

Mr. Speaker, if we want to have order in penitentiaries, if we want the laws to be obeyed, the officials, those who represent justice, the officials who are in charge of order must be protected by the law and have moral support from the judicial system and the Solicitor General of Canada.

Officials are keeping out of the way, they do not want to see anything, they let things go because they have no personal protection against hundreds of criminals in penitentiaries and, in order to keep their job, they let everyone free with the results we have known in recent months.

Mr. Speaker, it is urgent that we establish an inquiry commission made up not of those who must live with the problems but of persons completely independent of the present penitentiary system and who could consult both inmates and officials and see what is wrong with the rules.

Mr. Speaker, I know personally of certain rules which are supposed to exist in the penitentiaries and here again because the officials did not get any support, they are right to be afraid because we leave them alone to defend their case against any legal action; they do not wish to set the inmates against them. Everything is permitted, in the penitentiaries.

Mr. Speaker, I was shocked to hear certain officers who really want to fulfill their duties, but who in the circumstances cannot have the law respected, do their job, actually ensure the protection of the inmates, the maintenance of order in the penitentiaries while securing human conditions for the inmates, considering that those persons have committed a crime, that they have been condemned by courts of law and that the officers must ensure that justice and order are respected in our Canadian penitentiaries.

● (2320)

[English]

**Mr. Walter Baker (Grenville-Carleton):** Mr. Speaker, I listened with great interest to the speeches on this matter from both sides of the House. Like all questions that are moral as opposed to being political, there are two points of view, two concepts wrestling with one another. On the one hand, we have the matter of rehabilitation of the prisoner which is something that is worthy of any civilized society to pursue. On the other, we have the question of the protection of that civilized society. Throughout this debate has run a thread and upon that thread this question balances.

I have now come to the reluctant conclusion that in certain respects, the Solicitor General's department, the department under which the Penitentiary Act is administered and the administrators of the penitentiaries have failed. Perhaps to a certain degree, the court system may have failed in that there has been an overbalancing in favour of the rehabilitation of the prisoner. Apparently the escapes, the crimes committed while people are on parole and the crimes committed while people are on temporary absence have demonstrated that. This is a demonstration to the public that perhaps rehabilitation of the prisoner has remained uppermost and the scale is balanced in that direction as opposed to the protection of society.

Rehabilitation is important. I support the concept of rehabilitation. If there is to be any doubt or weighting of

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the balance on one side of the concept or the other, it ought to be in favour of protection of society. Basically, that is the thread that has passed through this debate. There was concern that that aspect of it has been neglected, perhaps wilfully, perhaps not. None the less, that has led to the concern expressed by the hon. member for Burnaby-Richmond-Delta (Mr. Reynolds). At long last, and somewhat reluctantly from the government's point of view, the attention of this House and, hopefully the country, is being focussed on this very important question.

I listened to the speech of the hon. member for Vancouver South (Mr. Fraser). He stated that he had practiced in the courts for 17 years on both the criminal and civil side. I practiced in the courts for the same period of time on both sides of the law. I have also practiced on the prosecution side. I had the honour to prosecute people brought to justice in Ontario. I have also defended, including capital cases. I listened to the debate that preceded this on the question of whether we ought to have capital punishment, not have it have it in part.

I have perhaps dealt with my constituents in a little different manner. I have asked them to talk to me, not just mark an "X" on a piece of paper which is an easy thing to do, so I can reason and discuss with them. I talked both to those who are vehemently or mildly in favour of capital punishment. The majority of people I talked to took that position. They are very concerned about what is happening in the penitentiary system, the operation of the Bail Reform Act, temporary absence and so on. The majority of them clearly said to me that if they could be assured that society would be protected, they would not want to add another life, albeit the life of a criminal, to the list of people who are the victims of harshness and cruelty in the community.

The Solicitor General (Mr. Allmand) ought to take the words of the hon. member for Ottawa West (Mr. Reilly) to heart. He ought to withdraw the bill so that it can be considered, not in an atmosphere filled with heat, but in an atmosphere where sane and sober thoughts will guide its consideration through this House.

The hon. member for Vancouver South also spoke of confidence in the legal system. The reform that any civilized person wants in the parole system and any other system of incarceration, bearing in mind the protection of society, will not come about unless the people of this country have confidence that the system is working and there is indeed built into it protection. There is a duty upon this government and all members of the committee to ensure that the committee examines in the fullest, widest and most open way every aspect without fear. If members of this House or the committee say the committee should go into the prisons of this country, perhaps on a selective basis, I will agree with them. If they say this committee ought to travel, I will agree with that. If they say this committee's functions are to be carried on in the most public way, I will agree with that.

The committee should examine not just the prison system, but the parole system. They should determine why it has become the habit of the federal Parole Board not to examine prisoners on a face-to-face basis. Is it because of a shortage of staff? If so, this government and this country should move to remedy that. If it is because of some other