

Amendments Respecting Death Sentence

if not a police officer. I should like to see this bill clearly defined so that everyone will know exactly where such an individual will stand in these circumstances.

Mr. MacInnis (Cape Breton South): Mr. Chairman, the hon. member for Athabasca spoke on a point in which I am very interested. The hon. member for Timmins missed that point entirely, and surely it is not within his prerogative to refer to those arguments of hon. members who are attempting to protect women, children and individuals who have been forcibly drafted into service as law officers as being silly. The hon. member for Bow River was not referring to private individuals who had a reasonable excuse for not assisting a police officer. He was speaking of those individuals called upon to assist in making an arrest. I suggest the hon. member for Timmins should remain in his seat and listen to these arguments rather than make such references to hon. members.

Mr. Martin (Timmins): Mr. Chairman, I rise on a question of privilege. I did not say the hon. member for Bow River was silly; I said he was using a silly argument.

Mr. MacInnis (Cape Breton South): Yes, and who else in the house can split hairs better than the hon. member. You may be an authority on splitting hairs—I do not mean to be personal—but you have to spread it around, Murdo.

As the hon. member for Athabasca indicated, any individual called upon by a law offer to assist is in essence, during the time he is giving that assistance, a law officer. Perhaps I am splitting hairs, but if I am asked by a police officer to assist him in carrying out the law of the country, by giving that assistance I am helping to carry out that law and at least for that time I am a law officer. Under such circumstances I deserve the same protection referred to by the hon. member for Bow River.

Mr. Alkenbrack: Mr. Chairman, I have listened with interest to the points raised by the hon. member for York-Humber and the hon. member for Bow River. After looking at paragraph (a) of new subsection 2 I have come to the conclusion that we should not pass this bill without amending this part. After the word "peace" in paragraph (a) we should make clear who these people are in addition to police officers who might be acting in the course of their duty. A person who has been asked by a police officer to give assistance in enforcing the law or to assist in

apprehending a criminal is not covered under paragraph (a), or at least not in my interpretation of it. It says:

—or other person employed for the preservation and maintenance of the public peace—

For example, under the present wording a private citizen or civilian would not be classified as employed in the preservation of the public peace. Neither would such a person be acting in the course of his duties. As was pointed out by the hon. member for Bow River, the courts would interpret this in an entirely different way.

During second reading I pointed out the confusing nature of this bill. For this reason the bill did not deserve the support it received in the house this afternoon. In view of the rapid increase in the crime rate it is my opinion that the bill should not pass out of the committee stage until we include the same penalty for the murder of a person assisting a law officer. If the hon. member for Bow River or the hon. member for York-Humber has a suitable amendment I will support it. If they do not have such an amendment ready I have one I should like to put before the house.

● (5:00 p.m.)

Mr. Woolliams: Mr. Chairman, I think we are on common ground in respect of the weakness of the new subsection 2. The common ground, is that, first of all, if a person is called upon to assist a policeman to carry out the law, is employed or engaged in the preservation and maintenance of the public peace, or is called upon to assist in making an arrest, that person is acting in the same capacity, with the same responsibility, and is taking the same chances as a police officer.

I must disagree with my hon. friend from Athabasca if he meant that when a person does this he is actually defined as a police officer under this clause. The Solicitor General and I are on common ground, because the answer is no. That person is merely a civilian and citizen and is not a police officer employed for the preservation and maintenance of the public peace. In that regard this clause is not ambiguous; it excludes the citizen and fails to protect him.

There is another point in this respect, Mr. Chairman. A question was raised by one of my good friends about a citizen's arrest. It is the responsibility of any citizen to assist a police officer in making an arrest. If the hon. member for Peace River and myself were in a public place and saw someone

[Mr. Bigg.]