

the provincial government. He is Judge Jean Grenier, who has a great deal of experience since he was for quite a long time crown attorney in Quebec city. At his swearing in ceremony, when he was called upon to deliver a short speech, Judge Grenier expressed serious apprehensions concerning the methods followed by the National Parole Board, and he also made an appeal for a more prudent course of action.

Mr. Chairman, I have another remark dealing this time with the commutation of the death penalty. The government clearly stated its intention to introduce legislation to abolish the death penalty. That legislation will obviously have to be quite different from the bill considered last year by the House of Commons, as it will have, if the debate is to be fruitful, to gain the support of the majority of the house and try to convince those who proved to be out-and-out retentionists during last year's debate. Consequently, the new bill, whose exact terms are not known, will necessarily have to make certain concessions if it is to be adopted.

On the other hand, I wonder how the Senate will welcome the bill which the government proposes to introduce. If the Senate were to decide to reject the bill passed by the House of Commons, the cabinet would surely find itself in a difficult position, for the attitude of the majority of cabinet members in this respect is well known, and that is why it has been so very difficult for the cabinet to follow any other policy than that of successive commutations, which we have witnessed since the debate took place on the floor of the house.

For all practical purposes, Mr. Chairman, if the legislation were not passed by the House of Commons, I wonder if the government would not have to consider the possibility of creating a commutation court to free itself of that burden which is often a source of unpopularity. In fact, a Gallup poll conducted last year showed that most Canadian people were in favour of the maintenance of the death penalty. Then, each time it commutes a sentence, especially in such a horrible case as that of Dion, the government obviously assumes heavy responsibilities, even at the risk of becoming unpopular, because the majority of the people has approved the maintenance of the death penalty.

Now, if the legislation were not passed, I wonder why the creation of a commutation court could not be considered. I must add that it would in no way interfere with the royal prerogatives—because I would not want to

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fall into the same trap as my friend the hon. member for Carleton (Mr. Bell) and favour the abolition of all royal prerogatives—but it remains that section 658 of the Criminal Code reads as follows:

Nothing in this act in any manner limits or affects Her Majesty's royal prerogative of mercy.

It would be quite possible to establish a commutation court and still leave to Her Majesty the Queen the power to commute death penalties; that would perhaps give a more definite meaning to the intention of the legislator who, in short, wanted to make this commutation system an exception rather than the general rule.

One last remark, Mr. Chairman. The Canadian Bill of Rights clearly provides that any prisoner has the right to know why he is being detained and also the right to get in touch with his lawyer. It has been proved, on several occasions, that some prisoners have been deprived of their right to get in touch with their lawyer because officials of the jail where they were kept, wanted to question them first before allowing them to communicate with anyone on the outside.

In my opinion, since that procedure, which is often followed, is incompatible with the Canadian Bill of Rights, it might be advisable to provide for a further offence in the Criminal Code in order to subject to a fine any police or peace officer who would infringe the clear and specific provisions of the Canadian Bill of Rights and to find them guilty of an offence on summary conviction for preventing a prisoner from communicating without delay with his lawyer.

These cases occur not only in Canada but elsewhere. One of my clients, Mr. Chairman, was kept in jail for three weeks for having stolen a shirt in Miami. He was denied the right to get in touch with the members of his family. Finally, after three weeks of detention, he was allowed to communicate with someone in the family, and advise his wife, who had been expecting him for three weeks, that he was in prison and was accused merely of having stolen a shirt. Those cases may occur elsewhere also, not only in Miami. I am convinced it happens often in our Canadian prisons.

Mr. Chairman, a serious study of the American system might also be indicated. I am not saying it could be applied in Canada, but it might be well to study that system under which no confession is valid unless it has been made in the presence of the attorney of the accused, of the prisoner.