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Speaking Out Against Bill C-15
June, 2009



Bill C-15: the Criminalization of Drug Use

June 4, 2009

Dear Friends,

Bill C-15 sets minimum sentences for drug crimes and disproportionately targets non-violent, street-level drug users, small time dealers and young people, and does nothing to address the public health problems of drug use in Canada. This Bill will not go after the drug-lords and king-pins as the Conservatives claim.

I have been fighting against Bill C-15 at the Justice Committee and in Parliament. Below is an excerpt from my most recent speech on the Bill.

Sincerely,

JUNE 2, 2009
House of Commons
HANSARD

Mr. Speaker, we are back in the House debating Bill C-15, which deals with mandatory minimum sentences for drug crimes in Canada.

I have looked at this bill, studied it very carefully, and I heard the witnesses in the committee. **I think we had 16 witnesses, 13 of whom were very strongly opposed to this bill and urged us to defeat it.** Three witnesses were in favour, and one was quite lukewarm in opposition. I have to say this is one of the worst bills the Conservative government has ever put forward, certainly in terms of its crime agenda.

We had some of the best witnesses we have ever heard at committee, but we also had some of the worst.

The Minister of Justice himself was a terrible witness. He was pressed to show evidence to Canadians, the committee and members of Parliament that mandatory minimum sentencing will work for drug crimes and that it is an effective public policy initiative. When he was pressed repeatedly to show evidence, not his own opinion, not Conservative ideology, but evidence that this bill was actually a sound public policy, he could not produce any evidence, and he has not to this day produced any evidence, that mandatory minimum sentences work anywhere, and certainly not for drug crimes.

We had excellent witnesses who came forward from Canada and also from the United States. One in particular, who I want to focus on, was the former counsel to the U.S. House of Representatives Committee on the Judiciary, Mr. Eric Sterling. He stated to the committee that his decision to promote mandatory minimum sentences in the U.S. was probably **“the biggest mistake of my entire career for over 30 years in the practice of law”**.

We heard Mr. Sterling via videoconference, and his testimony was very powerful. We also heard Deborah Small, from the Break the Chains (www.breakchains.org) organization in New York, who has also been dealing with mandatory minimum sentences. They told us about the real experience of dealing with these kinds of laws.

Mr. Sterling told us that the goal of reducing drug use under these laws had failed. The goal of promoting safety in local communities had failed. The goal of raising the price of drugs while lowering the purity had failed. The goal of reducing organized crime had failed.

The minister told the committee that the purpose of this bill was not to go after the low-level dealers, the people on the street who are addicts, who are facing significant health issues and who should not be criminalized. We were told this bill was about going after organized crime, about going after the kingpins, about putting the big traffickers, the big dealers in jail.

I think the government knows that the reality and the evidence shows **this bill will do none of those things**. This bill is clearly targeted at the low-level dealers. We heard evidence to that effect, and the experience of what has happened in the United States shows us that as well.

In committee, **the NDP put forward 21 amendments that tried to remove some of the worst aspects of the bill** by changing the regime of mandatory minimums, for example, and getting an exemption for medical marijuana for compassion clubs.

I am so disappointed that those amendments did not go through. The Liberal members on the committee failed to respond to those amendments and failed to support them, which really surprises me. **We are now left with a bill that is going to be destructive in terms of local communities and incarcerating more and more people who are dealing with a health issue**, not a criminal justice issue.

It is simply really bad public policy. It is going to increase the prison population, particularly the provincial prison population, because most of these mandatory sentences that are two years or less will be under the provincial jurisdiction. Again, **the minister could not tell us how much that was going to cost. He could not tell us how many more people are estimated to be imprisoned as a result of this bill.**

Our fear is that this bill will target what **VANDU** in the downtown eastside called the “low hanging fruit”, people who are easy targets on the street. They are the people who are going to be hit by the mandatory minimums in this bill.

We gave so many examples at the committee of how this bill is going to be abused in terms of who is going to be hit by it and how wide the scope of enforcement is. For example, we know that one of the provisions of an aggravated circumstance is if one rents.

We might have the situation of a student, a young person or an adult who is renting, and even by giving

one plant to a neighbour they would incur a mandatory minimum sentence of nine months and a maximum, potentially, of 14 years.

In the current Controlled Drugs and Substances Act, there would be no minimum, but the maximum would be seven years. **We can begin to see how punitive this regime and this bill are and how the bill can be applied to people who are creating no serious harm.** They are not the kingpins. They are people who are maybe dealing with medical marijuana, growing medical marijuana. They may be involved in a compassion club. They may have a couple of plants for recreational use.

I think that most Canadians understand that criminalizing drug users, criminalizing marijuana users, has not produced any change. The real emphasis we need to look at in society is prevention, education and treatment, what we call the four pillar approach. That does include enforcement, but the government has decided to focus all its firepower on enforcement and on a punitive regime that is now going to capture so many people who will have criminal records as a result of this bill.

We, in the NDP, are very disappointed that this bill is at the point where it looks like it will go through because it has the support of the Liberals who are supporting the Conservatives. I am very grateful to the members in the Bloc who understood clearly what this bill was about and from the beginning decided they would not support mandatory minimums.

The federal government has shown a complete lack of respect and understanding for medical marijuana users, even most recently in the court decision where the federal government tried to appeal a decision that would have opened up access to medical marijuana.

We urge the House to **reject this bill** and to deal with the issue of substance use in our society from a comprehensive perspective, not simply by bringing in these wacky laws that criminalize people, put more people in jail and, in the end, do not actually change the situation.

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