

it is the federal authorities, let us say, who will grant parole. We are working in two different fields of activity, but which should, in the end, be a single process.

Senator Flynn: Would you see the problem from the same angle if a single jurisdiction dealt with the prisoner, whether he was sent to the common prison or to the penitentiary,—if there were a kind of integration?

Mr. Belanger: Yes, it would amount to the same thing, if there were a jurisdiction.

Senator Flynn: Does this division of federal competence today appear somewhat artificial, regarding the jurisdiction over penitentiaries and the federal competence over prisons?

Mr. Belanger: Yes, but that is insofar as the parole service is more integrated with the provincial programs, and actually, I even think that the provincial programs do not exist.

Senator Flynn: If they do not exist, we are better off having the federal system slightly look after the people who go into prison than to have nothing at all.

Senator Lapointe: How can you ensure continuity, if there is nothing on the provincial side; there cannot be continuity if there is nothing?

Mr. Cyr: I would like here to take as an example what is done in New Brunswick, where they have temporary leaves of absence at the provincial level, to permit the prisoners of the common prison, or its equivalent, to work outside.

I would like to add that I think that that program, as far as I could observe, is working well enough, and with an apparent success percentage of 97 per cent, during the time that these people are under surveillance, during a temporary absence, before the end of their sentence. After the sentence, no study has been made, but before the end of the sentence, it is 97 per cent. Evidently, the type of prisoner is different, also, because you have prisoners sentenced for much less serious offences than those that are generally found in federal institutions. Therefore, that requires a somewhat different approach at different levels. If at that time we integrate the common prisons with the federal prisons, evidently, we will always have to take account of the two kinds of sentence.

Senator Lapointe: Are these temporary absences granted by the provincial authorities?

Mr. Cyr: Yes.

Senator Flynn: For example, at Iles-de-la-Madeleine, this was on the sole initiative of the warden; therefore, it is easy enough to control the prisoners.

The Acting Chairman: Have you finished?

Mr. Thomas: Another matter, on the subject of responsibility, is that we hope that, in the case of murder, barring exceptions, which I will indicate—it is no longer the Governor-in-Council who will approve a request for parole—except in those cases where the murder in question is connected with a political reason. I think that it is up to the federal government, in this case, to foresee and to judge. I take the case of a certain murder of the FLQ, during the October crisis. I do not think that it is up to a

mixed committee of institutions, and for example, of parole, to decide the parole of these individuals. It is their responsibility to recommend, but I believe it is up to the Governor-in-Council to decide in those cases. But, in other cases, where murders are not connected with political reasons, I think that the Governor-in-Council—they have little information, after all, and it is only with the information given by the people who work closely with the prisoner that they can say yes or no whether they would agree with the proposal for parole. This is why we hope that the Governor-in-Council will no longer grant permission, if you like, or will no longer ratify the cases of parole for murderers, except in the cases which would be connected with political reasons.

Senator Flynn: You are nevertheless raising the problem of the partial abolition of the death penalty, or perhaps the total abolition, decided by Parliament,—there were objections raised, and life imprisonment no longer means anything because, by a decision of either the Governor-in-Council or the parole system, the prisoner, who might have been found guilty of the most foul murder,—and there I describe it like you, like murder and not the person—can obtain his release after 10 or 15 years of detention, when the legislator really wanted life imprisonment; it is in those cases, and in these conditions—that we accepted the abolition of the death penalty.

Mr. Thomas: Yes, you see, the case of murderers is, in my view,—I don't know if anyone else has something to say,—but these are complex cases for me. These are not simple cases. I think that, from the social point of view, murder is a very serious act; it is a very serious attempt against the person to destroy him. That is very important.

Senator Flynn: It is final.

Mr. Thomas: Now, it happens that there are several kinds of murderers. You see, there are murders which are foul, as you say. I think that we often see in these cases, also that the individual, the murderer in question, has a life style which is what we could call, moreover, somewhat dishonest and delinquent throughout.

The jealous murderer is ordinarily an honest citizen, caught in an emotional situation with his wife, and it is often a story of a triangle with his wife, where the wife wants to leave him, etc. He therefore enters into a crisis. He will commit his murder and it is perhaps the only time in his life that he will do it. It is in this case that he will really need treatment, if we sentence him to life. The law only intends to teach the population that murder is serious, that the penalty received is very serious, but from the point of view of treatment, it is very different. It is very different, and in this case, the life sentence no longer has meaning.

Senator Flynn: It is for this reason that, previously, we had the distinction between capital murder and the other,—during the first evolution that was made, the first modification of the Criminal Code.

Mr. Belanger: On that point, in practice, the death penalty has been practically abolished in fact.

Senator Flynn: It is abolished in fact.

Mr. Belanger: The fact of having made that thing official, without even penalizing the people who have been con-