

Supply—Justice

with so I put forward the suggestion which I hope the minister will consider between now and next session.

Mr. Garson: I am quite willing to consider any suggestion which comes from the hon. member who has shown a special interest in this matter. But I would remind him that on a previous occasion he brought forward a bill, the government considered it, and then in consultation with the practical man who has to enforce it in the various provinces, we greatly strengthened that bill from the form in which it had originally been put, and passed it in the form which it now is on the statute books. In that strengthening process we had the advice of the people who, in my judgment, are best qualified, and that is those who have the onerous job of enforcing the law. We were grappling with this question of where one is going to draw the line between freedom of speech and the beauties of literature on the one hand and obscenity upon the other. That is an extremely difficult question which has not been solved with complete satisfaction, I think, in any free society in the world as yet.

Mr. Fulton: If I might just make this observation, that amendment did not deal with obscenity at all.

Mr. Garson: If I might just finish this sentence, I should like to do so. I would doubt whether any committee we might set up would add much to the law which we have on the statute books at the present time; because this represents the expert views of people who have been charged with the administration of justice. I should have thought that perhaps what we need now is a little bit more enforcement of that law rather than any tinkering with it or trying to improve it.

Mr. Fulton: I am sorry if I did not make myself clear, because the minister does not appear to have grasped the point I was getting at. He has referred to the law enacted in 1949 as dealing with the problem of controlling obscene literature. He referred to the question of obscenity. I wish to point out to him, as I did at the moment when he was speaking, that it did not deal with the question of obscenity or obscene literature. That amendment which we passed in 1949 dealt exclusively with the comic literature known as crime comics.

Mr. Garson: No.

Mr. Fulton: Yes. If my hon. friend reads the amendment, I think he will find that it did. It dealt entirely with crime comics. What is being suggested now is that although crime comics, at least in the form in which

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they were then being published, appear to have gone from the newsstands, their place is being taken by another form of literature to which I am directing my remarks in the main, a most offensive and vicious type of obscene literature, namely, this trashy, rubbishy, and dangerously offensive sex material. That is the kind of thing which was not dealt with by the amendment of 1949. It is because, as I have said, it seems to me more difficult—more tricky, if you like—to deal with that kind of offensive literature than it is to deal with the crime comic type of literature, that I am suggesting that the whole question be taken under advisement first of all by this committee which I have suggested; and that would not preclude in any way the subsequent step of referring the suggestions of that committee to the attorneys general of the provinces, as I think should be done. It is to deal with that type of literature that I am now making this suggestion.

Mr. Garson: I do not know whether my hon. friend became aware of this fact during the course of that bill through the house, but while his original amendment dealt only with crime comics, it was an amendment to that section of the code which dealt with crime comics, obscene literature and the like; and in the course of submitting his suggestion and others of our own to the attorneys general of the various provinces and their staffs, we necessarily obtained their views upon this related question of obscenity.

The only difficulty about opening up the matter again is, I should think, that unless some extreme ingenuity is exercised by the members of this proposed committee, we shall probably end up by submitting to provincial crown prosecutors what in substance would be the same material that we submitted on this previous occasion. As my hon. friend knows, this effort of ours was a tidying up of one or two sections of the code. My hon. friend suggested that an amendment be made to them. In the course of consideration of his amendment we necessarily considered the provisions of the sections themselves. If he will examine the remarks of other hon. members—and certainly in my own remarks upon that same amendment I dealt with the matter at great length—he will find that particular question of obscenity was dealt with.

Mr. Wylie: Mr. Chairman, may I repeat what I said when I first spoke. There appears to be a combine and a monopoly in connection with comics in Canada. When one publisher who is publishing crime comics, sex magazines or anything else, gets together with another company publishing what you might call good comics and tells an agent such as the