

*Amendments Respecting Death Sentence*

at this time. If there are no further amendments I shall stand this clause and continue with the next clause.

**Mr. Churchill:** Then I shall relinquish the floor. My understanding is that unless others wish to propose amendments to clause 1 at this time the minister will stand the clause.

**Mr. Cowan:** Mr. Chairman, the Solicitor General suggested a moment ago that he wished to consider any other amendments to this clause. With respect to paragraph (b) of the new subsection 2 I wish to ask why prisoners who are confined to penitentiaries with convicted murderers are not to be given some protection under the law. New subsection 2 (b) reads:

Murder is capital murder—

Where one kills:

(b) a warden, deputy warden, instructor, keeper, gaoler, guard or other officer or permanent employee of a prison, acting in the course of his duties—

Why should fellow prisoners not be afforded protection under the law? I remind the Solicitor General, whom I have always thought a very intelligent officer of the crown, about the Santa Claus murderer, Marcotte, who turned state's evidence and was confined to jail in Winnipeg. The other inmates of the prison there raised hell—that is the only way to describe it—because they knew that he had been accused of complicity in the murder of two police officers.

There is honour among thieves and the prisoners in the Winnipeg jail let it be known that they did not want to associate with a criminal of the brand of Marcotte, whose sentence the cabinet had commuted to life imprisonment. That man has been moved from the Winnipeg prison because of the opposition of other prisoners to his presence. Should not protection be given to fellow prisoners when they have a convicted murderer among them? Why should we be told that when a man kills a warden, deputy warden, instructor, keeper, jailer, guard, or other officer or permanent employee of a prison he will swing for it but if that man kills another prisoner, the cabinet does not mind? After all, they will commute his sentence to life imprisonment. That seems to be the cabinet's job.

I say to you that fellow prisoners are entitled to as much protection as any warden, deputy warden, instructor, keeper, jailer or guard. Do not say to me that attacks on other prisoners do not occur, because they do. This

[Mr. Pennell.]

very week there was a reported attack on a Canadian in a Mexican jail. He was attacked by fellow prisoners and may have been seriously injured. Who knows, he may have been killed.

These things do occur; prisoners attack fellow prisoners. If a man already is serving the maximum sentence of life imprisonment, which means eight years, ten months and one day, why should he not murder another prisoner? He will be given life imprisonment of eight years, ten months and one day and the sentence will be concurrent. I say that prisoners are entitled to as much protection as a warden, deputy warden, instructor, keeper, jailer, guard or other officer or permanent employee or any person listed in that subsection.

**Mr. MacInnis (Cape Breton South):** Mr. Chairman, if we are to widen the provisions of this clause we must not forget what happened in the House of Commons not long ago when someone attempted to throw a bomb. Unquestionably the man who was killed intended to throw the bomb on to the floor of the chamber. Should we not consider the uniformed officers who are employed by the House or Commons for security purposes? What if one of them had apprehended the man and tried to detain him and then had been killed by the exploding bomb? Should the House of Commons guards not be included in the provisions of this bill?

**An hon. Member:** They are included.

**Mr. MacInnis (Cape Breton South):** My hon. friend who is an abolitionist says they are included. Should not the commissionaires across this country be included? I am thinking of the commissionaires who are hired by the Department of National Defence, the Department of Transport and other government departments. They are employed all over the country. Should they not be afforded the protection that is afforded to police officers, guards and others like them?

I bring up these points because of the concern we all felt when we learned that a man had intended to throw a bomb on to the floor of the house. We have a security staff, and I am told that they are police officers.

• (5:50 p.m.)

**Mr. Fairweather:** They are peace officers, not police officers.

**Mr. MacInnis (Cape Breton South):** I did not get that information from the Solicitor