

such legislation now. I should like to see it given further consideration between now and next session. If it can be established that crime comics are having the effect of an inducement to crime and are causing young people to set fires, stab and shoot and grow up into criminals, they ought to be banned entirely, and I would be fully justified in adding such a provision to the present sections of the criminal code, but in the absence of some agreement among those who have had an opportunity of judging this matter I do not consider that I would be justified in introducing legislation.

Mr. FULTON: I am certain that everyone who is interested in this matter will appreciate the obviously careful and full consideration which the minister and his officials have given to it, but as he has expressed it as his considered opinion that we should not proceed with direct legislation on the matter at this session, I must express my disappointment that it has not been found possible to draft some amendment to the code to deal with this problem. Since the minister has said that he thinks further consideration should be given to the question, there occurred to me, while he was making his statement, one or two thoughts which I think ought to be before the committee and before the country to help determine a proper course of action.

One of the difficulties which the minister said occurred to him in dealing with this matter by way of legislation was a thought advanced to him—I am not certain whether he said it was by a Royal Canadian Mounted Police official or a psychiatrist—that it would amount to a confession of failure on the part of parents and our educational system to cope with the problem. That may be true, but from all those who have spoken to me and from articles I have read I know that parents and teachers are literally at their wits' end to find a solution. They cannot suggest any way of dealing with it and have found no way of dealing with it, to check the growing tendency toward complete absorption in crime stories on the part of many children. They are powerless to prevent the tremendous circulation of these crime comics and think we should have some legislative means of preventing it in Canada, and we should take appropriate action.

The minister dealt also with the difficulty of drafting legislation which would be sufficiently specific to make prosecution possible and yet not be so wide as to include quite harmless publications. That, I think, could be solved by making the question of whether the publication is exclusively or substantially devoted to the portrayal of crime a question of fact to be determined by a jury. Make it an

[Mr. Ilsley.]

offence to devote a publication exclusively or substantially to the portrayal of crime, and then leave it to a jury of citizens of Canada to determine whether in fact the publication does come within the definition laid down in the section. In that way I think the difficulty which the minister had in mind would largely be resolved.

The minister also dealt with the question of enacting legislation which would be applicable to every province in Canada when the majority of requests for such legislation have come from only one province. But it would be open to the attorneys general of the various provinces to determine whether they should take definite steps under the legislation. If there was a province in which public opinion felt that action should be taken, presumably the attorney general of that province would see to it that certain prosecutions were laid under the section as amended, and if in another province that was not the state of public opinion there would be no necessity for the attorney general of that province to proceed. The legislation would be available for those provinces that wanted it and those that did not, need not use it.

One other point should be before the committee and the country. The minister dealt with the question whether it was a fact that such publications do conduce to juvenile delinquency and criminal offences on the part of young persons. The minister said he had had referred to him an article by Doctor Wertham printed in the *Journal*. It is certainly an authoritative article, and cited instances of groups of children who had re-enacted in their homes or on the streets scenes which they had seen portrayed in these crime comics. That is a substantial proof that children do try to do the same things they have seen pictured in these crime comics. I would refer the minister to another article in a recent issue of *Collier's*; I have not the date of the issue at the moment, but I will supply it to the minister after this discussion is concluded.

After all, this consideration should be borne in mind: we do not hesitate to make it a criminal offence to publish pornographic or obscene literature; yet we do not define specifically in the code what is pornography or obscenity. We leave that to the criminal courts and to the jury. Therefore all we have to do is to make it a criminal offence to publish magazines which, as the minister suggested in his draft, are "substantially or exclusively devoted" to the portrayal of crime, and then leave it to the criminal courts and the jury to determine whether the publication fits that description.