

Amendments Respecting Death Sentence

opposite ends of the poles when considered in conjunction with the directive given to the people of Canada to aid a peace officer. Surely, it is evident to anyone that this same experiment was conducted in Great Britain. It was an all-party decision, and it has been tried for a few years; but today there is a desire for the return of capital punishment. I ask the Solicitor General to consider these points.

Mr. Bigg: Mr. Chairman, with regard to the duty of the public to assist a policeman, I may say I do not believe there is any doubt about it whatever. Section 110 of the Criminal Code, subsection (b) reads:

Everyone who omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, is guilty of an indictable offence and is liable to imprisonment for two years.

The Minister of Agriculture says that a reasonable excuse would be that he did not want to risk his person. In my opinion this is absolute nonsense. On many occasions during my work as a policeman, I not only asked the public to assist but I demanded this assistance, not only with their person but with their property. On more than one occasion I have commandeered automobiles to try to apprehend persons who had recently broken the law. Any member of the public who had an automobile in running order would be expected to use that automobile, or I would have arrested him then and there for having committed an indictable offence by refusing to co-operate. I would have put him under arrest and commandeered the automobile.

I am an abolitionist, and I am therefore anxious that this bill pass, either amended or not amended. However, I am going to support this amendment to this bill because I think it will clarify the law. This provision gives very narrowly limited protection to policemen. I believe any judge could very well say that if I had been commanded to aid a policeman, then to all intents and purposes I am a policeman. I want to vote for this amendment particularly because I, for one, hate to live in a country where the law is ambiguous. I want to know what my duty is both as a citizen and a policeman. My attitude as an abolitionist, I hasten to say, does not stem from a soft attitude toward criminals. I believe that the laws of Canada, fully respected and fully carried out by an efficient policeman, with an alert public that is willing to co-operate with that force, is the only

real protection we have against crime, organized or otherwise.

Mr. Stanfield: I just want to say one word. I have been voting against the amendments, but I think this is a logical amendment within a logical situation. I propose to vote for the amendment, and if I may say so without offence, I hope we can come to a vote.

[Translation]

Mr. Mongrain: Mr. Chairman, I have tried not to overstep the mark in this debate and I have kept my interventions to a strict minimum, but on the amendment moved by the member for Bow River (Mr. Woolliams) and after all the remarks I have heard this afternoon and this evening, I can no longer refrain from setting certain things straight.

First, I support unreservedly the amendment of the member for Bow River, because I find it much more consistent or at least it completes the logic of this bill for which so many members of the house showed concern.

I do not have the text of the amendment, but if I understood correctly, it provides for taking into account, among the victims of murderers, those who go out of their way to help constables, police officers, to prevent the commission of crimes, whether on request or on their own initiative to maintain order. An argument was added saying that if they fail to do so when they are faced with a situation where they can prevent a crime, they might be liable to legal proceedings.

I have listened with particular attention to the remarks of the Minister of Agriculture (Mr. Greene) and I say they are symptomatic of all other interventions by members of the cabinet on this ill-conceived, ill-defended and ill-presented bill.

When I am told that it was a free vote, it might be true for the opposition parties, I believe it because the leader of the official opposition (Mr. Stanfield) had a different opinion from his colleagues at the time of the vote, but on the government side, I think the free vote should no longer be mentioned, because even if it is claimed that no pressure was exerted I should say—without naming names, because I want to be discreet, as is customary between gentlemen—that pressures have been exerted, otherwise the result would have been different from what it has been tonight.

When the Minister of Agriculture spoke of opposition—I think he was referring to all those who oppose the bill moved by the Solicitor General (Mr. Pennell) and that is