenders from this alternative, of course there was no consideration given to our amendment and it was defeated by the Liberal side. That is wrong.

This is a bad bill, poorly drafted. I do not think it will achieve the results and provide for a safer society. To me, with respect, it is more of a political statement, a politically correct statement, than an effective piece of legislation.

When the Canadian Police Association appeared before the standing committee this is what it said about the bill:

> Bill C–41, with few exceptions, is unwieldy, complicated, internally self–contradictory, duplicitous and, what is worse, in almost all of it completely unnecessary for anyone with any knowledge of it or use for the common law heritage of Canada.
>
> While it would attempt to codify basic sentencing principles, eliminating this most basic judicial discretion, at the same time it would bestow huge new discretionary powers to a whole range of persons within the justice system. The common thread in those new powers is that all are to the benefit of the offender in the sense of non–custodial consequence for criminal actions.
>
> While sentencing reform calls for protection, this bill offers platitudes. Where it calls for clarity it offers confusion and outright hypocrisy. It will almost certainly cause the already skyrocketing criminal justice budget to expand further still.

To continue with this theme, I received a letter from the executive director of the Canadian Police Association, Mr. Newark, dated June 13, 1995. In part, Mr. Newark wrote:

> I have taken the liberty of writing to you in the last hope that practicality might intrude on what appears to be a predetermined decision to see this legislation passed. I should add, at the outset as some of you may know, that the perspective of this letter comes from rank and file police officers who work in our nation's courtrooms on a daily basis, and my own personal experience as a trial prosecutor for 12 years.
>
> This bill attempts to codify some, and I emphasize only some, of the basic principles of sentencing which evolved in our courts over the last hundred years or so. It is a classic example of bureaucratic arrogance which assumes that using a particular phrase or sentence will somehow make everything constant and in accordance with "principles" determined as valid within the federal Department of Justice.
>
> When I first saw this bill, which was in 1992 as Bill C–90 from the Tory regime, I was convinced that it must have been drafted by people who had never seen the inside of a court room other than as an academic observer. My subsequent investigation has proved that to be correct which is far from comforting. No matter what one's view of how sentencing should occur, this bill's approach of attempting to redefine principles will result in endless litigation which will add millions of wasted dollars of expense to a system that is now struggling to make more efficient use of existing resources.
>
> Even the much publicized sexual orientation clause is an example of how unnecessary this bill is. Section 718.2 merely directs that an offence motivated by any of the listed factors, including sexual orientation, shall be viewed as an aggravating factor by the sentencing court. Has anyone, ever, cited a case where a court said it was not an aggravating factor? Any such judicial position would be an error of law and it is so obvious that in my time in court I never encountered or heard of such a suggestion