

Criminal Code

The Acting Speaker (Mr. Béchard): I shall have to repeat what I said to the House, in the other official language namely that the procedure suggested by the hon. member is one that has always been discouraged by the Chair.

Mr. Woolliams: With the greatest respect, Mr. Speaker, in view of the nature of this bill I ask for consent of the House to my request.

The Acting Speaker (Mr. Béchard): I understand there are several reasons for this reluctance, among them the length of the extract in question, and also the problem of translation.

An hon. Member: Read it.

Mr. Woolliams: It would take too long to read, but the extract does set out the responsibilities. This to be found at pages 27 and 28 of Crankshaw's Criminal Code and is there for anyone to read. I do not want to go into the detail of this; it is merely a statement of the law.

The Code provides in section 139 that no child under the age of 14—there are exceptions which I want to make sure are understood—can be convicted of rape, attempted rape, the seducing of a female between the age of 14 and 16 or seducing a female who is of previously chaste character. Sections 136, 137, 138 and 142 prohibit any person under the age of 14 from being charged with the commission of an offence.

Sir William Blackstone (1723-1780), in his Commentaries on the Laws of England, made this statement:

It is better that ten guilty persons escape than one innocent suffer.

What is prison like for young people? I think I could describe prison life for young offenders in the words of Byron's great "Sonnet on Chillon", one of my favourite sonnets which I know by heart. This is particularly relevant in these days when our young people are running afoul of the law in their use of drugs, which constitute a serious social problem. Byron, that great poet with a great heart, said in his sonnet:

And when thy sons to fetters are consigned—
To fetters and the damp vault's dayless gloom,
Their country conquers with their martyrdom,
and Freedom's fame finds wings on every wind.

● (5:10 p.m.)

Pierre Berton put it in a nutshell in his article on "Canadian Justice", in the Star

Weekly magazine of July 18, 1964 when he said:

One by-product was homosexuality. Since young offenders were often dumped into prison compounds with old and hardened men, it was almost axiomatic that any youth entering prison (and there were children as young as 13 in Canadian penitentiaries in the 1960's) be forced into a homosexual alliance that could scar him for life.

The same system of mixing the young and the old, the novices and the veterans, which was prevalent in many parts of Canada as late as 1964 made it easy for youths to learn the fine points of criminal technique before they were once more dumped, with few resources upon an unforgiving society.

Although we have legalized homosexuality, let us not legalize homosexual seduction of our youth.

Again in the *Weekend* magazine of February 23, 1963, Bill Trent, staff writer, wrote a story with information supplied to him by Allen J. MacLeod, Commissioner of Penitentiaries. Like the head of the Parole Board he is a real spirited public servant of our nation. I have referred to this article before in the House of Commons, and it refers to a boy called "Henri". It states:

There are many sad stories about children in prison but the case of a twelve year old boy who will be referred to as Henri has gone down in penitentiary history as a classic.

Henri had all the cards stacked against him. He was the product of a shiftless father and a prostitute mother, who had separated. In his short lifetime he had been in all sorts of trouble. He had been sentenced to reformatories and at one time had even been committed to a mental hospital.

Then one night, during a period of freedom, he walked into the House to find his mother sleeping with her landlord. Furious, he picked up a can of tomatoes and hurled it at the man, striking him in the head. He was charged with assault.

This lad was convicted and sent to the penitentiary. This is a sad story particularly when you consider that this young lad could not be held in prison because he was so small he could squeeze between the bars at St. Vincent de Paul penitentiary. The officials tried to hustle him away to protect him. They even took up a fund to buy him a scooter, a toy construction set and a fleet of toy trucks.

This article really got me excited. Allen MacLeod described one warden as saying it was heartbreaking to listen to the children cry at night. Mr. MacLeod said they have no right to put children in the penitentiaries. He heads the committee on juvenile delinquency in Canada. He also says the right to put children in the penitentiaries is guaranteed by the Criminal Code which says that a seven year old child can be imprisoned if convicted of a criminal offence.