

*Criminal Code*

of June 9, 1948. After stating that I had sent him a shocking instance of the abuse of freedom of the press, the former minister went on to say:

I agree with him, that it is just that. I am afraid, however, it is nevertheless legal; it is not an offence to publish the kind of material which was published and which is being distributed in various parts of Canada.

At the present time there is no means of dealing with that type of publication and means must be found. The means which I have sought, which are in accordance with the principles which I have just laid before the house of defining an offence and then setting up the mechanism whereby the person accused can be tried, are suggested by the present Criminal Code. This bill seeks to amend section 207 of the Criminal Code by adding a further offence, the offence of printing, publishing or distributing crime comics.

Section 207 of the code as it presently exists is within that part of the code dealing with offences against public morals, decency and so on. That section sets out three types of offence. It states:

Every one is guilty of an indictable offence and liable to two years imprisonment who knowingly, without lawful justification or excuse,

The section then goes on to define the three types of act which if committed will render a person liable to that penalty. The three acts are: first, the making, manufacturing, selling or exposing for sale of obscene literature or pictures; second, exhibiting any disgusting object; and, third, the sale of harmful drugs. There are set out the three categories of offence. My suggestion is that to those three categories there shall be added a fourth category which is to be found in the bill, namely, and I quote from the bill:

(d) prints, publishes, sells or distributes any magazine, periodical or book which exclusively or substantially comprises matter depicting pictorially the commission of crimes, real or fictitious, thereby tending or likely to induce or influence youthful persons to violate the law or to corrupt the morals of such persons.

Anyone found guilty of committing the offence there set forth would be subject to the penalty imposed by section 207. In placing this bill before this house I am attempting to comply with requests which I have received—I know other hon. members have received similar requests—from civilian organizations that something be done to cope with this increasing menace. Not only have requests of that sort been received from civilian organizations; similar requests have also been received from some of the law enforcement officers of the provincial governments.

When the matter was discussed in 1948 the then minister of justice, Mr. Ilsley, said that a request for some such legislation had been received from the attorney general's department of British Columbia. I understand—and the minister will have more knowledge of this than I—that the attorney general's department of Manitoba would like to see some such legislation. I do not mean exactly the same, but they hope that it will be found possible to introduce legislation providing an effective means for dealing with the problem I have been describing. I know that the attorney general's department of the province of Ontario say that they find that under the law as it presently exists there is nothing they can do to deal with the problem. I believe that they too would like to see some solution found.

In the previous discussions it was stated by the then minister of justice that, although he was well aware of the problem, it had not been found possible to devise any legislation which would provide a satisfactory solution. Here is a suggested solution. I am not saying it is perfect. It is probably far from it, but I want to impress upon the house that the draftsmanship of the bill is not mine. The bill is in the exact form which was drafted by the Department of Justice and was read to the house during the previous discussion by the then minister of justice, Mr. Ilsley, when this whole matter was being discussed during the passage of his estimates.

In discussing the matter on June 14, 1948, the minister said that the problem had been drawn to his attention by the representations which I had made, and which others had made, and that an effort had been made to draft legislation that would form a satisfactory answer. He assured the committee at one stage that he would either introduce such legislation at a later date or, if he did not introduce it, he would give his reasons for not doing so. On June 14, in committee of supply, he stated that the matter had been considered and a draft had been prepared, but he was not ready at that time to introduce the draft as a government bill. He read the draft which had been prepared and considered in the department, and it is found at page 5200 of *Hansard* of June 14, 1948. Hon. members who may care to turn it up will find it is in exactly the same form as the bill now before the house.

In discussing the matter at that time the minister said that the draft that he read, and which is now incorporated in this bill, had certain weaknesses. First he said it was difficult to define the matter clearly enough to make it possible to take effective action by way of prosecution without at the same time running the possibility of involving some