

the case of expert witnesses to get their views on both points at the same time because they are related subjects.

The CHAIRMAN: Yes. Before you proceed, I should like to say that I have been in touch with both of the two professions in question. I should say that while their views on birth control are fairly clearcut and straightforward, their views on abortion are not that straightforward and clearcut. I think they would welcome the time between the two subjects so that they may better prepare their material on this matter.

Does anyone else wish to speak on this before we proceed?

Mr. ENNS: I want to support what you have said. Actually, we do want to consider both of these subjects in view of the general concern over the matter of birth control and abortion. But I can see that we would likely get our wires crossed and have confusing loyalties, let us say, if we were to consider both subjects together. I accept your separation.

Mr. KNOWLES: Mr. Chairman, in a sense, Mr. Wahn has made his point; he got his statement on the importance of the abortion issue on the record. You have stated our views correctly. We have no intention to shelve the issue. We just felt the two questions should be separated in the hope that if we cannot make a decision on both of them we might make a decision on one of them.

The CHAIRMAN: Any other comments?

Mr. BRAND: I cannot agree with Mr. Wahn's bill. It seems to me he is confusing the two issues which I feel are quite clearcut and quite separate. I think he is using the words "birth control" to include therapeutic abortions, which I do not think should be included. I would like to see the two separated, and that we discuss this bill quite separately from the other contraceptive matters.

Mr. SIMARD: I agree with you, Mr. Chairman.

The CHAIRMAN: There being no further discussion, the committee would move on discussion of Clause No. 2 of Mr. Wahn's bill which deals only with the birth control section.

Mr. WAHN: Mr. Chairman, the present section in the Criminal Code is extremely wide. As you know, it prohibits the advertising of birth control devices and the distribution of birth control information.

It is a criminal offence under the Code to either sell or to have for sale, or even for disposition any birth control devices, or information, or instruction, with respect to contraception unless it can be established that there is some lawful justification or excuse. The section reads: "Every one commits an offence who knowingly, without lawful justification or excuse" does these things; so that the section has the effect of putting the onus of proof on the person who distributes information or devices relating to conception. Ordinarily the onus of proof is on the Crown. This section has the effect of putting it on the accused, and that is contrary to our basic principles in any event. The section of the Code is so wide in its terms that it is violated, as we all know, every day in practice. The existence of a law which it is impossible to enforce and which no one really wants to enforce, or tries to enforce, brings the law itself into disrepute. This, I think, is one of the strongest reasons for complete repeal of this prohibition. The existence of such a law tends to prevent the establishment of birth control clinics by municipalities and by public health authorities and by social service