



# Bulletin

Vol. 25, No. 41

October 14, 1970

## THE POLICE IN A CONFRONTATION SOCIETY

*The following passages are from a recent speech by the Minister of Justice, Mr. John Turner, to the Canadian Association of Chiefs of Police in London, Ontario:*

We are witnesses today to a crisis between freedom and authority. In this crisis, law plays a dual role. Law is both the symbol of authority and the guaranty of freedom. The dynamics of rapid change in the values that our society chooses to honour, produce a conflict and a confrontation. Demands for larger freedom collide with the claims for authority. In this conflict, the policeman has become the man in the middle, caught between his duty to enforce the law and his social responsibility to be responsive to calls for personal liberty.

Those of us in government must bear much of the responsibility and the challenge of formulating broad areas of social and economic policy that respond to the prevailing value norms that exist in society. But there will always be a disagreement between what people think the law ought to be and what in

reality it is; only when this distinction is reduced to a minimum can there be complete trust in the law and the kind of stable society that results from a respect for the rule of law.

While it is the legislator's role to reform the law to try to meet the needs of a changing society, it falls to the police forces of this country to enforce the law as it exists. It is one thing to discuss the problems of a confrontation society in the isolation booth of a departmental drafting office; it is quite another to face the reality of actual physical confrontation in the context of labour disputes, rock festivals and civil disobedience. You and I may argue whose job is the more difficult. One thing is clear: our responsibilities are complementary.

The two roles we have to play are closely related. Legislative reform accomplishes nothing unless the practical problems of administrative reform and enforcement are solved. What we need is a co-ordinated and combined effort on the part of legislatures and enforcement agencies to bring about the enactment of credible laws that can be and are enforced in a credible manner. The role of the legislator is to enact credible laws; the role of the prosecutor and the police is to enforce those laws in a credible manner. The enforcement of credible laws in a credible manner: that's the key to a just society. It is unfair to expect the police to enforce laws that have lost the respect of the public. For, in so doing the police become the butt of public criticism — criticism that should be directed at the legislator.

### WINNING PUBLIC SUPPORT

How best can we together meet this goal: credible laws enforced in a credible manner? First, and perhaps most important, we must win public support for law reform and an understanding of the role of the police and law enforcement agencies. This will require public education programs about the service given to the community by law enforcement agencies. Too often police forces have been reluctant to publi-

### CONTENTS

The Police in a Confrontation Society .....	1
British Columbia's Mica Dam .....	3
Cabinet Shuffle .....	3
Canada Savings Bonds .....	3
New Helicopter .....	4
Pesticide Work Honoured .....	4
Arctic Science .....	4
Territorial Land Rights Transferred .....	5
Murder Statistics, 1969 .....	5
Aid in Family Planning .....	5
Canada's Interest in the EEC .....	5
Fort Whoop-Up Historic Site .....	5
Commercial Failures .....	6

size and take credit for a job well done. But times are changing. Police forces are beginning to make the effort to bring the public into their confidence. Significantly, your Association has taken the initiative in generating the idea for a "Canadian Police Week", held for the first time in May of this year. Here in London, the area police forces sponsored a public education week in the Wellington Mall, and I read in the July issue of the *Canadian Police Chief* that the City of Edmonton Police Department is continuing their "Police Expo" as an annual event.

Modern law enforcement techniques and budget and manpower restrictions have meant the decline of the foot patrolman - the man on the beat. In many communities, the loss of this opportunity for daily face-to-face citizen contact has led to an increased isolation from the people. To overcome this isolation, police administrators are developing programs that help to restore the policeman-citizen interplay that is so necessary for public confidence. The "unit beat" system developed in the United Kingdom where police officers live in the area that they patrol is being adapted to the North American scene. Patrolmen are not rotated from area to area or by shift, but are left for reasonable periods in a given location so the people in the area become acquainted with the officer and he with them. A mutual trust results....

#### NEED FOR UP-DATED POLICE FACILITIES

Because of the increased demands being placed today upon our law enforcement agencies, more money will have to be spent to provide our police forces with modern equipment, facilities and techniques. Since most of the daily enforcement of the Criminal Code is a provincial responsibility, the provincial attorneys-general bear the burden of up-dating local police facilities. (In Ontario and Quebec, there are provincial forces as well, and my colleague, the Solicitor-General of Canada, is responsible for the Royal Canadian Mounted Police.)

