

nothing within that clause which covers the case of an accused who continues to live with his wife or the wife who continues to live with the accused. The words are quite clear, "to prevent, hinder or interfere with the apprehension, trial or punishment..."

It is because of the serious nature of this particular conspiracy that we excluded the remainder of section 23(1) and 23(2) of the Criminal Code from the bill.

Mr. Lewis: Of course, I agree that this is a particular situation and obviously the law underlines the fact that it is a particularly evil kind of conspiracy. But, Mr. Chairman, the acts performed by the conspirators are acts which are covered in the Criminal Code.

I hope I am not misunderstood when I say this, but any kidnapping is a kidnapping no matter who the person involved may be. I am sure the minister agrees with that. Whether it is a minister of labour, a Member of Parliament, a foreign officer from another country, a man, woman or child, kidnapping is a heinous crime.

I appreciate that conspiracy is a different sort of thing. Clause 4 does not deal with the worst of the crimes such as kidnapping or murder, but deals only with such things as being a member of the organization and being a member of the conspiracy, crimes which are covered by the Criminal Code, but a person who kidnaps or murders somebody in any context is a murderer and a kidnapper.

I do not want to make a federal case out of this, but I am concerned that the wife of a person who falls under this law could be put in the almost inhuman position of being forced to hand her husband over to the police or to refuse to take him into the house. Of course, if he is trying to escape arrest, I understand that. That is the way I read the clause unless I am mistaken.

Mr. Turner (Ottawa-Carleton): Clause 5 of the bill reads:

A person who, knowing or having reasonable cause to believe that another person is guilty of an offence under this act, gives that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence...

So it is only an offence under clause 4 of this bill that is covered, not an offence that may be charged under the Criminal Code. Offences such as kidnapping, murder, sedition, carrying an unlawful weapon, are offences which would be covered by section 23(2) of the Criminal Code.

Mr. Lewis: This is precisely the point I was making, Mr. Chairman, but I must have failed to make myself clear.

What the minister is saying is that the wife of the man who kidnapped Mr. Laporte, and the man who murdered Mr. Laporte, would be able to escape the provisions of section 23(1) of the Criminal Code and give him whatever succor a wife gives in that situation. But the man who did not kidnap Mr. Laporte, did not murder him, but who is charged with an offence of being a member of an organization without being charged with any of the really criminal and evil acts, cannot be given such succor by his wife.

Public Order Act, 1970

I suggest to the minister that this is not consistent and that he and others should take a careful look at this kind of provision.

Mr. Turner (Ottawa-Carleton): The purpose of this bill is to render inefficient and to immobilize the FLQ, and clause 4 relates to that. It is because of this exceptional problem that this exceptional measure, and the bill itself, are needed. It is for the same reason that the exclusion of section 23(2) of the Criminal Code is needed.

An hon. Member: One o'clock.

The Deputy Chairman: Is the committee ready for the question?

Some hon. Members: No.

The Deputy Chairman: It being one o'clock, the committee will rise until two o'clock this afternoon.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2 p.m.

The Deputy Chairman: Order, please. When the committee rose at one o'clock an amendment to clause 5 of Bill C-181, moved by the hon. member for Matane, was under consideration.

Some hon. Members: Question.

The Deputy Chairman: Is the committee ready for the question?

Mr. Barnett: Mr. Chairman, it seems to me that the Minister of Justice might indicate what consideration has been given to this amendment.

Mr. Turner (Ottawa-Carleton): Mr. Chairman, I have considered the matter over the lunch hour. I am just looking for my copy of the bill.

Mr. Knowles (Winnipeg North Centre): The minister can have mine.

Mr. Turner (Ottawa-Carleton): The hon. member may need his copy. Mr. Chairman, the hon. member for Winnipeg North Centre makes very useful contributions on legal points when his legal colleagues, the hon. members for York South and for Greenwood, are not here. At times the hon. member for Winnipeg North Centre has participated in legal debates with great skill.

Mr. Lewis: He is a better lawyer than those of us who are lawyers.

Mr. Turner (Ottawa-Carleton): Mr. Chairman, as I said prior to luncheon, the purpose of the exclusion, or of the implied exclusion with respect to section 23(2) of the Criminal Code, is quite specific. The exclusion applies