

SOLDIER, POLICE DETECTIVE, CROWN, AND DEFENCE LAWYER . . .

STEVEN HOWARTH - A MAN OF THE PEOPLE

Rumour has it, even though you certainly don't look it, that you are older than most judges at the Sopinka Courthouse.

I am. I just turned 77 Christmas Eve.

I also understand that you have quite an interesting career background.

I feel like have experienced a lot in my life. I joined the Army as a kid, and I spent three years with them as a private. And at the end of my three years the military encouraged me to sign on again and offered me a tour in what was then called Indo-China as a member of the International Control Commission. Indo-China, by the way, is now called Vietnam. I seriously considered it. And then during the interview they said that I didn't have to decide at the time, that I had six months to decide after I leave the Army. As a result I decided that for at least six months I would look for a job. And I was eventually hired by the police department in London, Ontario.

I spent twelve years with the London police department. I rode a motor-cycle as a cop. I did the downtown paddy wagon where all the people who drank too much were causing trouble. So it would be a very busy evening driving the downtown paddy wagon. I walked the beat. And eventually I was promoted to detective where I spent my last four years with the department.

Any particular experience that sticks out in your mind either as a private in the Army or as a police officer in London?

In the military I was an air-borne soldier which means that we jumped out of aircraft. And with the police department lots of interesting things happened over the years. One that I remember in particular . . . I arrested two men for murder in 1967. They were ultimately convicted of murder. And one of them, while serving his sentence at the Kingston Penitentiary, was involved in the riots of 1971 where other prisoners were killed. Now, if you were to fast forward a few years, I was in law school at Western University when the individual was paroled. At the same time I started to receive death threats – not only against me, but also against my family. I notified the police department, and as a result I carried a loaded hand gun while I was in law school. And I carried it until I was notified that this individual (the one who I had arrested for murder years ago) that had threatened me was killed by someone else.

Another warm and fuzzy story I can tell you about, was while I was still in uniform as a cop in London. I stopped a young man driving a stolen car. I knew the young man came from a troubled family, but he was a pretty good kid. I had stopped him by a park and I knew he lived on the other side of the park. So I told him that I would count to ten and come after him, and if he wasn't home by the count of ten, he was going to be arrested. He took off like a shot and went directly home. That boy never got in trouble

again and years later when I was at a home coming, a young man approached me, asked if I was Steve Howarth, and he was the very young man I let go. He was now a successful businessman. And most cops would prefer that kind of story.

Now lets go to the next phase in your career journey.

I was fortunate enough to get an articling job with Arthur Maloney in Toronto, perhaps one of Canada's greatest criminal lawyers. At the time, in 1976, Arthur was Ontario's first Ombudsman. And of course it was an honour to have worked with Arthur. We travelled a lot around the province. There would be me, Arthur Maloney, and a few investigators. We would go to all the smaller communities, especially in Northern Ontario, where we would receive complaints against the Ontario government. Later, when back in Toronto, we would investigate those complaints and make recommendations. And Arthur would then present those recommendations to the provincial government.

I remember one time Arthur was invited to Pierre Burton's The Great Debate show to debate against Capital Punishment on TV. He was an abolitionist and was strongly against the death penalty. After the debate (I forgot the name of his debating opponent), Pierre Burton polled the audience by a show of hands on their views on capital punishment, and I remember voting for Capital Punishment. After the show, I was admonished by Arthur for not being loyal. And to this day, I admire the man, because even though I had been a soldier, he taught me more about loyalty and honour than any other person or organization.

At the conclusion of my articles, Arthur recommended me to the Attorney General's office in Toronto and I was hired as an assistant crown attorney at Old City Hall, College Park, and 361 University in downtown Toronto. This was now in 1978. Bob McGee, who was the crown at the time, immediately started putting me into high profile cases. He started giving me jury trials and major prosecutions from the start. In fact, one case was the Bath House Raids around 1980. I was given the task of organizing with the Toronto Metro Police the handling of the arrests. I came to the conclusion that anyone who could identify themselves should be released on a Promise to Appear. To my surprise there were about three hundred arrests at these bath houses.

Over the years the press has maligned the police and the prosecution, accusing us of being homophobic. But the reality is, these places, certainly at the time, were considered to be houses of ill-repute, that just happened to be involving persons of one particular sex. And let me tell you, had these bath houses had both sexes, they still would have been arrested for committing crimes.

It's my understanding that the first gay pride parade in Toronto was a backlash to the arrests in the bath house raids. So, I guess, in a way, I had a small part to play in the genesis of the Toronto gay pride parades of today.

And after a short four and a half years as an assistant crown attorney in Toronto, I was made the head crown in Haldimand County. This would have now been in 1982. I worked as the crown from 1982 to 1999 when I then decided to retire.

Most people, when they retire from the crown's office, don't continue to practise law. But this is not the route you've obviously taken.

That's right. I immediately went into private practice as a defence lawyer. I've always respected both sides in the adversarial process.

Any memorable experiences as the head crown for 17 years up in Cayuga?

Yes. One time a father came to my office and spoke to me about his son who was just arrested on breaching his probation. After listening to him and realizing the young man had changed his way I had verbally agreed to a non-custodial sentence. Two weeks later, I was in court when the son appeared in provincial court and plead guilty to this one breach. As the prosecutor I asked for 30 days and the judge so ordered.

As I was leaving the courtroom that the day, the father approached me and, understandably, was highly agitated over what had happened. So the first thing I did, was that I went to the provincial court judge and asked him if we could bring the young man back before him. The judge said he was functus and so as a result I told the OPP not to move the prisoner from the building. Then I told my secretary to prepare a Notice of Appeal with the young man as the appellant and file it within the hour. I then went up to the late Justice David Marshall's office and he said, "Steve, what can I do for you?" And my exact words were, "You can bail me out of shit!" And I explained the story to him. Justice Marshall had the OPP bring the young man up to his office, and granted the appeal and placed the boy on probation. This was all done in two and a half hours. And as the late Justice Marshall said, "That's how justice should operate."

Any final words on your view on the judicial system as it currently operates?

Yes, I have some views on this. I noticed that our young bright crown attorneys, who are on contract or per diem, are using the crown policy manual to a fault, instead of just applying the law sprinkled with common sense. So for instance, because I do per diem crown work from time to time, as it concerns minor criminal charges, I see where some of my colleagues will try to detain someone in custody instead of just applying the law and sprinkling it with common sense.

It think it's important that all of us who are involved in the criminal justice system remember that it's the law, and not politics, that dictates how we behave in court.

Thank-you Steven.

Mr. Howarth was interviewed by Peter Boushy over the Christmas break, 2015