Clark Favours Commons Defers : CANNABIS

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National Affairs Reporter
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OTTAWA (CUP) – It will be two years ago, Feb. 4, 1977 that discussion in committee began on the government's bill to amend the marijuana laws in Canada.

In that time the bill has gone through the Senate's legal and constitutional affairs committee, suffered amendments, been returned to the Senate and passed. It went to the House of Commons on June 18, 1975. It hasn't been heard of since.

That bill, S-19 was "an act to amend the food and drugs act, the narcotic control act, and the criminal code."

"The intent of this legislation," according to Marc Lalonde, minister of health and welfare in his testimony before the committee "Is to provide Canadian courts with needed flexibility in dealing with offences involving cannabis so that the penalities levied will be suited to the circumstances and significance of the offences."

A spokesperson for the minister said Jan. 19, 1977 there had been "recent discussion of the whole matter" but Loraine Andras said she could not say what was going to happen to the bill. She also said there was a possibility of some action of the matter at the end of January.

Interest in the legislation hasn't declined. According to Janet Ross of the Addiction Research Foundation of Ontario, studies show increased use of cannabis, especially among 18-29 year old men with university education and earning $15,000.

The Canadian Medical Association continues to "nag away" too, according to the CMA's director of scientific councils. Dr. J. S. Bennett blames "political expediency" on the lack of government action.

Even the chairperson of the original Senate committee that studied the bill, Senator Carl Goldenberg doesn't know why no action has been taken by the government.

He said that he knew the bill was "very controversial" but he said, "I thought I would have been told" if the amendments the Senate committee made were unacceptable to the government. He said he has heard "nothing whatsoever" about the bill since it passed the Senate two years ago.

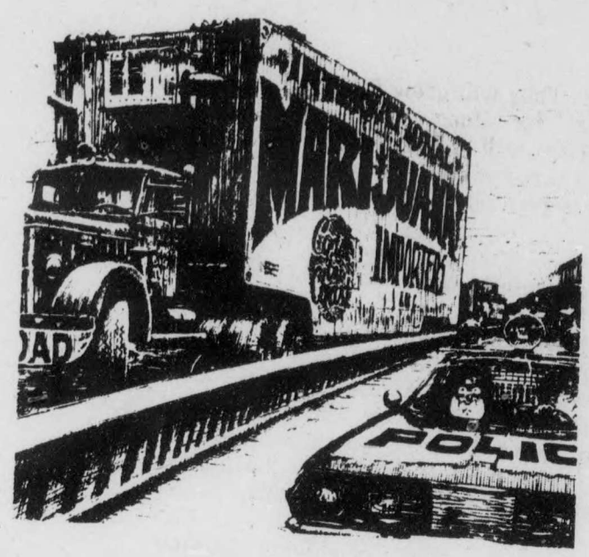
The government has now at least three options.

It can put the amended Senate version of its bill on the House of Commons order paper and see that it soon comes up for debate.

It can introduce a new version of the bill and take it to the House of Commons for discussion.

Or it can simply drop the whole matter.

Debate on Bill S-19 began in Senate Dec. 5, 1974. In those debates the purpose and limits of the bill were made clear.



Senator Neiman: "Honourable senators, on Tuesday of last week the government introduced Bill S-19 in this chamber, by which it proposes to transfer the legislative provisions relating to cannabis from the narcotic control act to the food and drugs act and, in order to regulate those provisions more appropriately, to make amendments to the Criminal Code. I cannot stress too strongly that this bill does not make possession of the substance cannabis sativa legal, nor will it, I am sure, when the implications of these proposals are studied and fully understood, tend to encourage in any way the use of the substance in any of its forms."

In that speech the government makes its plans clear. During the course of witness testimony before the committee and in the debates in the Senate, proponents of the bill repeatedly stated what the government had been saying all along. This bill will change the category of offence that smoking marijuana is but it will not make an act which is illegal now, legal.

As Dr. Bennet of the CMA said during the hearing, "Surely in this day and age it is practical to make something an offence without necessarily making it a criminal offence."

One of the key mendments made by the Senators to the original bill referred to importation of marijuana for personal use. The RCMP had objected to this clause and before the bill went back to the Commons the section was simply removed.

That section stated, "50 (1) expect as authorized by this part of the regulations, no person shall import into Canada or export from Canada any cannabis," and later "except that sub-paragraph (b) (ii) (regarding penalties) does not apply were that person, after having been found guilty of the offence, establishes that he imported or exported the cannabis for his own consumption only."

The committee also recommended that first offenders would be given an absolute or conditional discharge after conviction for possession of marijuana.

Maximum penalties for importing or exporting would be reduced to 14 years less a day from the existing 14 years. The law now states that absolute or conditional discharges only be granted in offences that carry a penalty of less than 14 years.

Not all the discussion in Senate was serious however. One senator, Sullivan made his position on the whole matter very clear. "The use of soft drugs leads almost inevitably to the use of hard drugs. There is no such thing as 'simple possession of marijuana', I would remind Senator Neiman. They are all passing it on, or proselytizing. Furthermore, I am infavour of the death penalty for heroin traffickers. You now know exactly where I stand," he said.

Another, Senator Lorne Bonnell said "Marijuana has no medical use, and its effect on our young people between 14 and 20 cost our society dearly. These youngsters lose their initiative, drive, sense of purpose and their ambition to succeed." It was in this atmosphere that the Senate passed the amended Bill S-19.

KINGSTON (CUP) – Progressive Conservative leader Joe Clark said he favors the legalization of marijuana possession in response to a question at Queen's University Jan. 21 "Do you favour the legalization of marijuana?", Clark said, "of possession, yes."

He said, "I have some worries about trafficking ... and I am just not current with how the term trafficking is being applied in the courts. I wouldn't want ... to have criminal record attached to somebody who occasionally ... supplied marijuana to a roommate. That I don't think is trafficking, and the court definitions might suggest it is.

"I would not have criminal records attached to possession."

Clark made the remarks in an interview with the student paper, Queen's Journal.

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