

Amendments Respecting Death Sentence

Reference was made to bank hold-ups and the use of guns. The minister has said that if a citizen saw a gun being used he could excuse himself by saying "I do not want to get mixed up in this affair, because I might get killed". But what about a parallel case in which a police officer comes running out to a citizen whom he knows well and says to him "Joe"—he might be speaking to the Minister of Agriculture—"the bank robber has gone that way; you have your car here with its motor running, take me along and let us pursue him". Let us suppose that in the course of that pursuit the citizen is killed. What happens then? I think this shatters the minister's argument because, as the Solicitor General said in his opening speech, different sets of circumstances face the citizen who might be called upon to aid a police officer. Let us not consider only one individual circumstance, if there is any possibility of the citizen coming to some harm as the result of having aided a police officer.

As has been said by the hon. member for Bow River and as has been mentioned on several occasions this afternoon, we are considering legislation which we hope will stand fast for many years. However, whether or not it stands fast, until a change is made it will be the legislation governing all citizens of Canada. Let us therefore not take a stop-gap measure but let us prepare for the future. I believe this is a common sense attitude.

Many reasons have been advanced for voting in favour of the bill, and for the preponderance of members to vote in favour of this legislation. Let us admit the fact that this is a compromise bill. The Prime Minister has said that it is better to have three quarters of a load than nothing. If it is a compromise bill, then we should examine it carefully at this stage to see whether or not additions should be made to it. There is a perfectly reasonable amendment before the house at the present time which is based on the fact that a different law will be applied to the murderer of a police officer or of a private citizen assisting a police officer.

There is another point which I should like to make. I believe that we are faced with the paradox of having a free vote on a bill introduced by the government. In view of this, I suggest the government should bend over backwards to consider any amendment or addition that might be made to the bill. The fact that the government accept amendments does not mean that their ideas are being defeated. Since this is to be a free vote on a

[Mr. Pugh.]

government bill, amendments to it should not be turned down with no consideration being given to them. I believe that the hon. member for Bow River has proposed a very good amendment, which does not change the principle of the bill. This afternoon the Secretary of State tried to rule out previous amendments by saying she had voted for the bill in principle and therefore it should not be changed. However, I would point out that the Secretary of State voted in favour of the first amendment, which included children.

● (9:00 p.m.)

So, let us not just curtail this provision without giving it a good deal of consideration. What you are adding to this bill, if the Solicitor General would agree, is not all that extensive. It would only impress upon us the fact that a private citizen who has been commanded to come to the aid of a peace officer, puts himself in a slightly different position. Mention has been made this afternoon by the hon. member for Bow River and the hon. member for Winnipeg South Centre that there will be a deterioration of the willingness of a private citizen to assume the duty of coming to the aid of a peace officer. I think this is probably the most important point. You can utter all the words in the world in the House of Commons, make all the explanations you like, but the private citizen will only get one message, namely that he is not considered the equivalent of a peace officer. He will therefore try to avoid coming to the aid of a peace officer, for any excuse at all.

While we are making excuses, let us face the fact that a policeman does not write a letter to a man requesting help because he is going to make an arrest. This is something that happens on the spur of the moment, so there must be an instantaneous decision made. If the citizen has imbedded in his mind the fact that if he helps the peace officer he is in a different position from the peace officer, then perhaps his instant reaction will be to do nothing whatever to aid this peace officer in time of need.

Mr. Webb: Mr. Chairman, I do not know what the law is at the moment with respect to a citizen assisting a police officer. I believe a citizen is obligated to assist a police officer in his duty of enforcing the law. If a citizen does not carry out this function, he may be charged. Perhaps I could ask the Solicitor General if he can clear up these points. In my opinion the provisions of this bill, which are described as a deterrent, are at the