The modern criminal operates in complex areas: syndicated crime, bankruptcy and security fraud, gambling, narcotics and the infiltration of legitimate business. Sophisticated police methods must be used to bring him to justice. The cost of the continuing education required to keep a police officer's knowledge up-to-date will be high. Let me emphasize that when I speak of the continuing education of a police officer, I am not referring only to the specialist or senior members of the force. More and more, the patrolman will be called upon to make decisions that will require a greater understanding of criminal law and procedure. Canadians must be prepared to pay for the increased standard of service. We will have to pay higher wages to attract and retain the men and women who will be required for the ambitious programs that I foresee for the police force of tomorrow....

#### CIVILIAN CONTROL OF POLICE

I have spoken of the need to confirm the public sense of trust in the police forces that serve them. I believe that the vast majority of Canadians do support our police. But I have indicated some of the ways in which we can help nurture and reinforce that trust and to develop a sense of community, based on mutual respect of citizen and policeman.

The essence of our democratic parliamentary system of government is public responsibility and public accountability. In my view, no public official should be beyond the reach of the elector or his representative. Persons assuming public office, both elective and appointed, carry a difficult, and oft times frustrating, burden of public responsibility in the efficient discharge of their office. It is within this context, then, of accountability to the citizens of Canada that I suggest that control and supervision of the police should be vested in members of the public who are directly or indirectly responsible to the electorate. At the risk of once again trespassing on areas of provincial jurisdiction, I have already put forward the idea of having laymen sit on police commissions. I realize this proposal is a delicate matter that requires judicious handling if we are to avoid the pitfalls of either hampering police operations or intruding on legitimate matters of internal police administration. I realize, too, that difficulties and discord have arisen in some jurisdictions in the United States, where civilian review boards were established. However, I am equally confident that with judgement, common sense and goodwill we can do much to avoid similar mistakes in Canada.

We do not question civilian control of our military forces, nor do we see anything particularly disturbing about entrusting the education of our children to popularly elected school boards. The RCMP remains responsible to the Solicitor-General of Canada and through him to Parliament. I believe that the image of the police in this age of confrontation would be much improved by making it possible for citizens to become actively involved in the general supervision of their local police force. A Police Commission with laymen representatives would become a bridge between the police and the community. It would act to discharge the polarization that often develops when the public looks upon a police force as an authority alien to a community rather than one of its necessary components.

Laymen members could either be elected directly or appointed from the local municipal or metro council, but in any event, they should be prepared to devote substantial amounts of time to the position. In this regard, I question whether a municipal councillor would have the time in addition to his other duties to fulfil the role of the Police Commissioner. We operate our educational system on the basis of split responsibility and I am naive enough to believe that we could find citizens who are truly interested in promoting increased service by the police and enhanced understanding of police work in the



The aerial photo of the Mica damsite, near Revelstoke, B.C., looking downstream, shows intakes for the diversion tunnels (near bottom left of picture).

### BRITISH COLUMBIA'S MICA DAM

The British Columbia Hydro and Power Authority is working on a large hydroelectric development on the Columbia River. This project involves construction of the 42-million-cubic-yard earth and rock Mica Dam and an underground powerhouse, 100 feet long, that will contain six generating-units with a combined capacity of 2 million kilowatts. The dam is scheduled for completion in 1973, and generating-units will be commissioned later as required.

Now in the early stages of construction, Mica Dam will stand 800 feet above bedrock and extend 2,600 feet across the Columbia River Valley, cre-

ating 520 billion cubic feet of live storage. It is one of the three dams that B.C. Hydro is responsible for building in the Columbia River Basin under the terms of the Columbia Treaty and Protocol ratified by Canada and the United States in 1964. The first two dams, which do not incorporate generating facilities, have already been built — well ahead of schedule. Duncan Dam, 130 feet high, 2,600 feet long, was completed in 1967; and the Hugh Keenleyside Dam (formerly the Arrow Dam), 170 feet high, 2,850 feet long, was completed in 1968.

*(One of a series.)*

### CABINET SHUFFLE

The Prime Minister announced on September 24 a reallocation of responsibilities of five members of the Cabinet.

Mr. Allan MacEachen, formerly Minister of Manpower and Immigration, becomes President of the Privy Council and Government House Leader.

