

Criminal Code

who write books as a result of prison experience. Some American criminals have gone straight and have pursued very legitimate careers in their professions. At one time they were criminals but they have reformed, have done a great deal of work, and certainly deserve to be heard on the subject.

While it is true that we want to stop exploitation of the type of situations that Olson presents us with, the far more common kind of occurrence we might be stopping is that of a person who has paid his debt to society and then writes a very modest book. We know that the profits from book writing and publication in this country are very small; they are poverty wages. To prevent somebody from being paid for that would in effect prevent the person from writing such a book.

The previous speaker referred to some important literary works written in prison. One example was Roger Caron who won the Canadian Governor General's award. I think of the example of Brendan Behan and "Borstal Boy". Would we want to prevent that type of literature from being published? The legislation simply goes too far.

Other examples of convicted offenders being prevented from expressing themselves would be a labour leader convicted of some offence in the course of a labour dispute or a person who peacefully protested the arms race but nevertheless was convicted of a crime, a crime of conscience I would suggest. Would we want such persons to be prevented from continuing their work? How could we distinguish from payment for attending a conference, writing a book or that person's legitimate work? The punishment could be far too excessive, for the person has already paid for the offence.

Third, what is wrong with this legislation is that it includes a notwithstanding section to override section 2(b) of the Charter of Rights and Freedoms. The purpose of the legislation is to deal with profiting from expression; the Hon. Member who introduced it said that the intention was not to forbid freedom of expression. If that is the case, why is there a notwithstanding section? We have a Charter of Rights and Freedoms now. We in this Party, at least, are extremely keen to see that people have free expression. We do not want to see limitation of freedom of expression. We do not want to see notwithstanding clauses in statutes before the House.

Finally, I suggest that there are other ways in which we could proceed to deal with this problem. My colleague the member for Riverdale in the Ontario House has a private members' bill modelled on successful New York legislation, the so-called 1977 "Son of Sam" law. This legislation has had some success in the United States. It is at the provincial level. It is a route that should be considered. We should not go the route we are going now without considering constructive alternatives or working out other possibilities with the Provinces.

In conclusion, normally we on this side of the House are criticizing legislation for being too little and too late. At this point I suggest we have a Bill before us which is too early and too much.

Mr. Pat Nowlan (Annapolis Valley-Hants): Mr. Speaker, I am pleased to participate in the debate on this Private Member's Bill C-664 introduced by the Hon. Member for Crowfoot

(Mr. Malone). He and I have sort of been a two-man team in this matter. He had a draft Bill at the time I first raised a question in the House after hearing the revolting press conference of Simard in Montreal on Thursday, November 18. I asked the Minister of Justice (Mr. MacGuigan) about this repugnant act of someone who almost takes pleasure coming on TV saying how he sincerely killed one called Pierre Laporte, and on the basis of that wrote a book.

● (1550)

With all due respect to the Hon. Member for Broadview-Greenwood (Ms. McDonald), we are not talking about literary pieces of journalism or works of art done in prison because of some cause. I agree the Bill is imperfect. It raises fundamental questions of freedom of speech. But there is no such thing as absolute freedom of speech. Already, regardless of a Charter of Rights, there are certain things that you cannot say about people. If you do, you get charged. What is more repugnant in terms of qualified freedom of speech than one who kills, goes on public television, almost gloats over his deed and because of the sensation tries to derive profit from it?

My instinctive reaction when I saw the press conference and afterwards was that anything written by a murderer should be prohibited from publication. Any person with blood on his hands should not profit from that blood. Obviously, there are constitutional questions. If an outright prohibition on publication cannot be done, then one can certainly try to do something along the lines of what the Hon. Member for Crowfoot has done, and that is to make sure the profit that follows from a publication does not go to the murderer directly or indirectly. The profit motive should be taken away.

I will not get into a philosophical debate with my hon. friend who has just spoken, but there is no doubt that the profit motive is a catalyst for many things in this world. If that profit motive were taken away in this case, you would certainly reduce the chance of this matter being a topic in public policy debates and before a public forum, as it has.

We have an interesting situation here. There is no capital punishment in Canada. That matter has been debated and has been resolved in this House. However, it is still a very subjective issue. It is a philosophic and a moral issue. That topic has emotionally torn this House apart in a way that I have not seen any other debate. Three times this subject has come up for debate and resolution since I have been a Member of this House. Each time Hon. Members get emotionally involved as to whether they stand for or against capital punishment. The question is, do you swing or do you not swing? Capital punishment always tears the soul of every Hon. Member. However, at the present time we do not have capital punishment.

We do have something called television and we do have something called political crime. That was Simard justifying the garrotting of Pierre Laporte because the crime was a political one carried out in the name of Quebec nationalism.

If you get three ingredients together, Mr. Speaker, that of no capital punishment, people killing on the pretext that the