

Criminal Code

in connection with the title of the bill, to which, if this amendment carries, there will be a consequential amendment. Under the circumstances, therefore, perhaps I may be excused if I do not make any extended remarks at this particular stage, beyond saying, with regard to the operative part of the amendment itself, that the minister was good enough to show me the amendment a day or two ago and to explain to me the purpose which it is designed to achieve and the thought with which it had been drafted. I want to express my appreciation of the minister's courtesy and co-operation in making the copy available, and to say at this time, if I may put it this way, that the amendment is perfectly acceptable.

I want to make this further comment, however. My main interest and object in introducing Bill No. 10 was to deal with crime comics. To that extent I purposely omitted any reference to the part of the legislation dealing with the question of obscenity, or obscene literature, and so on; because it seems to me that subject is much more difficult to deal with than the question of crime comics. I feel that what has been done in combining the two in the one bill—that is, the general treatment of the question of obscenity and the other sections of the code—is acceptable. It is probably correct to say that obscene literature presents as great a problem as the crime comics, if not greater, and I am happy indeed that the minister and the government should have taken this occasion to deal with the two subjects under the one heading.

I wish to make this comment: While the amendment in toto is acceptable, and I am pleased indeed that the minister has taken this opportunity of amending the bill in this way to make it more effective, yet I think he will appreciate my position if I say that naturally enough I can in effect take no measure of responsibility for the part of it which deals with obscenity. I say that merely in the light of the fact that when I introduced the bill my major concern was with the question of crime comics. However, as I have said, the minister has shown me the amendment. I am not enough of an expert in the matter to say whether the amendment is entirely free from objection, but I believe that the part of it dealing with crime comics is even more enforceable now than it was in the form in which I originally presented it to the house.

Since that is so, and in view of the careful consideration and treatment which have been given to the matter by the minister and by the attorneys general whom he consulted, and the fact that these amendments conform to

their recommendations, I have no hesitation in saying that as an amendment to my bill it is acceptable to me.

Mr. Diefenbaker: It is difficult to follow this matter without having the bill before us. I endeavoured to make a few notes on the various sections, and there are one or two observations I should like to make.

First I think that the house in general and the country will thank the hon. member for Kamloops for having brought this matter of crime comics to the attention of the house. The acceptance of his suggestion and the resulting creation of public opinion in favour of action at this session of parliament deserve the commendation of hon. members. The minister should be commended on the difficult task he assumed when he endeavoured to find a means by which crime comics and obscene and pornographic—I am not sure of the word, certainly not “literature”—could be prevented from depraving the morals of our young people.

That the subject is a difficult one was obvious in what the minister said. The representation of the attorneys general indicated that they too felt that it was a difficult matter for parliament to become the judge of the morals of literature or of publications, such as these, the distribution of which we are endeavouring to prevent.

Mr. Garson: I do not want to interrupt my hon. friend, but I am sure he does not wish to convey the idea that parliament is any more a judge of these matters now than it ever has been.

Mr. Diefenbaker: No.

Mr. Garson: Parliament has always prohibited the publication of obscene matter, and in doing so it leaves to the courts the question whether a given matter is obscene or not. It does not set itself up as a judge.

Mr. Diefenbaker: I am not in disagreement with that. But in these amendments parliament is in effect actually saying: We judge that the possession of these things, crime comics, to begin with—

Mr. Garson: Only crime comics.

Mr. Diefenbaker: Yes—have a depraving influence. It is always difficult for legislation to maintain freedom of speech and at the same time prevent the exercise of licence by those who would destroy morals for monetary benefit.

I support the general principle, but I am concerned about how far we should go in our desire to accomplish the end we have in view, without making the law too strict or too stern and therefore cause juries under such circumstances to do what they have done throughout the years, namely, to acquit.