

*Criminal Code*

murder is not a real murder, that it is a political crime, and with the power of television being able to sensationalize the deed immediately right across the country through a press conference, they will provoke having the issue brought to some resolution by the legislatures of the land or by Parliament.

I do not like the Bill brought forward by the Hon. Member for Crowfoot. I do not think his Bill is perfect; I think it goes too far. I agree with some of the complaints mentioned by the Hon. Member for Broadview-Greenwood.

I do not want to try to cover the whole waterfront on crime and to get into some of the philosophical issues of which the Hon. Member spoke, but I do want to talk about the one single thing that is repugnant to everybody, and that is that a convicted murderer should not profit from that murder. We should restrict ourselves to that, and it will eliminate a lot of the argument against freedom of speech.

As I said before, freedom of speech is not absolute. There are certain rules. Surely in the interest of public policy and decency to the collective sense of the community, we can extend some restriction on freedom of speech so that the murderer with blood on his hands does not profit. After all, Mr. Speaker, I know that you are a teacher of note and you are not perhaps learned in the law, but certainly you have taught many philosophical things in the classrooms from which you come. You know as well as I that the basic law of equity in the old courts of chancery and common law is that one could not come into court with dirty hands. You could not profit from a contract if you had dirty hands or if there were something in the background that affected the contract and your hands were dirty.

What hands are more dirty than those that are bloody? In the days of old without television and with capital punishment, a lot of problems of those who might potentially profit from crime were taken care of. In the old days people were not able to profit from crime. There were extreme capital punishment penalties even for stealing a loaf of bread. But even in those days with such severe capital punishment and without the power of television, fundamental decency was taken care of in the community. No one could profit from a misdemeanor or dirty hands.

You cannot be a beneficiary of a will and bump somebody off hoping to profit from it. There are many famous cases regarding insurance policies. You cannot be a beneficiary under an insurance will and in effect help to terminate the person's life who took out the insurance. You cannot hope to benefit from that insurance policy.

We are not exploring completely new ground. This ground has been covered in the law of contract, the law of insurance and the law of wills. Now we are into the law of political crime. It is murder, justified basically for political ends.

There is something rather unfortunate in this Parliament. We all know that the chance of any Private Members' Bill even to move through this stage and into committee is very slight. Quite frankly, this Bill, regardless of differences or how far it may go, whether or not it is perfect, should have a restriction in it. The Bill wants to restrict "the criminal" from

profiting from a crime. In committee I would say at least we could restrict that to "the murderer". Surely that is an issue because of some of the things that have been said.

The Hon. Member for Ottawa Centre (Mr. Evans) mentioned that there are different questions of philosophy. Is it really a restriction of freedom of speech? Does it really take away a right? Does a person have a right to profit from his work when, in effect, the basis of that work is a killing? We are talking about the undue exploitation of a murder for profit. We are not talking about someone writing about the rights or wrongs of the Cruise missile or debating a political question about the importation of hash. We are talking about someone who has committed a murder, who then sensationalizes it, uses the power of television, and because capital punishment has been abolished he can profit.

Earlier I have asked that this issue be made the subject of a white paper. It should be an issue that is referred to the Law Reform Commission. Perhaps it should be a matter for a federal-provincial conference of Attorneys General.

There is a man named Olson. Thank God he is incarcerated somewhere in this land. Let us hope he remains incarcerated. He is trying to twist things around so that he can benefit in a peculiar way from the evil he has done. He has already earned too many dollars from it as far as I am concerned.

There are ways the federal Government can move today to prevent this kind of profit. As the Hon. Member for Crowfoot said, the Income Tax Act can be used. You can tax at the rate of 100 per cent. You can make sure there is a restriction put on a person's discharge to the effect that when released that person is not able to publish any works.

• (1600)

It can also be done with an amendment to the copyright law. We all know that the Provinces can also pass laws under the provincial law of property and civil rights to deal with these matters within their domain. There can be a compensation fund for the families of victims of the killer. The profits of the crime, through the authoring of a book by the killer, can be confiscated and put into the compensation fund, which would then go to the victims of the crime.

It is not beyond the House at least to move this Bill into committee so that it can hear the views of the philosophers, the Attorneys General and the public. This Parliament would be enhanced if it charged the committee with this subject.

It is a poor reflection on this House when we see that not one law similar to this in the United States has been challenged by their Supreme Court in respect to freedom of speech. The Americans have had a Bill of Rights much longer than we have. It is their first amendment. I am informed that there are presently 28 States in the United States that have the type of law that is basically incorporated in Bill C-664 which was introduced by the Member of Crowfoot.

I urge that this matter be sent to committee so that all the issues can be canvassed in a meaningful way. This Bill should