

Criminal Code

that there was a need for some kind of curtailment of this kind of profit, with the exception of one person who asked the question: "What about a person's right of expression as guaranteed under Canada's new Constitution?" I would like to address those concerns, particularly for those who might argue or debate against the Bill.

One reason why someone would say we should not have a law which would tax away the profits of criminals—my legislation applies to those who have been sentenced to terms of five years or more—is that it would impede the right of expression as guaranteed under the Charter of Rights. I want to stress, Mr. Speaker, that in drafting the proposed legislation this was one of the things which the lawyers were asked to take into account. This Bill is not intended in any way to impede freedom of expression. Anyone may write, and there is good reason for allowing it.

I also understand the emotion of people looking at the case of Clifford Olson who would say that the person should be totally banned from writing anything at all, but I could not support that because, when one looks at restrictions on commenting on one's criminal activities, one must make the law so that it is generalized enough to be effective for any criminal activity at any period of our history.

• (1520)

To pass such legislation would impede those people associated with the Watergate break-ins from ever writing about what happened during the Nixon years. Such a denial would be an infringement on our right to know what took place in the history of our country. Had this been a universal law it would have stopped people such as Albert Speer from writing his book "Inside the Third Reich".

I think it would be the general view of Canadians that, while the facts of a crime may be heinous in nature, it is at least historically important for us to know those facts. The legislation I have proposed was drafted specifically to take that into account. My Bill will stop no one from writing about their criminal activities. What it does is to tax 100 per cent of the profits from the book and turn the money over to the Attorney General of the Province where the crime was committed—to be used to aid the victims of crime.

I believe society is ripe for legislation which will direct its attention towards victims of crime rather than simply the punishment and rehabilitation of criminals. Canadian society is ahead of Parliament in this respect and Parliament ought to take into consideration that the victims of crime, the innocent people who presumed that society was safe and the law would protect them, have a far greater right to protection than does the criminal have a right to profit.

Following the writing of the book "Son of Sam" by David Berkowitz, the New York State legislature passed a law to restrict the profiting from crime. Here in Canada Francis Simard wrote a book about the FLQ and the murder of Pierre Laporte, and Clifford Olson has said that he has hired a ghost writer to write a book about his life. Surely it is time for the

Parliament of Canada, especially in light of the widespread support for the concept, to put into law the premise that, while you are free to express your thoughts, you are not free to profit from crime. If you go to jail to pay for your crime, you cannot come out of jail and turn the debt you have paid into a profit. That is unacceptable to Canadians.

In the case of Francis Simard, there are 20,000 books in first printing at \$5.95 each, with a 7 per cent royalty per book to the writer. If all those books are sold, he stands to make a profit of somewhere around \$8,330. This is the first printing and there could be subsequent printings. The point is that he should not be able to profit at all, not one red cent, not a nickel or dime or a dollar, from his criminal activity. It is not enough to take the view that the criminal is sorry about his crime and he therefore has a right to write about it. We have to remember that justice not only needs to be done, it must be seen to be done. I submit that the strong view of Canadians far and wide is that, no matter what the activity is, be it writing a book, a play, appearing in a film or being interviewed on television, any profit made should go to the victim.

Just this past year, Mr. Speaker, the State of New York has made a pay-out of some \$50,000 to three persons who had been held captive in a bank robbery. Not only does New York have a law which prohibits the profiting from crime, but they have already had the first pay-out to the victims of crime.

I cite that example because there are some on the other side who may argue that the law is unworkable or that it is an infringement on the Charter of Rights. I submit in defence, before the argument appears, that there are already precedents in democratic countries for the withholding of profits resulting from criminal activity. The fact is that these people are still free to express themselves, to write, act in plays, give speeches or interviews, but the profits derived therefrom go to the victims of crime.

For those who believe there is a denial of rights here, we have to ask them to recall that murder involves the denial of the rights of another person. The murdered person's rights are permanently denied. Many people will take the view that we cannot impose such legislation as this because it denies the right of free expression. But Canadians everywhere are very quick to note that those who commit murder have denied forever the right of their victims to express any thought ever again. For us as a Parliament to support the criminal as opposed to his victim is to create another injustice on top of the first injustice.

Now, Mr. Speaker, the first priority is that the victim, assuming that he survives, is compensated. In the case of a murder, of course, the victim is dead. Therefore, the second priority would be that such moneys would be paid to those people wholly dependent on the victim. If that is not applicable, then the moneys would go to the estate of the victim. The fourth alternative would be for the money to go to the victims of crime in general. Finally, if none of those situations is applicable, then the money would go to those organizations whose objective it is to deter crime or reform criminals.