Mr. Jean-Pierre Côté, formerly Minister of National Revenue, becomes a Minister without Portfolio, responsible for the Post Office, hitherto part of the portfolio of Mr. Eric Kierans, Minister of Communications.

Mr. Donald Macdonald, formerly Government House Leader and President of the Privy Council, becomes the Minister of National Defence, replacing

Mr. Léo Cadieux, now Ambassador to France.

Mr. Otto Lang, formerly Minister without Portfolio, becomes Minister of Manpower and Immigration, with continued responsibility for the Wheat Board.

Mr. Herb Gray, formerly Minister without Portfolio, becomes Minister of National Revenue, with continued responsibility for advising the Government on questions relating to foreign ownership.

### CANADA SAVINGS BONDS

Finance Minister E.J. Benson has announced that the 1970/71 series of Canada Savings Bonds will offer purchasers an average annual yield of 7¼ per

cent at maturity. This twenty-sixth series carries a term of 11 years, maturing on November 1, 1981.

Each \$100 bond of the new series earns \$6.75 interest in the first year, \$7.75 interest in each of the next three years and \$8 interest in each of the last seven years. The three extra certificates are worth \$9.75, \$6.75 and \$25. The sum of these annual interest coupons and compound interest certificates makes each \$100 bond grow to \$227.50 in just 11 years.

A national campaign by newspaper, radio, television, magazine and billboard will advertise Canada Savings Bonds as an "Investment that grows and grows", as "Good today....better tomorrow" and as "Canada's most popular personal investment".

Emphasis will be placed again this year on the Payroll Savings Plan, through which a record \$287,500,000-worth of Canada Savings Bonds were bought last year.

#### CANADIAN RESIDENTS ONLY

Eligible purchasers include individuals, adult or minor; estates of deceased persons; trusts established for or on behalf of individuals; religious institutions; charitable organizations and other non-profit-making associations. Purchasers must be *bona fide* Canadian residents.

Last year, 646,584 employees of 5,197 companies bought Canada Savings Bonds by payroll deductions. A further 1,821,000 applications were made through banks, investment dealers and other financial intermediaries for a record sale of \$4.9 billion. At the present time, there are \$6.4 billion of Canada Savings Bonds outstanding.

#### NEW HELICOPTER

The Canadian Armed Forces is to get 74 Bell light observation helicopters, with delivery at the rate of five a month beginning in mid-1971.

The Bell OH-58A will be used by combat groups in Canada, and the land forces in Europe for visual

observation, target acquisition and adjustment of fire, armed reconnaissance, command and control, limited aerial photography, and transport of troops and cargo.

The OH-58A, a single-turbine helicopter that can be flown by one pilot, has a payload of 727 pounds, excluding the pilot and fuel. It can carry three armed troops besides the pilot and, in an emergency, four. Its cruising speed is 110 knots and its endurance is over three hours.

The new aircraft is a military version of the Bell *Jet Ranger*.

These new helicopters will replace an obsolescent fleet of 44 small helicopters and fixed-wing aircraft including the CF-112 helicopter, and the L-19 and L-182 light aircraft now used by the Canadian Armed Forces.

#### PESTICIDE WORK HONOURED

Two employees of the Canada Department of Agriculture, who work in pesticide research and control have been honoured abroad recently.

Dr. Henry Hurtig, Pesticide Research Co-ordinator, was awarded the Congress Medal at the seventh International Congress of Plant Protection in Paris. He received the award for his outstanding contributions to pesticide research, both nationally and internationally.

Mr. E.R. Houghton, Supervisor of the Pesticides Unit, was elected president of the American Association of Pesticide Control Officials at the annual meeting in Louisville, Kentucky. The Pesticides Unit administers the Pest Control Products Act, under which all pesticides made, sold and used in Canada are registered.

#### ARCTIC SCIENCE

The Arctic Institute of North America has announced the availability of grants-in-aid to qualified investigators interested in performing field research in problems relating to the Arctic Ocean and the adjacent land area. Specifically, inquiry is invited in such disciplines as: physical and chemical oceanography; biological oceanography; cold weather phytology; geophysics; permafrost; potable water supplies and pollution. Field facilities are available at selected locations in the Arctic to provide logistic support for the research.

