

Amendments Respecting Death Sentence

been some error or omission in the bill. That is what has happened in this case. We say to the Solicitor General, correct this error and then we will proceed.

It is on that basis that the amendment has been presented tonight. I can certainly go along with what the hon. member for Bow River has said with regard to the bill in general, which is partially for abolition and partially for retention of the death penalty. I do not like it. There are many people in the house who do not like it. Part of my reluctance earlier was just because of the nature of the bill.

I expressed my regrets that some very close friends of mine who are and have been eloquent advocates of the abolition of capital punishment have been placed in the position in which this government placed them today, namely that the bill compels people to vote for abolition with respect to certain categories of murder and retention with regard to others. I honestly cannot understand how a bill of this nature can be supported.

I agree with the hon. member for Bow River that it would be far better to vote either for or against abolition, so that one's decision is clearcut and definite. But the Solicitor General has indicated to us that the bill would have failed unless he had introduced these extra clauses which exempt most categories of criminals, but place a severe penalty on those who are so foolish as to kill an officer of the law.

The Solicitor General says that only by introducing this type of bill could he gain sufficient voting support to get his bill through the house. I have respect for the Solicitor General, but wonder whether his conscience is very easy over this method of approach. I do not think it can be. Certainly as far as I am concerned, I believe we should continue to press him now to make the modification that we are suggesting. If this bill is eventually to become the law of the land, let us fix it up in those areas in which it is deficient in its wording. Here there has been an omission which the Solicitor General should correct. That is my submission, Mr. Chairman, with regard to the amendment proposed by the hon. member for Bow River, which I shall have great pleasure in supporting.

Mr. Greene: Mr. Chairman, I quite accept the view of the hon. member who spoke last, that this is not an amendment to delay or water down this bill in an attempt to make it

[Mr. Churchill.]

meaningless, although the spate of amendments that has been presented to the house today might indicate that there was some such tactic or plan.

Mr. Churchill: That is unfair, Mr. Chairman. May I ask the hon. member a question? Is he suggesting that when I introduced the amendment with regard to children, that was done as a delaying tactic, or was it done with a sincere desire to protect the children of this country?

Mr. Greene: I say, Mr. Chairman, that the spate of amendments that has been presented here today might have been an indication that some hon. members wished to delay the passage of this bill or water it down to a point that would not bring it as close to abolition as the bill attempts to do. However, the hon. member has said that this is not his intent, and I have stated that I accept his view in that regard.

Mr. Monteith: That is nice of you.

Mr. Greene: I wish to draw one or two points to the attention of the committee with respect to the amendment of the hon. member for Bow River. I feel sure that as an experienced counsel he would not wish to mislead or leave anything on the record that was not very clear according to the law as it exists, and not the law as he would like it to be for the purpose of his argument.

I believe the hon. member for Bow River attempted in his argument to propound the proposition to the committee that irrespective of the circumstances, under section 110 of the Criminal Code there is a duty on a citizen to obey the order of a peace officer with respect to aiding him when a crime is being perpetrated. I think the hon. member tried to leave the inference that if a crime were being perpetrated under such circumstances that might indicate that murder or killing would occur, an order of a peace officer should be obeyed willy-nilly.

In the first place, of course, whether any peace officer would give such an order to a citizen to aid him in circumstances where the citizen might lose his life is highly questionable. But in any event, I think the law should be made very clear so that hon. members may clearly understand the argument before the committee.

Section 110 of the Criminal Code says very clearly that a citizen must obey such an order only where the circumstances are such that he does not have a reasonable excuse for