

follows that the issue before us is not as to imported matter, but as to publications manufactured domestically.

I propose, honourable senators, an amendment of section 207, subsection (1) (b), reading as follows:

(b) makes, prints, publishes, or has in his possession or knowingly distributes or sells, any crime comic.

The purpose of my amendment is to put the burden solely on the shoulders of the manufacturer.

Hon. Mr. Leger: I believe the honourable senator is not in order. He should first move that the house go into Committee of the Whole.

The Hon. the Speaker: I was about to say for the information of the honourable senator, that unless he is merely explaining what he has in mind as to the wording of an amendment, he should first move that this bill be not read the third time, but that it be committed for consideration to the Committee of the Whole.

Hon. Mr. Roebuck: I so move.

The Hon. the Speaker: Honourable senators, the question is now on the motion of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck).

Hon. Mr. Haig: Just a word. I listened to the honourable gentleman's explanation of why he wants the bill amended. It would not be amiss to give a brief history of this bill. One of the private members of the House of Commons introduced a bill, to amend the Code by adding a section which he thought would prohibit the publication and sale of crime comics. We were informed in committee this morning that about 12 per cent of the literature distributed in the news-stands comes under this category. I do not know whether that figure is right, but I shall accept it.

When the bill which had been introduced by a private member in another place came up for second reading, the Minister of Justice said that he agreed with the principle of prohibiting the publication, sale and distribution of crime comics, but that he did not feel that the bill before the house would accomplish that end. He stated that if this section of the Criminal Code was to be amended, it should be altered in such fashion that its provisions could be enforced. The words "knowingly, without loss of justification or excuse" were to be taken out of the Act, and the minister said that he would consult the Attorneys General of the various provinces, because they were the ones who would have to enforce the law.

Hon. Mr. Nicol: That was in October.

Hon. Mr. Haig: Yes, and the minister quite properly consulted the Attorneys General, and the only one who hesitated and said that his province wanted to consider the matter further, was the Attorney General of Ontario. The various other Attorneys General agreed that if anybody were guilty of publishing and distributing crime comics, they should be convicted without the Crown having to prove that the publisher distributed the literature "knowingly". This has been the defence used in the past, making it difficult for the Crown to get convictions. Pursuant to consultation with the Attorneys General, the minister drafted the present bill and introduced it in the other place as a government measure.

Hon. Mr. Hugessen: Oh, no.

Hon. Mr. Haig: The Minister of Justice introduced it, and it is a government bill. The bill introduced by the honourable member from Kamloops (Mr. Fulton) was No. 9; this bill is No. 10. This bill was substituted for the original bill when it was before committee.

Hon. Mr. Hugessen: It is a public bill, but not a government bill.

Hon. Mr. Haig: What I meant was that it is not a private bill. The Minister of Justice appeared before our committee this morning; and in clear and plain language he said that he wanted this legislation, and that it complied with the wishes of the Attorneys General. If we want to give the law officers of this country power to prohibit the publication and distribution of crime comics and salacious literature, we have got to give them this legislation. We must not forget that it is the courts who enforce the law. My honourable friend from Toronto-Trinity (Hon. Mr. Roebuck) claims that the distributors will be forced into trouble, but I do not think so. Perhaps, by their own estimate, they will lose 12 per cent of the magazines they now sell, but more than likely they will sell other magazines instead.

I have read newspapers from all across Canada, and I have found no editorial which opposes this legislation.

Hon. Mr. Nicol: They are all for it.

Hon. Mr. Haig: Yes, every Canadian newspaper is for it. This bill has no political significance, and if we find in three or four years that we have been wrong—parliament has been wrong before—we can amend the law. I usually get from five to twenty-five letters of complaint from all over Canada on any other measure that affects the public at large,