The Arctic Institute of North America, founded in 1945, is a private, non-profit research and educational organization. Its function is to promote studies and research in all scientific disciplines, both natural and social, relating mainly to the North American Arctic, though its interests extend to all regions where cold climate is an important factor. The Institute provides information on these regions, awards research grants, carries out non-profit contract research and initiates its own research projects.



## TERRITORIAL LAND RIGHTS TRANSFERRED

The transfer has begun of all land rights in the vicinity of northern municipalities from the Federal Government to the administrations of the Northwest Territories and Yukon Territory, Mr. Jean Chrétien, the Minister of Indian Affairs and Northern Development, announced in Yellowknife, NWT, recently.

The transfers of 220 square miles round Yellowknife, 95 square miles round Inuvik, NWT, and 240 square miles round Whitehorse, Yukon, are now in effect. Similar transfers of administrative responsibility will take place in all municipalities and established communities in the NWT and Yukon.

Lands required by federal departments and agencies in connection with continuing federal projects, including the lands occupied by or reserved for Indians, are excluded from the transfers. Consequently, these lands will remain federal crown lands, exempt from municipal taxation but eligible for grants in lieu of taxes under the Municipal Grants Act administered by the Department of Finance.

This puts into effect one of the recommendations of the Advisory Commission of the Development of Government in the Northwest Territories suggesting that more autonomy and more responsibilities be granted to the administrations of the Territories. This will enable the administrations to plan and control development within municipal boundaries and surrounding areas.

New revenues will now find their way into the territorial government coffers from all leases of land, sales of land, timber stumpage and gravel pit fees and royalties payable in the area concerned. Another important effect will be that residents will now deal directly with their territorial government in matters touching land rights instead of with a federal land agent.

## MURDER STATISTICS, 1969

Homicide reports identified 342 murders in Canada in 1969. There were 314 identified in 1968 and 281 in 1967. As of December 31, 1969, 278, or 81.3 per cent of these murders had been cleared by charge, suicide, or "otherwise".

Of the 277 persons charged with the murders reported in 1969, 156, or 56.5 per cent, had not been tried as of December 31, 1969. Of the 156 persons not sent to trial, 151 were pending preliminary hearing.

For murders reported in 1969, 121 persons were sent to trial as of December 31, 1969, and of these, 14 were acquitted and 85 were convicted of capital or non-capital murder, manslaughter or a lesser offence.

Of the 85 persons convicted, 61 or 71.8 per cent, were convicted of manslaughter or a lesser offence.

## AID IN FAMILY PLANNING

The Secretary of State for External Affairs, Mr. Mitchell Sharp, recently announced that, in recognition of the economic and social problems faced by the developing nations as a result of an unduly rapid population growth, Canada was prepared to provide assistance to such countries in family planning.

Increasing awareness of the implications of the population problem, he said, had already resulted in the establishment in these countries of some large-scale voluntary family planning programs. The United Nations and the World Bank were also giving high priority to the support of programs of population planning.

In order that Canada may make an appropriate contribution to help alleviate the population problem, the Canadian International Development Agency has been authorized to develop a program of assistance. Mr. Sharp indicated that aid could include contributions to intergovernmental multilateral organizations and internationally-recognized private organizations, support of population research. He said that bilateral assistance would be in response to specific requests from developing countries for the type of assistance Canada is capable of supplying.

## CANADA'S INTEREST IN THE EEC

The Prime Minister has announced that Canadian ministers will undertake a series of consultations with European governments concerning the negotiations for entry of Britain, Denmark, Ireland and Norway into the European Economic Communities.

These consultations follow previous ministerial level discussions both in Ottawa and in European capitals. The purpose will be to keep participants to the negotiations informed at the highest level of Canada's trading interests which stand to be affected by an expanded Common Market. Canadian cabinet ministers will also be discussing some of the broader political and economic ramifications of an enlarged European Economic Community. These visits also will enable ministers to obtain first-hand information on the progress and prospects of the Common Market negotiations.

## FORT WHOOP-UP HISTORIC SITE

Fort Whoop-Up, which once stood about six miles southwest of Lethbridge, Alberta, became a national historic site on September 18, 101 years after it first came into being.

Whoop-Up is recognized as the earliest and most successful of the "whiskey forts" built by the Americans who came from Fort Benton, Montana, to trade their whiskey for Canadian buffalo hides. These forts represented the frontier lawlessness which prompted formation of the North West Mounted Police

and their establishment of a peaceful climate for settlement of the Canadian West.

