

Prisoners' Voting Rights

record as supporting the right to vote for inmates in penitentiaries.

I have had other expressions of support from individuals within the John Howard Society, the Canadian Corrections Association and also from the St. Leonard's Society, all of which have indicated that this is a matter of concern and study, and on an individual basis they support very much this initiative. I should like to read, however, from a letter from one of the inmates on the west coast who wrote me more than a year ago now. He stated:

I am an inmate at William Head institution, attending the University of Victoria. I hold several positions of trust at the university, yet I am unable to vote. Most of the prisoners at William Head probably would not be too certain how to vote but in all likelihood would vote for the party that enfranchised them.

Perhaps that would be a good argument for my colleagues opposite to take the initiative and make this the law immediately. This individual goes on to state, and I think this is of utmost importance:

I wish you success in your bill. One of the problems prisoners face is that they are rejected as much by society as by their immediate families. Many of the dismal failures leaving our institutions are products of the institution itself. A small thing like this bill can give a man self-confidence; a feeling that someone in society is still interested in him. I hope that other members realize that prisoners would not abuse the right to vote; it would only make us feel more human.

I think that is the real issue we are facing. We are not going to solve all the problems that exist in respect of our penal system in this country or the whole criminal justice system as it now exists. I am well aware of the fact that there are a great many problems and a great many changes that must take place with respect to the whole system of incarceration and the way in which we treat those who perform anti-social or criminal acts. But I share the view expressed recently by Mr. Chief Justice Berger of the United States Supreme Court when he said that the prison system is the most neglected, the most crucial and probably the least understood phase of the administration of justice.

● (1720)

I believe that if we were to recognize, through this rather modest change in the Canada Elections Act, the right and responsibility of inmates to participate in federal elections in this country, we would be taking one step forward to publicize and explain to people the extended changes that must take place if we are to achieve the two essential goals set forth by the Ouimet committee, that is, the ultimate protection of society and the rehabilitation of the inmate directly involved.

[Translation]

Mr. Claude-André Lachance (Lafontaine): Madam Speaker, the bill introduced by the hon. member for Egmont (Mr. MacDonald), although having its place in the current reform process of our penal institutions precisely because it comes within a rehabilitation plan for common criminals, brings me to ask a number of sensitive questions originating from the very foundations of our present system and ultimately ending in a certain notion I have of the reintegration of ex-inmates in our society.

The measure proposed is clearly a liberal one in the etymological sense of the word and I am personally very pleased to participate in this debate because the proposal

[Mr. MacDonald (Egmont).]

questions certain basic principles concerning the treatment of inmates. Those principles gave rise to strong polemics ever since the beginning of the world, that is the retribution-vs-rehabilitation alternative. Retribution, as the hon. member for Egmont explained earlier, is designed through chastisement only to punish a criminal and keep him from relapsing.

The first question that comes to my mind is why? Why allow individuals who admittedly rejected certain values accepted by society by transgressing *ad libitum* the provisions of the Criminal Code which is in fact or should be only the reflection of said values? So why allow them to avail themselves of that basic right that is the right to vote? Why allow those individuals to participate in the decision-making and election process designed to delegate to a government the power to regulate that society they often reject but that actually serves them?

Why finally punish on the one hand and offer on the other an opportunity to participate actively in social life? All the elements to the answer are found in the word rehabilitation.

Up to about fifty years ago little case was made of the plight of inmates when they reintegrated the free world following a stay in a penitentiary. The only true philosophy of the present system was to have the offender pay for his mistakes and make him pay so much he would not relapse. It is the retributive notion of sentencing, and all experts in the treatment of delinquency now agree that new avenues have to be explored for the treatment of criminals in view of the current tendency among experts in penal sciences and delinquency to consider the criminal not as a deviate but rather as a victim of a deficient psycho-social conditioning.

I used the word "treatment" because that is what we are dealing with here, in fact, since the criminal is indeed sick from a social point of view. In spite of much good will, rehabilitation in Canada has not given expected results, for various reasons it would take too long to go into; from this admission to wholesale condemnation there is but one step, we must at all cost refrain from taking it. Without going into lengthy comments on the causes of delinquency, I should still like to quote an excerpt from the book written by Richard Cobetz, *The Police Role and Juvenile Delinquency*. I quote:

[English]

No one element can explain delinquent behaviour. Man's nature is so complicated and his total environment so intricate that it is impossible to understand delinquent motivation by examining only one part of its totality.

Delinquent acts must be understood in terms of many variables, each influencing the individual in varying degrees of intensity in a particular situation at a certain time.

[Translation]

This short excerpt indicates clearly that the criminal must be looked upon not as a marked man but simply as someone who was poorly conditioned by his milieu, his environment, which eventually led him to act in reprehensible fashion, either through revolt or cynicism.

Consequently, we see that the concept of rehabilitation is still in its infancy, that we still have a long way to go before the harmful elements which condition man are eliminated. Indeed, our penal institutions, though making