

Criminal Code

Whereas section 150 (2c) offends against the religious beliefs of the majority of Canadians since it makes a criminal offence of something which the churches believe to be a moral necessity in these days;

Whereas the act as it stands tends to inhibit social agencies from offering advice and assistance in family planning;

And whereas legalizing of the advertising, sale and instruction in the use of contraceptives would tend to reduce the number of unwanted pregnancies, and would tend to diminish the number of illegal abortions;

And whereas the majority of physicians are prepared to prescribe for their patients appropriate contraceptive measures, i.e. those which are religiously, medically and aesthetically satisfactory;

And whereas section 150 (2c) has never been rigidly enforced by legal authorities;

And whereas section 150 (2c) prevents Canada from taking an effective part in aiding those nations attacked by population explosion, which, if unchecked, must inevitably lead to lower living standards, world instability, and ultimately, to war.

Be it resolved that this board:

1. Recommend that subsection 2c of section 150 of the Criminal Code of Canada be amended by the deletion of the three words—"preventing contraception or".

2. Recommended that the church take responsibility at the local level for the encouragement of planned parenthood associations where medical leadership can be given.

3. Recommend a copy of this action be sent to the Minister of Justice, the Solicitor General of Canada and the members of parliament.

Mr. Speaker, I shall now quote from the *Globe and Mail* of January 7, 1964, an interview by Mrs. George Cadbury, secretary of the Toronto planned parenthood association:

Though the P.P.A. executive is top-heavy with Anglican and United Church ministers, rabbis, professors and doctors, the association is unable to get a charter from the provincial government, unable to advertise, and severely restricted in its operations.

This is the result of the cloud which has been raised by the present wording of the Criminal Code. An organization, a planned parenthood association, seeks to incorporate and cannot get a charter for the promoting of its activities in which its members believe, according to their own religious counsellors. There is no question of this being anything other than a free vote according to conscience, and members of this house can vote as their consciences dictate.

I listened to a member from the other side who spoke in exaggerated terms of what were religious opinions and what were crimes in moral law, but we have to recognize that there are differences—differences in consciences, differences in religious affiliations and points of view. The official organs representing the

opinion of something like 50 per cent of the population, according to the latest census, have gone on record asking this parliament to delete these three words from the Criminal Code of Canada. A substantial majority of the population of my riding, Carleton, are represented by these particular religious bodies whose authorities I have quoted. I hope, Mr. Speaker, that the members of this house will recognize that this is a matter of conscience and should not be a matter of the Criminal Code. I hope they will exercise that conscience freely, and allow this bill to go to a committee.

Mr. Choquette: May I ask the hon. member a question?

[*Translation*]

Mr. Speaker, inasmuch as it is clear that such a measure would pave the way for the most damaging abuse and the most awful immorality, is my colleague not of the opinion that, if the purpose of the amendment is really to be achieved, its wording should not be quite so general? It seems to me that its present form is not conducive to the attainment of the objective the sponsor of the bill has in mind. On the contrary, it would open the door to frightening abuses.

[*Text*]

Mr. Francis: Mr. Speaker, I am quite happy to recognize there may be amendments that should be considered in committee. If the hon. member believes it is possible to improve the bill, then I think that is the appropriate place to do it; but I do believe at this stage the bill should be permitted by the house to go to committee.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I observe that the hour of six o'clock is approaching in a moment or two and that the time available for discussion of this bill is about one minute. In view of that fact, and the further fact that the hour devoted to private members' public bills was encroached upon today to a considerable extent, so that the hon. member did not have a chance to introduce his bill until quite a few minutes after five o'clock, I would like to ask the house to agree that this bill retain its place on the order paper, especially in view of the great interest of hon. members and many members of the Canadian public in it.

The Acting Speaker (Mr. Batten): Order. Does the house agree that Bill No. C-48 shall retain its place on the order paper?