The new national historic site about half a mile from the original site, overlooks Whoop-Up coulée, where ruts left by whiskey-laden wagons that moved across the border from Montana are still visible. The commemorative plaque and an explanatory map in French and English identifying the terrain and location of the fort site is affixed to a unique marker of vertically-placed peeled logs. Clusters of peeled logs, symbolic of the fort, line the pathway from the parking lot to the monument.

The land on which the site is located was donated to the National and Historic Parks Branch by Mr. and Mrs. Frank Russell of Lethbridge.

#### HISTORY

Fort Whoop-Up was first built in 1869 by the American traders Albert B. Hamilton and John L. Healy. The original fort, destroyed by fire sometime between 1869 and 1871 (records are not clear on the point) was immediately rebuilt.

While Fort Whoop-Up did sell whiskey, records show that "cheap trade goods" – pots, axes, ammunition, sugar, flour, tea, salt, knives, tobacco, and blankets – were exchanged in substantial quantities for buffalo and other hides.

By 1973, the smuggling of liquor and guns from across the border erupted into anarchy, and the North West Mounted Police was formed to establish peace in the Canadian West.

In the summer of 1874, 300 men recruited from the Maritimes, Ontario and Quebec set out for the Western plains. Although the 1,000-mile westward trek was beset with difficulties, it was successfully completed. The men were first led to Fort Whoop-Up, already deserted, and then to the Oldman River, where they built Fort Macleod, the first Mounted Police post in Alberta. A provincial highway sign and a National Historic Sites cairn at Fort Macleod commemorate their arrival.

#### COMMERCIAL FAILURES

During the second quarter of 1970, a total of 789 business failures were recorded under the provisions of the Bankruptcy and Winding Up Acts, an increase of 40 per cent from the revised total of 589 insolvencies recorded for the second quarter of 1969. The estimated total of the defaulted liabilities of bankrupt firms was \$69,757,000, compared with \$37,960,000 for the same quarter of last year.

The largest number of failures occurred in the trade sector, with 255 failures, compared with 250 in the second quarter of 1969. In the manufacturing industries group, the number of bankruptcies increased to 87 from 63 and the liabilities to \$21,869,000 from \$9,473,000 in the 1969-70 comparison. The number of insolvencies in the construction industry

increased slightly to 99 from 92 and the liabilities to \$7,973,000 from \$6,434,000. In the financial sector, the number of failures increased to 35 from 25 and the liabilities to \$9,129,000 from \$4,067,000. In the service industry, the number of bankrupt firms increased to 104 from 91 and the liabilities to \$6,568,000 from \$3,867,000.

#### THE POLICE IN A CONFRONTATION SOCIETY

(Continued from P. 2)

community. I think municipal councils might be more responsible to requests for additional funds for police forces if they realized that such requests were put forward by and with the approval of commissioners who were responsible to the electorate....

#### CRIMES OF VIOLENCE

You may have gathered by now that I am intensely concerned about insuring the freedom of individuals from possible infringement by law enforcement agencies. But I also want to see justice done to the police. I am concerned to preserve freedom of speech and freedom of assembly of those who choose to voice dissent in our society. But I am also concerned that we protect the personal safety, dignity, and lawful actions of the police as they discharge their duties in service of the community.

I am disturbed, as I am sure you are, by the trend in our society towards violence, particularly that type of violence which is directed against police officers. I note that the Chairman of the Metro Toronto Police Commission has recently released figures that show that, up to the end of July of this year, there had been over 200 assaults upon policemen in that city alone. The police officer today still has to deal with the violent criminal. But he has also become a symbol of authority, a target for the frustration, impatience, and misplaced logic of those in our society who refuse to deal with an issue on its merits. It is important that we recognize that when a policeman is assaulted there is more involved than the violation of his personal safety, important as that may be. When a police officer is assaulted there is a blow struck at the very underpinnings of our society; the assault becomes a physical manifestation of disrespect for the rule of law to which all in a free society consent.

The answer does not lie in meeting force with force, for to do that is to descend to the level of those that seek an easy solution to a complex problem. That type of reprisal would prejudice the hard-won public support that police forces now enjoy. The answer is not to be found in "on-the-street justice". The goal should be to get disputes off the streets and into the courts, where they may be settled on the basis of evidence, procedural fairness and substantive law instead of by roving force of arms....