

Criminal Code

women is not punished in England, and although it may be theoretically in America, it is so rare as to be negligible in practice.

The Catholic and traditional Christian attitude to homosexuality was developed at a time when there was little knowledge of either the extent or causes of homosexuality, and today these approaches need to be modified in the light of new knowledge. Homosexuality is now known to be much more widespread than was thought in the past, as the researches of Dr. Kinsey and others have shown. In the first of the Kinsey reports, published in 1948, on the American male, Dr. Kinsey used case histories of 12,000 men. He concluded—

And this is rather startling,

—that 37 per cent of the male population of the United States had had some homosexual experience between the beginning of adolescence and old age. For males who had remained single until the age of 35, the figure rose to 50 per cent. Of the male population 25 per cent had more than incidental homosexual experience or reactions for at least three years between the ages of 16 and 55. Of the males 8 per cent were exclusively homosexual for at least three years within these age limits, and 4 per cent of the white males were exclusively homosexual throughout their lives after the onset of adolescence. Dr. Kinsey and his assistants found these results startling, but when they were checked they yielded the same result. An aberration is not, of course, right because it exists, as Kinsey at times assumes, but the figures do indicate that homosexuality is not a problem confined to a tiny group of perverts but one of much wider social significance.

What are the causes of homosexuality? Medical evidence and opinion can supply no agreed answer, but it is widely accepted that apart from perverts who have turned to homosexual practices entirely of their own free will, there are inverters, who form the majority, whose psycho-sexual impulses are directed more or less exclusively towards persons of the same sex. Traditional Christian thought has been ignorant of this state of inversion and has tended to regard the whole problem as one of perversion without extenuating circumstances.

The writer goes on and points out that the law on homosexuality has never really been enforced. He points out that where it is enforced, the majority of the people convicted are not the type of people who should be put in jail. He points out that there is nothing to show they will be rehabilitated if they are put in jail. Even the churches go along with that view.

Many people who have considered the subject conclude that our common law does not effectively distinguish between sin, which is a matter of private morals, and crime, which is an offence against the state having anti-social consequences. However, many of us who have practised before the bar of justice, and others in many fields, know that punishment has been imposed on a small minority of offenders

in Canada and sometimes on those who least deserved to be imprisoned.

Our standing committee must reach the conclusion in the light of scientific, psychiatric, psychological research and knowledge that imprisonment is largely ineffectual to re-orient those with homosexual tendencies. I would ask the committee to consider this question: If a law is ignored, if a law is unenforceable, if it is indeed unjust, is that not grounds to make the change even though we may abhor legal permissiveness? These acts are accepted in Canada de facto today if not de jure. Does this section solve the problem? It might. That is for the committee to decide.

I now turn to the question of lotteries. Coming from Calgary, where Mrs. Mary English has dedicated her life to the support of legalized lotteries to be used for medical research and charitable enterprises, and where she has gathered 500,000 signatures and claims that she journeyed from coast to coast to obtain these on a shoe-string budget of \$1,000, I would hope that the committee would take a very liberal viewpoint—and of course I mean with a small “I”—on the suggested changes. I think that the Minister of Justice (Mr. Turner) in drafting these sections of the bill has walked a very tight rope, in fact razor-edged.

The minister has endeavoured not to offend those who consider lotteries as gambling, even when the funds go to support churches and social welfare enterprises, and those who accept lotteries as good, moral, legal sport. The strongest argument that Mrs. English puts forward is, and these are her statistics:

—the Irish Sweepstake draws about \$100,000,000 each year and only \$6,000,000 returns. That means \$94,000,000 benefits another country.

Some hon. Members: Shame.

● (8:20 p.m.)

Mr. Woolliams: Why should we accept these facts? If we were to wake up some morning and read in the paper that John Jones, our neighbour, won a sweepstake, then was charged under the Code and put in jail, we know what a hue and cry would go up. So, this law is unenforceable. Do these new sections allow the Kinsmen or other fraternal organizations to run a raffle in order to raise funds to build a swimming pool for children? I doubt that; I do not know, but I do not think so.

Then there is the section on firearms. I would like now to briefly direct my attention