

doctors of divinity from different religious denominations, theologians, psychologists, professors of Canon law, priests, ministers and general medical practitioners.

When reading the accounts in the newspapers, the members of the public were asking themselves: How can all these people be justified in giving this type of evidence? Honourable senators, it was due to a proviso similar to that proposed in this legislation which says that:

The accused is entitled to set up a defence that the public good was served, but in order to succeed he must establish

(a) that the public good was served by the acts that are alleged to constitute the offence; and,

(b) that the acts alleged did not extend beyond what served the public good.

After a month's discussion and after the case was appealed to the Appeal Court of Ontario, it was decided that this "nice" girl had served the public good. So that now the door is wide open to the sale of contraceptives, not only in drug stores but from door to door.

Honourable senators, there is another well-known test case, concerning a pamphlet printed and published by the Witnesses of Jehovah entitled, "Quebec's Burning Hate." I am sure we all followed that case. Those people did not go and sell these in Port Hope, where they "like" bilingual signs! They just went to small villages in the Province of Quebec where 99 or maybe 100 per cent of the population were French Catholics, and they distributed this hate literature. The case went to court. It went to the Appeal Court and to the Supreme Court of Canada, and our learned judges said that in the name of freedom of speech these people had done no wrong.

Hon. Mr. Connolly (Ottawa West): Is that the *Saumur* case?

Hon. Mr. Choquette: Yes, that is it.

Hon. Mr. Macdonald (Branford): It was quite a divided court.

Hon. Mr. Choquette: Yes, it must have been divided.

Then, we have defamatory libel, which is very similar to the proposed legislation. Regarding defamatory libel, as the falsity of defamatory matter is presumed the prosecution need not produce evidence of its falsity. The onus is upon the defendant to prove that it is true, that it is a matter of public interest, and that the publication of it was for the

public benefit; and the whole of the libel must be proved true. The justification must be as broad as the charge. If a material part be not proved to be true, the Crown will be entitled to a verdict.

Hon. Mr. Roebuck: That is the law of libel in general, is it not?

Hon. Mr. Choquette: Yes, that is what I said, and I think this proposed legislation is almost a codification of the law of libel as embodied in the Criminal Code.

Hon. Mr. Roebuck: Yes.

Hon. Mr. Choquette: Honourable senators, I am almost through. I had not intended to speak as long as I have, but while we are dealing with literature, whether it be called hate literature, pernicious literature or obscene literature, I think we are faced today with a much more serious problem than that of hate literature, and it is that of obscene literature.

In every corner store, in every drug store, in any tobacco store, you can purchase pornographic books dealing with Lesbianism, homosexuality, adultery, masochism, sadism and violence. And what is being done to prevent that type of literature being circulated and sold? Honourable senators, I say that this is an urgent problem, one which is much more urgent than the legislation we are now being asked to pass. This problem of corrupting morals is with us now and has been for some time. We as parliamentarians, as legislators, must do something about this, or we will be a party to changing our young boys and girls into perverts and degenerates.

Hon. Mr. Roebuck: What about free speech?

Hon. Mr. Choquette: That is it. We are not concerned with free speech, seizure and lock when faced with that type of literature. I am saying that we should be more concerned with this type of literature, than with this legislation that is not vital, that is not necessary, that is not urgent, and legislation that we may be asked to pass 10, 20 or 30 years from now. I say we are faced with an urgent problem, one that concerns everybody now.

The same remarks apply to our television. Surely, honourable senators, we have sane people in the C.B.C.! Surely, if we pay them \$25,000 or \$30,000 a year we can ask them not to insult our intelligence! Surely, we can ask these people not to insult Christianity and Christian principles which are dear to the majority of people in this country! And yet